



Walsall Council

PLANNING COMMITTEE 2nd May 2013

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

74, 75, Stafford Street, Willenhall (often referred to as Dainty's)

1.0 PURPOSE OF REPORT

To provide an update for Members which was requested at the meeting on 28th June 2012.

2.0 RECOMMENDATIONS

- 2.1 Members note the actions in line with resolutions of the meetings on 28th June, 26th July, 2012, 20th September, 2012 and 10th January, 2013.

3.0 FINANCIAL IMPLICATIONS

In keeping with the previous report

4.0 POLICY IMPLICATIONS

In keeping with the previous report

5.0 LEGAL IMPLICATIONS

In the event of non-compliance with a Section 215 Notice, a local planning authority may bring a prosecution under Section 216. The fine levied would be 'level 3' which is currently a maximum of £1000 only. However if the work is not then undertaken as quickly as practicable, Section 216 allows for further prosecutions, when a fine can be levied for every day which has elapsed following the first prosecution. The maximum daily fine is £100 per day.

Independently of prosecution, Section 219 allows a local planning authority to carry out direct action works in default and recover the costs it incurs.

The use of direct action now at this stage makes it appropriate to seek compliance through prosecution and application for daily fine.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report.

7.0 ENVIRONMENTAL IMPACT

As in the previous reports.

8.0 WARD(S) AFFECTED

Willenhall South

9.0 CONSULTEES

Legal Services

10.0 CONTACT OFFICER

Karon Hulse - 01922 652614

11.0 BACKGROUND PAPERS

Enforcement file not published
Planning application BC 44456P

David Elsworthy
Head of Planning and Building Control

Planning Committee
2nd May, 2013

12.0 BACKGROUND AND REPORT DETAIL

12.1 The 28th June 2012 Planning Committee resolved to confirm the issuing of a Section 215 Notice whilst extending the scope of the delegated powers to allow for additional works and a three-stage compliance period. The 26th July 2012 report confirmed the Notice had been issued on 4th July 2012 and would take effect on 6th August 2012. It took effect without any appeal to the Magistrates Court.

12.2 The first, second and third stage of the three-stage compliance periods expired on 6th September 2012, 6th December, 2012 and 6th April, 2013. By this date the owners, and also the tenants at the rear where responsible, were required to have completed the following work:-

Part 1

At front:-

- reinstate missing piece of rainwater gutter and down-pipe and treat/clean away algae below,*
- remove dangling cloth blind*
- replace the several missing transom level window boards in shop-fronts.*
- remove dirt, algae and flaking paint from the transom level window frames/fascia soffits, and paint bare areas.*
- re-point small area where block-work abuts underneath of transom level windows and paint over poorly painted block-work in shop-fronts*
- temporarily board the 3 first floor windows with dark-grey painted boards having a white border to simulate appearance of window frames*

At side:-

- reinstate a valley/gutter and rainwater down-pipe where structural damage from water and vegetation in cracks*
- remove all vegetation and treat chemically*

At rear:-

- remove weeds, litter and rubbish next to rear outbuildings*

Part 2

F:

- 1. Rebuild the rear wall of no 75 Stafford Street with two rear gables*
- 2. (i) Reinststate the missing areas of the roof at the rear of 75 Stafford Street with two ridges running to the rear*
 - (ii) At the joining of the rebuilt rear wall and the rebuilt roof areas which are subject of 1. and 2.(i) above, form a verge and provide rainwater goods*
 - (iii) Ensure that the rebuilt area of the roof is covered with roof tiles which match those on the remainder of the rear roof*
- 3. Reinststate the missing section of the south side wall of the rear wing to number 74 Stafford Street,*

4. *Repair all the damaged areas of the roof on the south side of the rear wing to number 74 Stafford Street and form eaves at the join with the reinstated wall*

G:

1. *Replace lengths of external timber which are missing from the end gable wall on Fox Avenue*
2. *Prior to painting all the other external timbers, clean and prepare them, remove any un-keyed and unsound paint; replace rotten or perished timbers with replacement woodwork which is an accurate replica of the original design*
3. *Paint all external timbers, whether existing or replacements, using at least two coats of a suitable exterior paint.*

H:

