

**PLANNING
COMMITTEE**

4th January 2011

ENFORCEMENT REPORT 2010/010/ENF

ALLEGATION: NON-COMPLIANCE WITH A SECTION 215 NOTICE

LOCATION: 4 CHURCH GREEN WEST, REDDITCH

WARD: ABBEY

The author of this report is Iain Mackay, Planning Enforcement Officer, who can be contacted on extension 3205 (email: iain.mackay@redditchbc.gov.uk) for more information.

(See additional papers for site plan)

Site Description

The site consists of a three-storey building on the main frontage of Church Green West. It occupies a prominent position within the Church Green CONSERVATION AREA.

In November 2008 the building was gutted by a fierce fire which broke out in the ground floor restaurant and spread throughout the building destroying the internal floors and the roof before it was brought under control. Since then the premises have remained a virtual shell supported by scaffolding.

Relevant Site Planning History

In 1983, planning permission was granted for the conversion of the ground floor to a restaurant.

There is no other relevant planning history.

Investigation Details

2nd February 2010

Following complaints regarding the long term effect the condition of the building was having on the CONSERVATION AREA, and the effect the supporting scaffolding was having on adjacent businesses and pedestrian flow, a visit was made by an Enforcement Officer who considered that the condition was such that action could be justified.

16th February 2010

A letter was sent to the owner of the property asking them to remove the external scaffolding to re-instate the building line. As a result discussions were held with the owner who stated that due to the presence of telecoms equipment on the roof, and ongoing legal difficulties in having them removed, they would need more time to rectify the situation.

**PLANNING
COMMITTEE**

4th January 2011

26th April 2010

A further site visit was made by the Enforcement Officer following further complaints. It was established that the telecoms equipment had been removed from the roof, but no further progress had been made.

30th April 2010

Authority to issue a Notice under Section 215 of the Act was obtained using delegated powers.

25th June 2010

A Notice under Section 215 was issued and copies served on all persons with an interest in the land. The Notice required that the building be restored to its original condition, or alternatively, that the external walls of the adjacent buildings facing into the site be supported internally, and all external scaffolding extending forward of the building line into Church Green West be removed back to the building line. It also required that any resultant void created be suitably covered with a wind and waterproof cover. The Notice took effect on 25th June 2010 and allowed a period of 4 months in which to comply.

18th October 2010

A site visit confirms that works on the building have commenced and that over the weekend roof joists had been replaced and that works to replace the roof were under way.

13th December 2010

A site visit reveals that works have ceased and that in effect, the Notice has not been complied with. Discussions with the owner reveal that phase 1, the roofing has been completed, and that phase 2 is out to tender.

Assessment

Scaffolding and associated hoardings have now been in place for 2 years affecting the free flow of pedestrian traffic along Church Green West. Adjacent businesses are claiming that the highway obstruction is having a serious effect on business due to the hoardings obscuring the view of their shops and the resultant loss of passing trade.

This Notice should have been complied with by 1st December 2010; therefore the owner is open to prosecution. The power as to whether or when to prosecute is discretionary however.

On reflection, the compliance period of 4 months given to carry out the works may have been insufficient given the extent of damage caused to the building by the fire, although it was open to the owner to appeal the Notice or seek an extension of time from the Council.

**PLANNING
COMMITTEE**

4th January 2011

Further, changing the scaffolding design from external to internal was deemed feasible within the timescales given. Officers do accept that significant efforts have been made by the owner in a difficult financial climate to ameliorate the situation.

There are no financial, community safety or risk implications in this report.

Conclusion

The condition of the building continues to be of concern, particularly due to its prominent position within the CONSERVATION AREA and the length of time that has passed since it was fire damaged.

However, Officers consider that the option to prosecute in this matter is needed in order to ensure that matters can be resolved.

Recommendation

The Committee is asked to RESOLVE that:

in relation to a breach of planning control, namely, the failure to comply with the requirements of a Section 215 Notice, authority be delegated to the Head of Legal, Equalities and Democratic Services, in consultation with the Head of Planning & Regeneration, to instigate legal proceedings in the Magistrates Courts, if deemed necessary.