



Walsall Metropolitan Borough Council

Item No.

Development Control Committee

Date 10th May 2005

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

37-38, Bradford Street, Walsall. Ref E05 / 0062

1 PURPOSE OF REPORT

To advise members of the condition and appearance of the site and request authority to take planning enforcement action in the form of an 'unsightly land' notice.

2 RECOMMENDATIONS

- 2.1 That authority is given to the Head of Legal Services for the issuing under the Town and Country Planning Act 1990, of an 'unsightly land' notice under Section 215.
- 2.2 That authority is delegated to the Head of Legal Services, to commence prosecution proceedings in the event that the Requisition for Information or the Notice under Section 215 is not complied with.
- 2.3 That authority is also delegated to the Head of Planning and Transportation, in consultation with the Head of Legal Services, to amend, add to, or delete from the wording set out below, stating the requirement(s) of the Notice or identifying the boundaries of the site.

Requirements of the Section 215 Notice

Within 6 weeks

Front elevation

- Board up the first floor window openings from the inside, using boards each of which is painted in the same neutral colour.
- Re-board the shop-front windows, using boards each of which is painted in the same neutral colour.
- Prepare and repaint the exposed shop window-sills, and any other exposed shop-front timbers.
- Replace or prepare and repaint the left-hand shop fascia area.

- Replace missing right-hand shop fascia area, remove shop awning mechanism and board over its opening.
- Remove redundant rainwater goods and bell fitting.
- Make-good any loose or perished brickwork with suitable brick and mortar and remove all vegetation and algae.
- Clean down and repaint all brickwork, block-work, first floor lintels and sills in the same colour, chosen from off-white or stone.

Side elevations

- Remove all remaining render or stucco except from blocked-in old window openings.
- Replace boarding on left-hand side door and remove remaining redundant lean-to timbers from right-hand side.
- Make-good any loose or perished brickwork as above, clean down and paint all brickwork and block-work as above using the same colour.

Rear elevation and garden area

- Board up all window openings from the inside, using boards each of which is painted in the same neutral colour.
- Remove all refuse, discarded gas bottles and carpets etc in the vicinity of the opening in the rear boundary wall. Infill this opening with vertically applied close-boarded fencing between 1.8 and 2 metres high.

3 FINANCIAL IMPLICATIONS

In the event that the section 215 notice is not complied with the Council may itself undertake the works specified in the notice. Costs may be recovered from the owner or by placing a charge against the future sale of the premises.

4 POLICY IMPLICATIONS

The notice is recommended in order to complement regeneration and conservation area enhancement policies, and also the aim of encouraging the public to feel proud of Walsall as part of the Council's vision.

5 LEGAL IMPLICATIONS

Non-compliance with a Requisition for Information or a Notice under section 215 is an offence and may lead to the instigation of prosecution proceedings.

6 EQUAL OPPORTUNITY IMPLICATIONS

None.

7 ENVIRONMENTAL IMPACT

The existing condition and appearance of the building and land is harmful to the appearance and character of the area which includes a designated conservation area.

8 WARD(S) AFFECTED

St Matthews

9 CONSULTTEES

Conservation and Heritage Team

10 CONTACT OFFICER

Phil Wears

Planning Enforcement Team: 01922 652411

11 BACKGROUND PAPERS

Planning application files

Enforcement file not published

M. Yardley

Head of Planning and Transportation

Development Control Committee
10th May 2005

37-38 Bradford Street , Walsall

12 BACKGROUND AND REPORT DETAIL

- 12.1 A plan showing the location of the site is attached to this report. The building is un-listed but is prominently located in this town-centre commercial frontage which is within the Bradford Street Conservation Area. At the rear is a substantial garden area backing onto Bradford Lane , beyond which is a public car park at higher level from which there are views of the rear.
- 12.2 The building is of derelict appearance, with no roof covering or window frames, bare and rough brickwork, and shop-fronts boarded and in disrepair. It's appearance is very poor and stands out as an anomaly in the street scene. This is very harmful to the quality of the street scene, and particularly serious because the street forms the core of the conservation area. Furthermore, there is a Heritage Economic Regeneration Scheme in place in the conservation area and the appearance of this building is undermining this enhancement. The condition of the rear elevation, and tipping of refuse and litter in the rear entrance are also visually harmful to the area.
- 12.3 The problem of the building's condition has a long history. The roof covering, rear wings, and most of its frontage stucco finish were removed between 1990 and 1991, the latter exposing rough brickwork which stands out as not being of facing brickwork quality. The two modern shop-fronts were also boarded and deteriorating in condition. Following a report in 1993 the owners were contacted and a re-instatement schedule produced by their architect. Planning permission for a repair and conversion scheme was granted in 1994 but this was not implemented, and following a further report a Conservation Area Consent Enforcement Notice was issued in 1996 in respect of unauthorised demolitions , to require reinstatement of the rear wings, roof and stucco etc. This was appealed but was confirmed, with compliance required by 1998. However officers became aware of the Shimizu (UK) landmark legal case in 1997 which appeared to alter the working definition of 'demolition', so that a prosecution was considered unlikely to succeed in this case.
- 12.4 A further report in January 2001 examined this and authority was granted to proceed by issuing an unsightly building/land notice under Section 215 of the planning act. This was to require comprehensive external repair including re-roofing, re-rendering and re-glazing. However it was not served while a planning application was awaited for redevelopment. In the event a series of three applications were made, culminating in the grant of Outline permission 04/2233/OL in January 2005 for redevelopment with 16 flats, with only landscaping reserved for later approval.

12.5 Heritage officers have sought the agreement of the owners to commence demolition by the end of April 2005, with a view to the site being cleared and tidied by end of June 2005, so as to achieve an acceptable state whilst awaiting development, which could start as late as January 2010 under the permission. No response has been received and officers have sought confirmation that if early demolition is not intended, a series of improvements will be made to the building as above in paragraph 2.3. Again no response has been received. It is therefore recommended that a formal notice is served under section 215, in accordance with the details above. These detailed requirements are relatively more cosmetic than in the notice authorised in 2001, because officers consider that the structural integrity of the building does not merit major repair and demolition is the eventual solution.

Ref E05/0062



Walsall
Metropolitan Borough Council

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