



Walsall Metropolitan Borough Council

Item No.

Development Control Committee
Date 20th September 2005

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

The former Hatherton Liberal Club and House, North Street, Walsall.
Ref : E05/0289

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/untidy 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/untidy 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

A. Forecourt Areas

Within 1 month :

1. Remove all discarded objects, debris and litter to an authorised place of disposal, including concrete posts, old fencing, roof felt, road barriers, tyre, bench-seating unit, bicycle, pallet and metal post.
2. Cut back grass and ground-cover vegetation to a height of 50mm or less. (but leaving shrubs and trees to continue to grow to reduce visual impact of buildings). Remove all cut or uprooted vegetation to an authorised place of disposal.

B. House

Within 1 month :

3. Paint the window boards black and simulate the appearance of window frames by painting a white border around the edge of the board, and a white painted crossbar of the same width one third of the way down the boards.
4. Close all windows, and install timber boards to the first floor window openings on the front and side elevations. Paint as in 1. above.
5. Paint door security boards a uniform neutral colour.
6. Remove loose roof felt and hanging cable from right hand side concrete porch canopy and paint concrete canopy a neutral uniform colour.

C. Single-storey building with flat roof

Within 1 month :

7. Paint existing boards to front windows black or another colour as may be agreed.
8. Remove damaged sign.

D. Ridged-roof large building.

Within 1 month :

9. On the long elevation adjacent to open space, close all windows, re-fix and replace loose and missing window boards, and ensure that all boards fit the window openings. Then paint all window boards black or another colour as may be agreed.
10. On the opposite elevation, facing rear of houses on Mill Street, install external boarding to fit into all window openings, and paint this black or another colour as may be agreed.

E. Single-storey timber building (now mainly burnt out).

Within 3 months :

11. Demolish the remaining structure and timbers down to ground level and remove all components and debris to an authorised place of disposal.

F. Two-storey, flat-roofed building (roof seriously fire-damaged)

Within 3 months :

12. Either:
 - a) Demolish the building down to ground level and remove all components and debris to an authorised place of disposal;
 - b) Prior to demolition, secure the written approval of the Local Planning Authority to proposals to ensure satisfactory appearance of any walls thereby exposed.

Or Alternatively:

- c) Provide a roof of mineral felt laid on rigid boarding to a suitable

system for the pitch of the roof, having first removed any structurally unsound brick-work and beams from the upper supporting walls (thereby reducing their height) in accordance with a scheme which has the prior approval of the Local Planning Authority.

- d) Cover the left hand elevation fire damaged openings by renewing timber framework, and fixing onto this, profiled sheets, to match the existing sheets, in a uniform neutral colour, or an alternative suitable material.
- e) Paint the window boards on the right hand elevation in black or another colour as may be agreed.
- f) Ensure that any remaining window openings (including any affected by height reduction) are boarded over and the boards painted black or another colour as may be agreed.

