

Regeneration Directorate - Briefing Note Template

Briefing Officer: Martin Yardley: Assistant Director- Regeneration

Issue: The Former Mellish Road Methodist Church

Date: 20th July 2006

Background

Mellish Road church is privately owned. Walsall Council have been working with the owners since 2003 to achieve the restoration of the church.

A Section 215 Notice, under the Town and Country Planning Act 1990, was served on the property on 13th September 2005. An appeal against the notice, by the owner, was dismissed by Aldridge Magistrates Court. As a result of this the owner has undertaken some of the works required in the notice including:

- boarding the windows
- securing the boundary to the site

Unfortunately, the owner has also removed stained glass windows and damaged window surrounds and, as a result of not consulting with officers, significant unnecessary damage has occurred.

A Repairs Notice, under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990, was served on 23rd February 2006. This required works to be carried out to the building to secure its long term preservation and to enable it to be brought back into a useable condition. This notice includes any necessary structural works both below ground and to the building itself.

If the Repairs Notice is not complied with, within an acceptable period, the Council have the ability to take further action against the owners. Legislation states that the owners have a "minimum period" of not less than two months in which to make significant progress towards the "proper preservation" of the building. In the event of the Repairs Notice not being complied with options available to the Council's could include an Urgent Works Notice and/or a Compulsory Purchase Order.

Current Situation

Following the Repairs Notice being served, the Council have continued to meet with the owners to seek a satisfactory resolution. Most recently the owners met with Tim Johnson, Martin Yardley and Simon Tranter on 12th June 2006.

On 20th June a letter was sent to the owners outlining the Council's intention to continue to work in partnership with them and offering practical and professional assistance to achieve the restoration of the church. At this meeting however, the Council also set out in clear terms the responsibilities of the owners and potential action that could be taken against them by the Council

In summary, the meeting resolved that the following actions would be pursued:

- Further investigations and survey work to provide a comprehensive picture of the structural condition of the site both below and above ground.
- Reports will be commissioned to provide details of any remedial works required to ensure that the restored church will be structurally sound and that the ground conditions are addressed so that the existing problems will not reoccur. It is expected that the survey works will be commissioned by August 2006 and that final reports should be received by October 2006.
- Urgent works that are still necessary to ensure that the building remains secure and weather tight.

The Council are currently in discussion with a planning barrister to discuss our way forward.

Options Available to the Council

Should the Repairs Notice not be complied with by the owners, as an interim measure, the Council have the ability under the Planning legislation to serve an Urgent Works Notice. Seven days notice would be given to the owners of the works that are required. Failure by the owners to comply within seven days would enable the Council to have the works undertaken and to recharge the full amount.

More permanent action would be for the Council to Compulsory Purchase the site under Section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Should the site be the subject of a Compulsory Purchase Order the Council will seek to do a 'back-to-back' deal with either a developer or a buildings preservation trust in order to minimise risk to the Council. Cabinet approval would be required for this course of action