



Item No.

Walsall Metropolitan Borough Council

Development Control Committee

Date 8th March 2005

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

43 Wenlock Gardens, Walsall. Ref 2004/0502/CMP

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 'untidy land' notice.

2. RECOMMENDATIONS

(i) That authority is given to the Head of Legal Services for the issuing under the Town and Country Planning Act 1990, of a Requisition for Information under Section 330 and an 'untidy land' notice under Section 215.

(ii) 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.

(iii) 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.

(iv) Requirements of the Section 215 Notice

Within 28 days:

- Remove weeds and cut back overgrown vegetation to a height of 50mm above ground level or less to the front and rear garden areas and remove debris from site.
- Remove tree stumps from front garden, fill in the holes, and dispose.
- Remove rubbish and debris from front and rear gardens including scattered slabs, concrete posts, building debris and litter.

- Replace dislodged boarding to ground floor window and paint all boarding boards to front and rear windows in black colour...
- Replace missing, broken, and slipped tiles, hanging to front elevation, to match existing satisfactory tiles in size, colour and texture.
- Paint or re-stain front door.

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**

Your officers consider that the existing appearance of the building is harmful to the appearance and amenity of Wenlock Gardens, Walsall.

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**

Dealt with in the report.

8. **WARD(S) AFFECTED**

Blakenall

9 **CONSULTEES**

None

10 **CONTACT OFFICER**

Helen Smith or Phil Wears
Planning Enforcement Team: 01922 652411

11. **BACKGROUND PAPERS**

All published except exempt enforcement enquiries and complaints.

M. Yardley
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 to this report. The property is located in a residential street and is mid-terraced.
- 12.2 The premises have been empty and of very poor appearance for some years. A previous complaint was received in July 2003 and a notice under Local Government (Miscellaneous Provisions) Act 1982 was issued by Residential Services on 20th October 2003 to brick up or use other adequate measures to secure all first floor openings. In addition on 15th October 2003 an abatement notice was served in respect of statutory nuisance under the Environmental Protection Act 1990, Section 80, for the removal of accumulations of household and commercial waste from the property. The property was tidied by Residential Services contractors who also boarded up the window openings.
- 12.3 Since this time, the property has remained secure and the amount of litter and discarded items is reduced. However, untidiness of the garden areas continues, and the appearance of the property has continued to decline, especially through the weathering of the boarding and the felling of screening trees. Further letters have been issued to the owner about his intentions for this empty property and its poor appearance but there has been no response.
- 12.4 This property is seriously harmful to the amenity of the area and is claimed to be causing problems for residents in their attempts to sell their own homes.

43 Wenlock Gardens, Ryecroft. Ref: 2004/0502/CMP



Walsall
Metropolitan Borough Council

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