1. *Remove all boarding from the windows in the rear wing which face Fox Avenue.*
2. *Prior to their painting, clean and prepare the whole exterior surface of each of these window frames, removing in the process any un-keyed and unsound paint and replacing any missing, rotten, or perished timbers.*
3. *Prior to their painting, re-glaze all the window frames where glass is missing, broken or cracked, ensuring that all glass is securely fixed.*
4. *Paint the exterior surface of each window frame, including the fixings for glass, using two full coats of paint to ensure a uniform colour is obtained.*
5. *Timber window cills to two of the first floor windows and the fascia located between the ground floor window frame and the upper part of its window-heading shall be treated in the same way as the window frames.*
6. *Clean off the dirt and all loose material from the upper part of the window heading of the ground floor window facing Fox Avenue.*

Part 3

I: Restoration of the first floor windows facing Stafford Street, and all transom-level windows in former shop-fronts facing Stafford Street and Fox Avenue.

1. *Remove all boarding from the first floor windows facing Stafford Street and all the transom-level windows in the former shop-fronts facing Stafford Street and Fox Avenue.*
2. *Prior to their painting, clean and prepare the whole of the exterior surface of each of these window frames, removing in the process any un-keyed and unsound paint and replacing any missing, rotten, or perished timbers. When replacing timbers use woodwork which is an accurate replica of the original design, and ensure that all are in a suitable condition for painting.*
3. *Prior to their painting, re-glaze all the window frames where glass is missing, broken or cracked, ensuring that all glass is securely fixed.*
4. *Paint the whole exterior surface of each window frame, including the fixings for glass, using at least two full coats of a suitable exterior paint, and ensuring a uniform colour is obtained.*

Also ensure in carrying this out that:-

- *the first coat of paint is suitable to serve as an exterior primer and undercoat,*

- the final coat of paint must be suitable as an exterior finishing coat.
- on the Stafford Street elevation all the first floor window frames are finished in the same shade of white or cream coloured paint; or another colour if that has the prior written approval of the Local Planning Authority for this specific purpose.
- on the transom-level windows in the shop-fronts, all window framing is painted in the same shade and colour.
- any paint which gets onto adjacent areas is fully removed.

*J. All rendered areas of walls facing Stafford Street and Fox Avenue.
(Note:- this excludes timbers applied to walls)*

- 1. On the walls facing Stafford Street and Fox Avenue remove all cracked and perished render.*
- 2. Prepare the areas of removed or missing render for patching with new render, or if the removed areas are extensive, prepare for full re-rendering. Include in this the repair of all holes and other damage to the masonry background, using suitable masonry repair materials. Also prepare any cracks and holes in un-perished render by raking them out.*
- 3. Where patching of render has previously been carried out around the first floor windows facing Fox Avenue, either remove this patching and prepare for new patches of render, or, if the patch is in sound condition, abrade and clean the surface in preparation for applying a new skim of render.*
- 4. In respect of all areas prepared under 1, 2, and 3 immediately above, apply new render over the prepared areas, and infill any cracks with a suitable repair medium. Smooth the areas of new render or crack repair medium off to the same level as the adjoining render, and ensure that they match the texture of the existing render on adjoining wall areas.*
- 5. If re-rendering the whole of the rendered wall on the rear wing facing Fox Avenue, or the whole wall area above the shop-fronts facing Fox Avenue and Stafford Street, use a self-coloured render for that wall area if desired, but ensuring that it produces a uniform white or cream colour and a texture to match that existing.
If any one of these two wall areas is not being completely re-rendered, or on any wall area where self-coloured render is not chosen, proceed to paint the whole of such wall areas as follows:-*
 - (i) Clean and prepare the whole exterior surface of these walls for painting, including the repaired areas. In the process remove all paint which is flaking or unsound. Ensure that the wall areas are in a suitable condition for painting.*
 - (ii) Paint the whole exterior surface of the wall areas to produce a uniform colour, using at least two coats of a suitable exterior paint.*
 - (iii) In the case of the rendered wall which faces Stafford Street, the*

wall above the shop-front which faces Fox Avenue, paint these in the same uniform white or cream colour. In the case of the rear wing on Fox Avenue, the colour may be chosen but must be a single and uniform colour.

