

**Committee:** Planning

**Date of Meeting:** 15 September 2010

**Title of Report:** Works in default within Linacre One HMRI area.  
**Report of:** Andy Wallis  
Planning and Economic Regeneration Director

**Contact Officer:** Mr J E Alford  
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<b>This report contains</b>	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) ..... of Part 1 of Schedule 12A to the Local Government Act 1972		✓
Is the decision on this report DELEGATED?	✓	

**Purpose of Report:** To seek authority to carry out works in default in respect of non compliance with a notice under the terms of Section 215 of the Town & Country Planning Act 1990 to the following property within the Linacre One HMRI area : 86-90 Linacre Road, Litherland.

**Recommendation(s):** That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 notices in respect of the property at 39 Ursula Street, Bootle, pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by Neighbourhood Initiative Funding.

## Corporate Objective Monitoring

Corporate Objective		Impact		
		Positive	Neutral	Negative
1	Creating A Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs & Prosperity		✓	
4	Improving Health & Well Being	✓		
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving The Quality Of Council Services & Strengthening Local Democracy		✓	
8	Children & Young People		✓	

## Financial Implications

Officer Time

## Departments consulted in the preparation of this Report

None

## List of Background Papers relied upon in the preparation of this report

The notice referred to.

## **Introduction.**

The approval of the committee is required for action to be taken under Section 219 of the Town & Country Planning Act 1990 by way of works in default to be undertaken by the council.

## **Current situation.**

86-90 Linacre Road are vacant mid-terraced commercial units with residential accommodation above situated within a primarily residential area and also within the Linacre One HMRI area. The properties have remained long term vacant and derelict. Their appearance and condition is having an adverse and detrimental impact on visual amenities of nearby residents.

It has not been possible to identify the owner(s) as the details provided to Land Registry do not exist. Owing to this it has not been possible to request work to be carried out to improve the appearance of the property by carrying out remedial works. As a result Section 215 Notices was issued on 28th July 2010 and served on the property the same day. The compliance period ends on 9th September 2010.

The requirements of Section 215 Notice are: Clear rear yard(s) of all waste materials and overgrowth. Secure door to rear yard. All insecure openings to the rear of the property at ground floor level to be made secure with galvanised sheeting. Repair/replace rainwater goods to front and rear elevations. Remove all vegetation growing on front elevation and rear elevation. Board over all front elevation first & second floor windows with exterior grade boarding. Paint boarding to windows at front elevation first & second floors with one coat of exterior grade under coat and two coats of exterior grade cream coloured gloss paint. Replace weathered fascia panels at front elevation in like for like design with exterior grade timber. Paint boarding to fascia panels at front elevation with one coat of exterior grade under coat and two coats of exterior grade dark blue coloured gloss paint. Shutters to front elevation to be cleaned and prepared, then painted with one coat of exterior grade under coat and two coats of exterior grade dark blue coloured gloss paint. Concrete lintels to all windows at front elevation to be cleaned and prepared, then painted with one coat of exterior grade under coat and two coats of exterior grade dark blue coloured gloss paint. Redundant advert panel fixed to the front elevation first & second floors to be cleaned and prepared, then painted with one coat of exterior grade under coat and two coats of exterior grade dark blue coloured gloss paint. Leave the land in a clean and tidy condition. Leave the property secure.

A site inspection is due to take place on 9th September 2010 when it is expected to reveal that no remedial works have been undertaken to comply with the requirements of the Section 215 Notice by the owner(s) of the property, namely, 86-90 Linacre Road, Litherland property continues to deteriorate.

## **Comments.**

In the absence of any communication whatsoever with the owner it is reasonable to conclude that it is not possible to undertake any legal proceedings that would bring about a satisfactory conclusion to the matter. None the less, the HMRI includes a commitment to ensuring that improvements are carried out to buildings and land within the Linacre One area.

The council are empowered by virtue of Section 219 of the Planning Act to carry out works in de-fault and recover the costs of doing so from the owners.

Financial funding to carry out remedial works is available and can be provided by Neighbourhood funding. Estimates have been sought from authorised contractors and the cost for the remedial works will be in the region of £5,865.00

Furthermore, it is considered expedient and pragmatic to make use of the set aside funding, which is available to be used to undertake outstanding remedial works as specified in the requirements of the section 215 notices to the above property as a matter of urgency.

The funding, which I understand is only available for the current financial year, has been set aside as a contingency for such matters.

It is important, in the short term to ensure that any long-term vacant properties such as the above are effectively secured and refurbished in such a manner that will provide a more aesthetically pleasing appearance.

Consequently, it is considered appropriate that resources and funding provided can be used to remedy the above breach of planning control.

**Recommendation.**

That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 Notice in respect of the property at 86-90 Linacre Road, Litherland pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by the HMRI Fund.