



**PLANNING COMMITTEE**

**10<sup>th</sup> April 2014**

**REPORT OF HEAD OF PLANNING AND BUILDING CONTROL**

**Ravenscourt Shopping Precinct, High Street, Brownhills, WS8 6EJ**

**1.0 PURPOSE OF REPORT**

To request authority to issue a Section 215 (amenity notice) in respect of the Ravenscourt Shopping Precinct.

**2.0 RECOMMENDATIONS**

2.1 That authority is granted to issue a Section 215 notice under the Town and Country Planning Act 1990 (as amended), to require remedial actions to be undertaken as shown below in 2.6.

2.2 That, in the interests of ensuring an accurate and up to date notice is served, authority be delegated to the Head of Planning and Building Control to amend, add to, or delete from the wording set out below the requirements of the Notice, or the boundaries of the site.

2.3 To authorise the Head of Planning and Building Control to instigate legal proceedings to prosecute the owner in the event of the non-return of Requisitions for Information and under Section 216 of the Town and Country Planning Act 1990 for failing, within the period specified, to take steps required by the notice issued under Section 215 to remedy the condition of the land.

2.4 To authorise the Head of Planning and Building Control to instigate further prosecution proceedings against the owner in the event that following any first conviction, he/she does not as soon as practicable do everything in his/her power to secure compliance with the notice.

2.5 To authorise the Head of Planning and Building Control, where necessary to instigate direct action to ensure compliance with the notice and recover the costs incurred through debt recovery or by putting a charge on the land.

## 2.6 Details of the Section 215 Notice

### **The Requirements of the Notice will include in brief\*:**

- a. Remove from the land to an authorised place of disposal all litter and fly tipped rubbish.
- b. Repair or replace all of the existing timber security boarding on all elevations of the buildings and paint the exterior of the boards with a minimum of two coats of British Standard colour BS 18 B25 (Dark Grey). Ensure all openings are securely fixed to make certain the security of the building is not compromised.
- c. Repair or replace all weathered fascias along the frontage of the overhanging canopies above the shop fronts.
- d. Repair or replace all weathered fascia boarding on the front, side and rear elevations of the building. Paint the exterior of the fascia boarding with a minimum of two coats of external white paint.
- e. Ensure all of the poorly maintained disused advertisement signage is either removed or repaired.
- f. Remove all graffiti from the roller shutters and all external walls of the site.

### **Informative**

\*Please note the requirements may change should the condition of the land change prior to the issue of a notice.

### **Period for compliance:-**

Three months

### **The reasons for taking enforcement action:-**

The poor condition of the site in a prominent location within the Brownhills District Centre has an adverse impact upon the visual amenity of the area. Correspondence with the owner has sought improvements to the appearance of the land but has so far failed to produce a solution on site. It is considered necessary for the Council to take formal enforcement action through the service of a section 215 amenity notice requiring the owner to undertake the requirements as outlined in the report.

## 3.0 **FINANCIAL IMPLICATIONS**

An appeal against the issue of a Section 215 notice can be made to the Magistrates Court and could be subject to an application for a full or partial award of the appellant's costs in making an appeal if it was considered that the Council had acted unreasonably in issuing a notice. In the event of non-compliance with a Section 215 Notice, a local planning authority may bring a prosecution under Section 216. The fine levied would be 'level 3' which is currently a maximum of £1000 only. However if the work is not then undertaken as quickly as practicable, Section 216 allows for further prosecutions, when a fine can be levied for every day which has elapsed following the first prosecution. The maximum daily fine is £100 per day. Independently of prosecution, Section 219 allows a local planning authority to

carry out direct action works in default and recover the costs it incurs. In the event of prosecution an application would be made to the Magistrates Court seeking to recover the Council's investigating and Legal Officer's costs. An application for an award of the defendant's costs against the Council could be made if it were considered prosecution proceedings were unreasonable.