(iv) Ensure that any paint which gets onto adjacent areas is fully removed

Note:- In 5. above, the rendered wall areas facing Stafford Street, and above the shop-front facing Fox Avenue, are treated as one of the two wall areas referred to, so as to ensure matching colour and appearance on these architecturally similar sides of the building.

K. Upper part of window-heading of the ground floor window in the rear wing of 74 Stafford Street (facing Fox Avenue)

1. Repair the damaged area of the upper part of the window-heading of this ground-floor side window facing Fox Avenue, using a suitable exterior repair medium. Prepare the whole upper part of the window-heading for painting. Then apply at least two coats of suitable exterior paint.

L. Soil pipe and waste pipe on rear wing of 74 Stafford Street, facing Fox Avenue

1. Either completely remove, repair or replace the broken external soil pipe, If repairing the pipe include in this inserting a new section of matching pipe to replace the missing section. Ensure that the new section of pipe matches in material and colour. If necessary to achieve matching colour, paint the whole pipe with at least two coats of suitable exterior paint to give a single uniform colour.

2. Either completely remove, repair or replace the waste-water pipe ensuring that any new section matches that existing in size, material and colour. If necessary to achieve matching colour, paint the whole pipe with at least two coats of suitable exterior paint to give a single uniform colour.

M. Work to the rear-single storey buildings, and rear wall of the rear wing.

1. Where on two walls of the rear single-storey buildings, which join at an external corner, the brickwork surface is blemished by incomplete render or mortar,

EITHER completely remove this render or mortar and clean the walls to restore the brickwork to a uniform appearance which is of 'facing brickwork' quality,

OR,

Prepare these two walls for rendering, in the process removing any loose render, mortar or brick material. Then apply render over the whole of each wall, ensuring that its surface is flat and of uniform texture.

If a self-coloured render has not been used, then paint the render with at

least two coats of suitable exterior paint.

2. Remove the timber boarding from all the windows on the rear single-storey outbuildings, and restore them as follows:-

(i) Prior to their painting and re-glazing, clean and prepare all exterior surfaces of the windows frames, and all timber cills. Remove in the process any un-keyed and unsound paint and replace any rotten or perished timbers with replacement woodwork which is an accurate replica of the original design, so as to ensure that all are in a suitable condition for painting and re-glazing

(ii) Prior to their painting, re-glaze all the window frames where glass is missing, broken or cracked, ensuring that all glass is securely fixed.

(iii) Paint all the whole exterior surface of each window frame and any timber cill, including the fixings for glass, using at least two full coats of a suitable exterior paint, and ensuring a uniform colour is obtained. Ensure in carrying this out that:-

- the first coat of paint is suitable to serve as an exterior primer and undercoat,*
- and the final coat of paint must be suitable as an exterior finishing coat.*
- any paint which gets onto adjacent areas is fully removed.*

3. Remove the board from the rear door nearest to Fox Avenue, and reinstate a rear door and door frame with external surfaces which are undamaged, and whose exterior surfaces are of uniform material and uniform colour.

Where necessary to achieve this, carry out painting of the rear door and door frame using suitable exterior paints. Ensure in carrying this out that:-

- the first coat of paint is suitable to serve as an exterior primer and undercoat,*
- and the final coat of paint is suitable as an exterior finishing coat.*
- any paint which gets onto adjacent areas is fully removed.*

4. Repair the hole in the rear end wall of the rear wing of 74 Stafford Street, using bricks and mortar which match the existing adjoining brickwork in size, colour and texture.

