



Walsall Council

Item No.

Development Control Committee
Date 25th April 2006

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

BOUNDARY COURT, 35 – 49 BOUNDARY ROAD, STREETLY

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 Section 215 Notice.

2. RECOMMENDATIONS

- 2.1 That authority is given to the Head of Planning and Transportation and the Assistant Director – Legal and Constitutional Services for the issuing of a notice under Section 215 of the Town and Country Planning Act 1990.
- 2.2 That authority is delegated to the Head of Planning and Transportation, and the Assistant Director – Legal and Constitutional 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 Assistant Director – Legal and Constitutional 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

- (i) Prior to repainting, clean and repair all external metalwork, removing in the process any flaking paint, so as to ensure all external metalwork is in an appropriate condition for repainting.
- (ii) Prior to repainting, clean and repair all external balcony screens, removing in the process any flaking paint or rust, so as to ensure all the balcony screens are in an appropriate condition for repainting. .

- (iii) On completion of steps (i) above repaint all external metalwork in exterior primer, exterior undercoat and exterior metal gloss..
- (iv) On completion of steps (ii) above repaint all external balcony screens in exterior undercoat and exterior metal gloss.
- (v) Repair and make good any damage to the garage doors or replace the doors to manufacturer's specifications.
- (vi) Repaint the garage doors in appropriate external undercoat and exterior gloss.
- (vii) Make good and repair the damaged fascia boards and repaint in suitable exterior paint.
- (viii) Remove any graffiti from the building.
- (ix) Remove all debris, litter and rubbish from the land and dispose at a place of authorised disposal and leave the site in a clear and tidy condition.

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**

Officers consider that remedial action is necessary to comply with policies.

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 arising directly from this report.

7. **ENVIRONMENTAL IMPACT**

The report recommends action to remedy an adverse impact on amenity.

8. **WARD(S) AFFECTED**

Streetly

9 **CONSULTEES**

None

10 **CONTACT OFFICER**

Tonia Upton or Philip Wears
Planning Enforcement Team: 01922 652411

11. **BACKGROUND PAPERS**

Enforcement File – Not published

Head of Planning and Transportation

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12 BACKGROUND AND REPORT DETAIL

- 12.1 A plan showing the location of the site is attached. The site is a residential apartment block with ground floor commercial units and a separate garage court. The site lies in a residential area. In total the site is comprised of 16 flats, 8 shops and 38 garages and these are in part in use or occupied.
- 12.2 The site is in an unsatisfactory condition and in particular the exterior railings and balcony screens are dilapidated and the garage doors are in many cases damaged and unsightly. In addition there is often rubbish and debris left on the site which further detracts from its appearance. The site suffers from a lack of maintenance.
- 12.3 Many complaints from nearby residents and also residents of the apartment block have been received.
- 12.4 The Council's Public Protection Team have previously cleared the garage block and its access road of rubbish and debris.
- 12.5 The site is detrimental to the amenities of the area and therefore it is expedient for the Council to take action under Section 215 of the Town and Country Planning Act.
- 12.6 Members should however be aware that there may be problems serving the Section 215 notice due to the complexity of ownership. The site is in multi-use and Land Registry suggests that there are possibly main freeholders, lease holders and sub-lease holders. A recently served Requisition for Information Notice which was served in order to clarify ownership has not been complied with. Nonetheless all endeavours will be made to ensure proper service and compliance.

Head of Planning and Transportation

Boundary Court, 35 - 49 Boundary Road, Streetly