#### **4.0 POLICY IMPLICATIONS**

The report recommends enforcement action and where necessary instigation of prosecution proceedings in order to remedy the adverse impact the condition of the land has on local amenity.

The following planning policies are relevant in this case:

##### **National Planning Policy Framework (NPPF)**

207. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

#### **5.0 LEGAL IMPLICATIONS**

None arising from the report.

#### **6.0 EQUAL OPPORTUNITY IMPLICATIONS**

None arising from the report.

#### **7.0 ENVIRONMENTAL IMPACT**

The report seeks enforcement action to remedy the impact upon visual amenity

#### **8.0 WARD(S) AFFECTED**

Brownhills

#### **9.0 CONSULTEES**

None.

#### **10.0 CONTACT OFFICER**

James Fox

Enforcement - North Team – 01922 652613

#### **11.0 BACKGROUND PAPERS**

Enforcement file not published

**David Elsworthy**

**Head of Planning and Building Control**

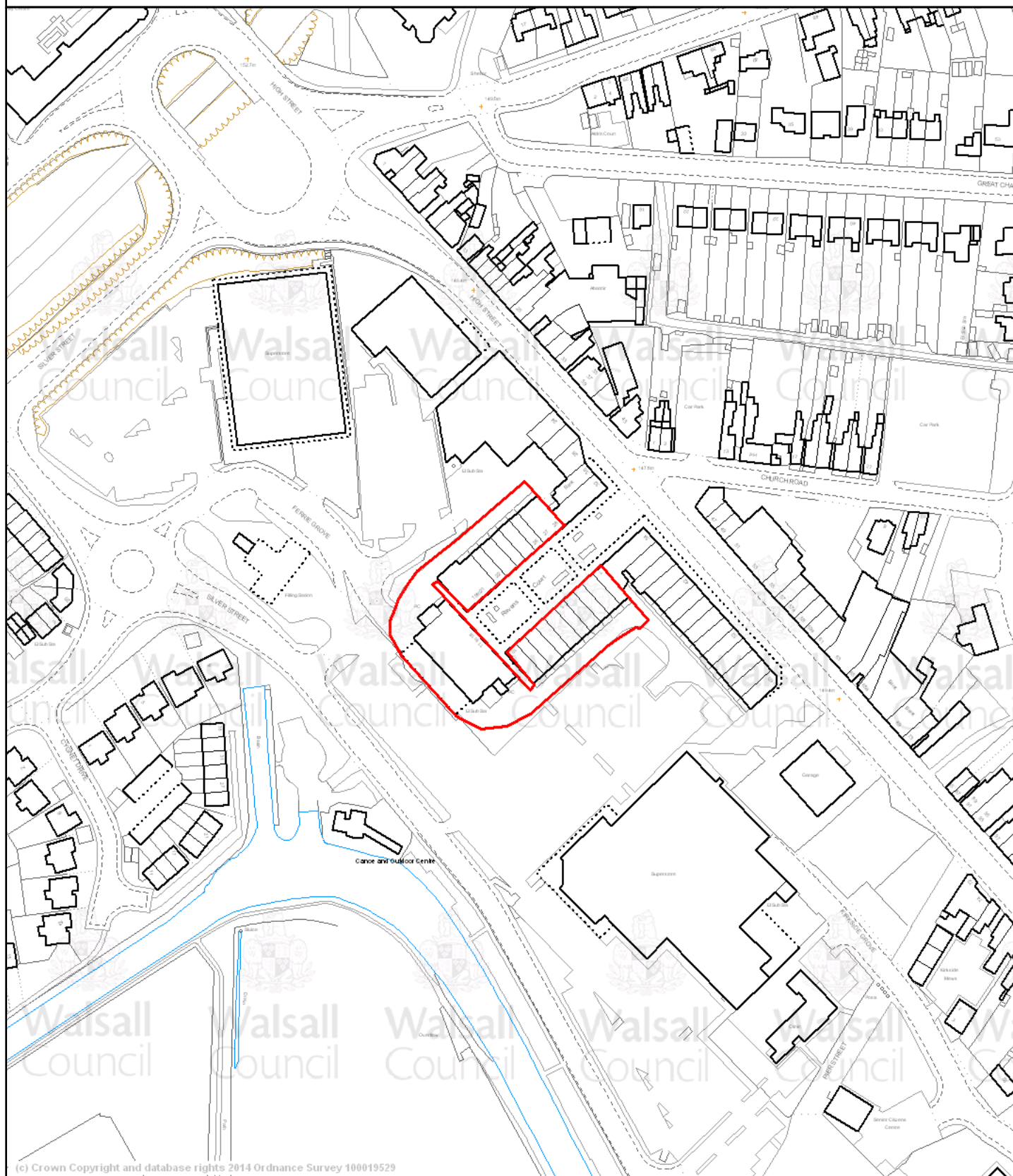
**Planning Committee**  
**10<sup>th</sup> April 2014**

