

**PLANNING
COMMITTEE**

10th December 2014

ENFORCEMENT REPORT

Enforcement Case Details:

2013/246/ENF

Allegation: Condition of premises and surrounding land

Location: St Gregory's Roman Catholic Church, Winyates Way,
Winyates, Redditch, Worcestershire

Ward: Winyates

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(See additional papers for site plan)

Site description

The property is a former Roman Catholic Church which has not been in use for some considerable time now, probably since around 2005. It lies on Winyates Way - close to the southern car park serving the Winyates Shopping Centre.

Relevant site planning history

St Gregory's was built circa 1975 by Redditch Development Corporation. There is no further site history.

Relevant site enforcement history and investigation details

Enforcement issues in relation to this property date back to 2007. All cases relate to the same problem; the untidy condition of the building and surrounding land.

August 2007 –

Following complaints a site visit was made. The church was no longer in use and the windows were boarded up. Although the area surrounding was now a little overgrown, the fabric of the building was sound. There was evidence of persons sleeping rough in the nearby car park, however that was not a planning issue and the case was closed.

August 2010 –

Following complaints the site was re-visited. The building and surrounding area were in very poor condition with roof and dormers in very poor condition and obviously not weatherproof. The outside area was overgrown – as now a

PLANNING COMMITTEE

10th December 2014

candidate for the issue of a Section 215 Notice, ownership details obtained and further site visit made. A letter was sent to the owners requesting action.

January 2011 –

The property was now currently in the process of changing hands and it was suggested it would soon fall under new ownership who intended to re-furbish it and bring it back into use. It was agreed to delay action for 3 months.

March 2011 –

Further site visit made. The overgrown bushes and pathways had now all been cleared and tidied. Some work to the roof appeared to have been carried out. The fabric of the building was sound and although the roof condition was still not brilliant it was not in such a state now that we could justify action under S.215. The case was closed 21.04.2011.

July 2011 -

Further complaint and site visit. The property had continued to deteriorate without any change of ownership and so an e-mail was sent to the owners seeking action. Reply received to effect that their Surveyor will contact enforcement directly. By September nothing further had been heard.

October 2011 -

Land search request sent to legal. Delegated authority was gained for a Section 215 Notice.

December 2011 -

Corporate decision has been taken not to proceed with enforcement action as discussions are in hand with the owner and the Council as to its future. Case was closed pending further developments.

December 2013 -

Complaint received from the community safety team about the state of the church. Visit made, site was very run down and over grown and church had holes in roof. Land Registry search to start S215 proceedings. Warning letter sent to owner with second letter following after no change at the end of January 2014. Response received on 31st January claiming that they were negotiating the sale of the church to buyers who would demolish it.

February 2014 -

Email to owner advising that 215 action was imminent despite sale negotiations as nothing was final. No response received.

March 2014 -

S215 Notice issued, with effect from 23.04.2014 and a compliance period expiring on 23/07/2014. A copy of its requirements is attached to the end of this report.

**PLANNING
COMMITTEE**

10th December 2014

Assessment

The condition of this property is such that it is adversely affecting the amenity of the area. The issue of neglect of the building and surrounding land has been a problem on and off for at least 7 years and needs addressing.

Due to the lack of willingness or indeed response of the owners of the property, direct action is seen as the only viable option in this case.

Even in the event of the Magistrates upholding an allegation of non-compliance with the Section 215 notice, Magistrates can only impose a financial penalty. They have no powers to order compliance with the notice and thus improve the condition of the site. It is also felt that prosecution may be especially onerous given that we would be dealing with a board of trustees and there is no one person to pursue.

Officers consider that in this particular case, the most appropriate course of action would be to use its powers under Section 219 of the Planning Act to undertake clean up works and recover the costs from the owner.

There are no risk implications in this report. From a community safety perspective it is preferred that the church is either demolished or suitably secured to prevent unauthorised access; however, planning legislation cannot force the securing of the building. As such, community safety have also investigated whether powers available to them under the Anti-social Behaviour, Crime and Policing Act 2014 can be better utilised to secure the church and clear the site by the way of a Community Protection Notice (CPN). At this stage, however, the legal advice is that we pursue the S215 notice.

Financial Implications

There is a financial implication for the Council as the cost of any action to clear the property will have to come out of existing budgets. It is considered that this would be alleviated by taking the necessary action to place a charge on the land and thereafter taking legal steps to recover the costs.

The risk therefore would relate to how and when those costs are recovered and that there would be no recompense for the officer time expended on the matter as this would be met from existing budgets.

Conclusion

The condition of this property is such that action is urgently required to alleviate the harm to amenity and to neighbouring properties. As the owner cannot or will not take responsibility, the enforcement officer considers that the only way forward in this matter is to take direct action and carry out the works in default.

**PLANNING
COMMITTEE**

10th December 2014

Recommendation

The Committee is asked to RESOLVE that:

in relation to a breach of planning control, the overgrown condition of the land surrounding the building and the condition of the building itself, authority be delegated to the Head of Legal, Democratic & Property Services, in consultation with the Head of Planning & Regeneration, to take the following action:

- a) Carry out the works specified in steps 1 to 8 or steps 1,2,9 and 10 of the Section 215 notice to tidy the land or demolish the building; and
- b) To instruct legal officers to take all necessary steps to secure the recovery of all costs incurred by the placing of a charge on the property.

AND / OR

- c) Seek prosecution for the non-compliance of the section 215 Notice.

Requirements of the S215 notice:

The Council requires the following steps to be taken for remedying the condition of the Land:

- 1. Cut back all overgrown vegetation on the Land including the land forming the car parking area adjacent to a height not exceeding 5 centimetres above ground level.
- 2. Remove from the Land the resultant waste matter, including any detritus uncovered as a result of the works, to an authorised place of disposal.

AND EITHER

- 3. Replace the rotten wooden boarding to the base of the spire with matching boards and paint a uniform colour to match.
- 4. Remove from the roof the tarpaulin and other detritus. Make good or replace any missing or dislodged roof and ridge tiles, and replace any broken glass rooflights.

REDDITCH BOROUGH COUNCIL

**PLANNING
COMMITTEE**

10th December 2014

5. Replace or make good any loose or missing guttering and downpipes.
6. Remove all foliage that is attached to and climbing the walls of the church building.
7. Paint the boards on the side of the dormers situated on the south-east elevation of the roof in a uniform dark colour to match the colour of the roof tiles.
8. Remove from the Land to an authorised place of disposal, all building materials and rubble arising from compliance with the requirements of steps 3 to 6 above.

OR

9. Demolish the church building.
10. Remove the demolished materials and resultant debris from the Land to an authorised place of disposal.