

**Council – 12 November 2018**

## **Petition for the redevelopment of the Former Brown Jug PH, Sandbeds Road, Short Heath**

**Submitted by Councillor B Chattha to Council 17 September 2018:**

*'We the undersigned demand that Walsall Council commence immediate enforcement to resolve the ongoing issues arising from the derelict Brown Jug, Short Heath. We also demand that Walsall Council's Cabinet commence proceedings to secure a Compulsory Purchase Order and we would support the Council working with Cavan Vets to develop a new Veterinary Centre on the site.'*

**Ward** Short Heath

### **Portfolio:**

Councillor Bird – Leader of the Council

Councillor Andrews – Deputy Leader and Regeneration

Councillor Harrison – Clean and Green

### **Executive Summary:**

The former Brown Jug PH on Sandbeds Road has remained vacant for in excess of five years and is now seen as a blight on the local area. The site has been subject to enforcement action with a Section 215 Notice being served on the owners in July 2016 to demolish the building and clear away debris. The owners however have failed to comply with the Notice and ownership of the site has changed hands which has delayed proceedings.

After due consideration officers considered that, in the short term, the enforcement proceedings should be concluded on the site to secure the removal of the former public house and remove the blight on the local area. If another party wishes to redevelop the site for a suitable use, and cannot negotiate acquisition, they may wish to approach the council to consider the use of its Compulsory Purchase Powers. Any decision to utilise these would ultimately be a decision for Cabinet.

A petition has been received containing a total of 1,691 signatures seeking for the Council to acquire the site of the Brown Jug Public House through a compulsory purchase order and facilitate the redevelopment of the site into a veterinary practice for use by Cavan Vets.

## **Recommendation**

That:

1. Committee note the contents of this report and the ongoing enforcement action with regard to compliance of the section 215 notice

**Note.** If members of the Planning Committee wish to vote on these recommendations they may prejudice their ability to vote on separate reports that may be presented to the Planning Committee at a future date with regard to this site.

## **Background papers**

Petition presented to Council on the 17 September 2018 containing 1,691 signatures

## **Citizen Impact**

The completion of any enforcement action on this site would remove the existing visual and anti-social blight caused to the local area which in turn would have a positive impact on surrounding citizens by securing a reduction in the possibility for anti-social behaviour to occur.

Should the site be redeveloped in the future this could bring new development into Short Heath.

## **Environmental Impact**

The current course of action being undertaken by officers in respect of planning enforcement work seeks to secure the demolition of the existing building on site and clearance of any subsequent rubble and for the site to be hoarded. In the longer term a planning application could be submitted for redevelopment of the site and depending on the details of the proposal the site could be developed for a number of alternative uses.

It would be premature at this time to detail what the impacts on the character of the surrounding area or the amenity of any neighbours would be as these are matters for consideration as part of the planning application process and would be dependent on the outcome of any planning application submitted in the future.

## **Performance Management**

None identified at this stage

## **Equality Implications**

None identified at this stage

## **Consultation**

None identified at this stage

**Contact Officers:**

***Economy and Environment***

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## **Report**

### Background

The Brown Jug PH located on Sandbeds Road in Short Heath. It is a prominent building surrounded residential development to the north and west and the residential care home Winehala Court to the east and south. The site has been vacant for more than five years. During this period it has seen an increased state of decline and is fenced off from public access. While the building would appear to be in relatively good condition from the street frontage, to the rear much of the ground floor has been removed leaving the building exposed to the elements and the upper floors held by a series of props. Although the site is fenced off, access is not impossible to someone intent on gaining access and at times the fences have been pulled apart making access relatively easy.

### Planning Enforcement

The site has been identified by the Council's planning enforcement team as one where enforcement action to tidy the site would be beneficial and accordingly a section 215 notice was served on the 6 July 2016 with the agreement of the three Ward members at the time to secure demolition of the building and for the site to be cleared. As the notice was not appealed, it took effect in August of that year. The owners of the property were identified at the time the notice was issued through information held by the Land Registry

In line with the steps set out in the letter accompanying the notice, officers have been seeking to move this matter forward to prosecution given the lack of substantive action by the owners.

Officers again wrote to the owners and their solicitor in October 2017. The owner's solicitor responded to inform the Council that the ownership of the site had been transferred to a new company in 2014. This new information was not available to officers in 2016 when the S215 notice was originally served as the records with Land Registry had not been updated.

Following a review of the case at the beginning of 2018 including updating the ownership information, officers again sought to proceed with a prosecution however, a planning application (Ref. 18/0439) was submitted to the Council in April this year for the demolition and redevelopment of the site for a mixed use scheme comprising of a retail shop and two residential dwellings. Whilst this application was with the authority, enforcement proceedings were put on hold.

This application was not validated at the time of submission as no fee was submitted. Two letters requesting that the fee be paid were sent to the applicants in April and August but these requests were not complied with. In the absence of the mandatory fee being paid, no action was undertaken on the case and the application was closed on the 5<sup>th</sup> October. Work has now recommenced on enforcement proceedings.

Officers recognise though that should enforcement action to secure the clearance of the site through demolition be successful, this will only result in the removal of the blight and danger presented by the existing building and the site being vacated. Such action cannot

secure any redevelopment on the site for a new use. Whilst it would be desirable to see the site brought back into use, it is considered that the removal of the structure will minimise the role of the site as a target for anti-social behaviour and substantially reduce the risk of a trespasser coming to harm especially at the exposed rear of the building.

### Future Options

In instances like this where a site is cleared, it is considered that market forces will take forward such sites for a new use.

Given the context of the surrounding area which is predominantly residential in character it is feasible that the site may be appropriate for residential development and that a number of residential properties could be constructed on this site subject to details, particularly surrounding access onto Sandbeds Road and the relationship of any new buildings to the surrounding properties. This would, however, have to be considered through the public planning process.

As an alternative to residential development a number of other uses may be considered appropriate subject to compliance with planning policies particularly those in relationship to the protection of local centres, access and residential amenity.

### Possible Compulsory Purchase Order Action

As an alternative to letting the market drive forward the regeneration of this site it is possible that a Compulsory Purchase Order (CPO) could be explored for the Council to acquire the site and bring it forward for redevelopment.

The principle of a (CPO) is a decision that can only be taken by Walsall Council's Cabinet who have to consider professional advice as to whether there is good reason to acquire land in private ownership and justify interference with human rights. In particular, there must be certainty of development by way of a scheme for the site and there must be certainty of funding, such that the acquiring authority can demonstrate that the scheme will come forward. The making of a CPO to enable redevelopment of a site must be a last resort when all attempts to acquire the site by agreement have been exhausted.

Therefore officers of the Council, and any advisors appointed to provide professional advice, must ensure that Cabinet have all the required information to make an informed decision to use the Council's CPO powers under the Town and Country Planning Act.