- 12.1 Ravenscourt Shopping Precinct is located to the South West of the High Street opposite the junction of Church Street within Brownhills District Centre, as shown on the attached plan.
- 12.2 The site is predominately accessed through an arched entrance from the High Street and forms an integral part of Brownhills District Centre. The open courtyard area in the centre of the site is owned by the Council and is open for use by the general public. This area provides a range of seating and landscaping features and is surrounded by a precinct of privately owned retail outlets. The enjoyment of this area by its users is detracted by the poor appearance of the property and unfortunately there are now high vacancy rates within the Ravenscourt Shopping Precinct, which has contributed to a gradual decline in the use of the area.
- 12.3 Ravenscourt also provides a thoroughfare to the larger retail units to the rear of the site and the external elevations of the Ravenscourt building are widely visible from the surrounding area, including Silver Street, which provides vehicular access to the adjacent Tesco store. Further retail development is situated to the north west of the site, consisting of 4 large retail units and beyond that an Aldi store. The busy car parking area of the surrounding retail units provide clear views of the poorly maintained external appearance of the site.
- 12.4 The poor appearance of the building has an adverse impact on the amenity of the area by virtue of, the proliferation of fly tipped rubbish, the poorly maintained weathered timber window and fascia boarding's and the dilapidation of the overhanging canopy above the shop frontages. Moreover the appearance of the poor quality redundant advertisement signage and the manifestation of graffiti across the site contribute further to the adverse impact on the amenity of the surrounding area.
- 12.5 Officers have advised the owner on a number of occasions of the need to secure the site and carry out work to improve the appearance. The Council have also received complaints from the Police and the West Midlands Fire Service regarding the security of the property and our Environmental Health Enforcement Officers sent a letter to the owners in June 2013 to request the site is suitably secured.
- 12.6 A further letter to the owners from Planning in July 2013 requested improvements to the condition of the site and this resulted in the owners contacting the Council to discuss the potential for redevelopment. While Officers recognise this sign of intention, there remains no planning application before the Council and no suggestion from the land owners that an application will be submitted. Moreover, in the absence of a planning application, the owners have failed to provide any confirmation that improvements to the

appearance of the property will be made despite numerous requests from officers.

- 12.7 In order to remedy the adverse impact Ravenscourt is having on the amenity of the surrounding area, it is considered expedient for the Council to take formal enforcement action through the service of a section 215 amenity notice. Officers request authorisation is given to take this course of action, requiring the owner to instigate remedial work as outlined in 2.6 of this report.
- 12.8 In the event that a notice is issued and is not complied with, officers would look to pursue compliance through the courts and where necessary repeated prosecution for each further day the notice remains not complied with. If a cycle of prosecutions does not bring about compliance, officers intend to pursue direct action works in default and debt recovery.

# Ravenscourt - High Street, Brownhills



(c) Crown Copyright and database rights 2014 Ordnance Survey 100019529



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
(c) Crown Copyright and database rights 2011 Ordnance Survey 100019529

Scale 1/2000 Date 31/3/2014

Centre = 404560 E 305466 N