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**

Blakenall

9 **CONSULTEES**

Building Control Officers

10 **CONTACT OFFICER**

Helen Smith or Phil Wears

Planning Enforcement Team: 01922 652411

11. **BACKGROUND PAPERS**

Enforcement File – E05/0289 – Not published

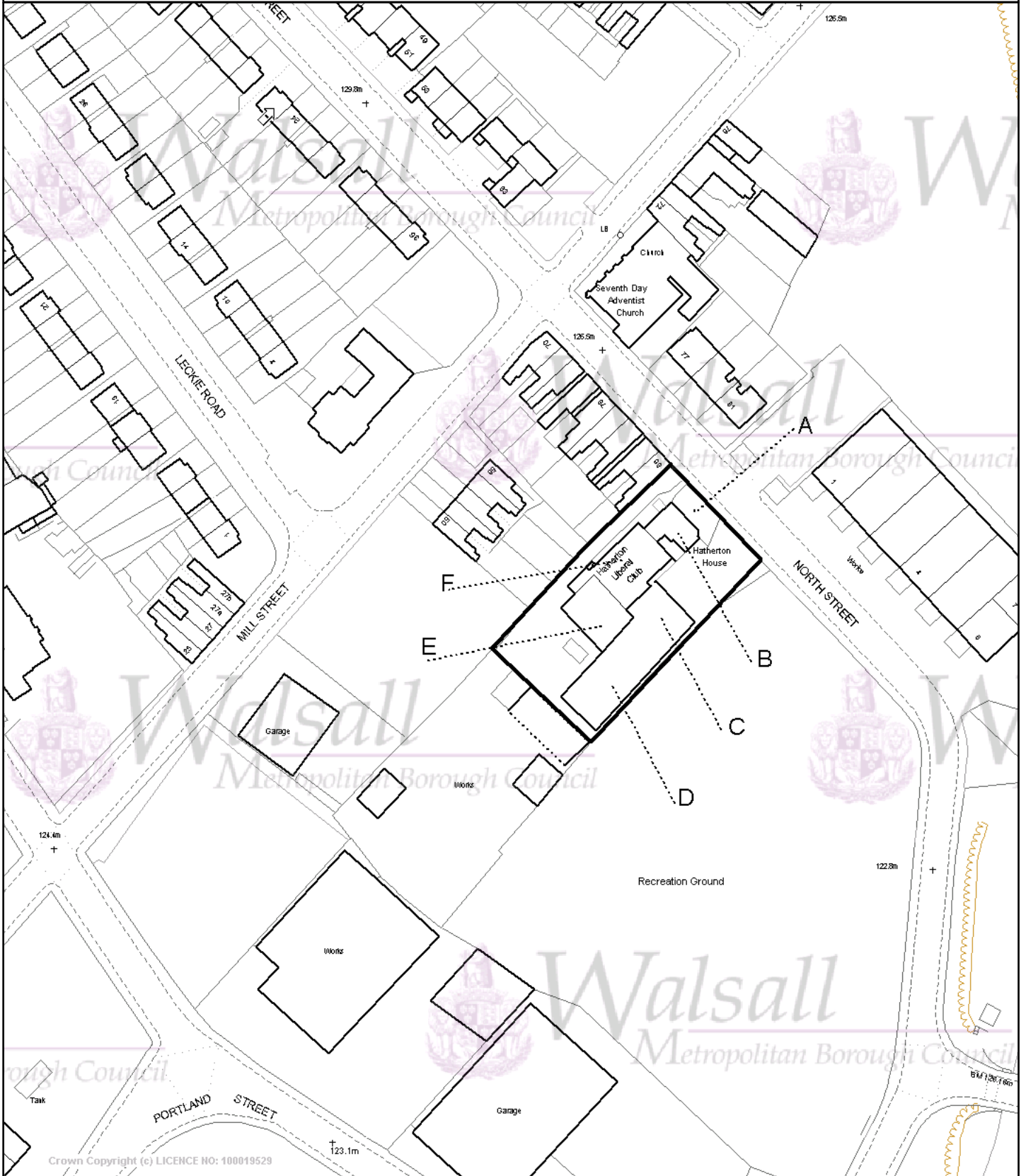
Head of Planning and Transportation

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12 BACKGROUND AND REPORT DETAIL

- 12.1 A plan showing the location of the site is attached to this report. The plan also identifies different parts of site, as it contains five distinct buildings. The main buildings comprise four buildings of different commercial designs, and a large house. The site is understood to have been in use as a social club until several years ago, but all buildings are now empty and in a derelict condition. It is also understood that new owners acquired the rear part of the site from a brewery, and in 2004 acquired the front part from the Council. (The latter was subject to a covenant that by July 2007 the owners will have demolished or commenced substantial redevelopment /refurbishment.)
- 12.2 The appearance of the site became worse following a fire in 2004, and its appearance has continued to deteriorate. The site is in an inner urban area which contains residential and industrial development and is between a frontage of housing and some open space.
- 12.3 Following our correspondence with the owners no offer to 'tidy' the site and ameliorate its appearance has been received. However, a planning application has very recently been received to redevelop the site with 9 houses and 2 blocks of 4 flats. If planning permission is granted the permission would normally allow 3 years for development to commence, (following the recent change in regulations from 5 years). The covenant has the effect of requiring improvement in the situation within the lesser time of 2 years but only relates to part of the site. Whilst the owners may wish development to commence earlier there is no evidence that this will actually occur. The issue is whether in the circumstances action should be taken in the interim to bring about significant improvements well in advance of these time scales.
- 12.4 There are some unpainted timber boards fitted to the window and door openings but these are not of good fit or appearance. Upper windows are un-boarded, with obvious broken glass remaining, and in some cases windows hanging open. There are burnt upstanding roof rafters and large holes in the roof covering, the fire damage being particularly prominent in the view across the open space. There is also poorly maintained timberwork, over grown vegetation and continued fly-tipping. As well as the visual impact on the street scene and open space, the fire-damaged buildings and ridged-roof large building are also of very poor appearance when viewed from the rear of the adjacent houses on Mill Street and North Street. Overall officers consider that the site represents a severe case, comprising a large derelict feature which is extremely unsightly and seriously harmful to the amenities of the area. It is considered therefore that serving a Notice under section 215 is appropriate.

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Scale 1/1250 Date 9/9/2005

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