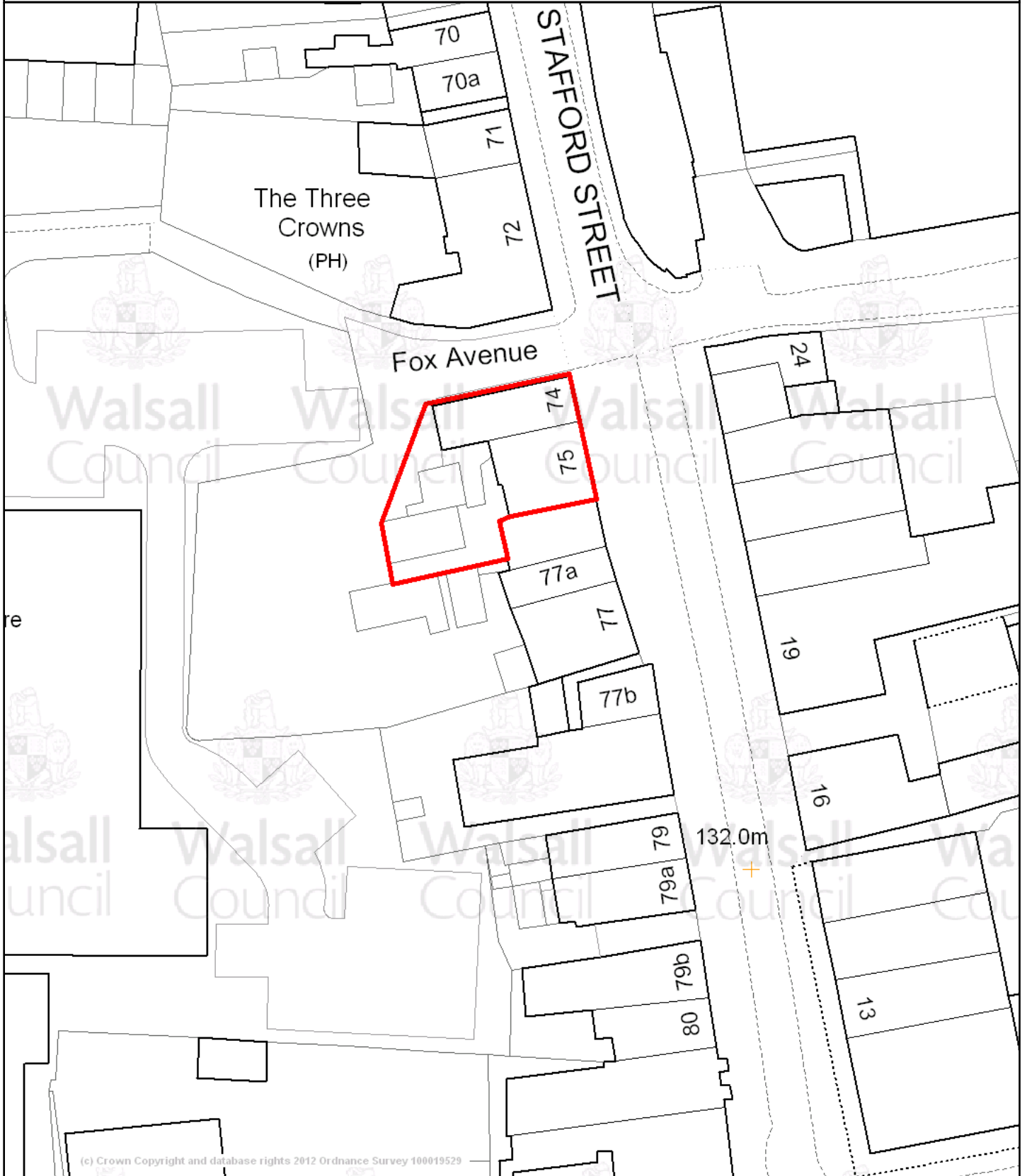
12.3 Officers inspected the site on 7th, 14th, 26th September, 7th and 13th December, 2012 and 9th April, 2013, and can confirm that with the exception of parts B4, C1 and C2, no works have been carried out in accordance with Part 1 as set out above. None of the works had been carried out to repair rear gable walls, surfaces and roof as set out in Part 2 above, and no works have been carried out in respect of Part 3.

12.4 The previous resolutions of the Committee in 2010 and June 2012 authorised officers to take prosecution action in the event of non-compliance.

It is clear that whilst every effort has been taken to encourage compliance with each stage of work that it is not forthcoming and consequently prosecution action should take place in respect of the owners. As such officers have requested legal officers to bring this case to the Magistrates Court as a matter of urgency, a date has now been set for 20th May, 2013.

12.5 If this prosecution does not bring about compliance, officers intend further prosecutions and applications for a daily fine. If a cycle of prosecutions does not bring about compliance, officers intend to pursue direct action works in default, and debt recovery.

74 and 75 Stafford Street, Willenhall.



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