

**APPENDIX**

**Committee:** Planning

**Date of Meeting:** 11 November 2009

**Title of Report:** Works in default within Seaforth/Waterloo HMRI area.  
**Report of:** Andy Wallis  
 Planning and Economic Regeneration Director

**Contact Officer:** Mr J E Alford Telephone 0151 934 3544  
**Case Officer:** Mr A Lynch Telephone 0151 934 3571

This report contains	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 Seaforth/Waterloo HMRI area – 13-15 Seaforth Road, Seaforth.

**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 13-15 Seaforth Road, Seaforth pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by Step Clever & WNF.

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### 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.

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### **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 de-fault to be undertaken by the council.

### **Current situation.**

13-15 Seaforth Road consists of two terraced shops with residential units to upper floors that are located within a primarily residential area and also within the Seaforth/Waterloo HMRI area. They have remained long term vacant and derelict and the appearance and condition have deteriorated following extensive fire damage to the first and second floors which is having an adverse and detrimental impact on visual amenities of nearby residents.

Letters have been sent to the owner at his last known address requesting work be carried out to improve the appearance of the property by carrying out remedial works. The correspondence has been answered stating the owning company has been dissolved, which has been confirmed. It has therefore not been possible to request remedial works be carried out. As a result Section 215 Notices was issued and served on the property on 17th September 2009. The compliance period ends on 13th November 2009.

The requirements of Section 215 Notice are: Reinststate missing fascia board to front elevation of No 13 Seaforth Road. Paint all boarding and fascias to the front elevation of No. 13 Seaforth Road with two coats of exterior grade black paint. Paint roller shutters, casing and fascia to the front elevation of No. 15 Seaforth Road with two coats of exterior grade black paint. Remove all waste materials from the rear of the buildings to include general litter, waste building materials, bricks, and waste overgrowth to leave it clear and tidy to give access to the rear alley. Leave the land and buildings in a clean and tidy condition

A site inspection will take place after 13th November 2009 that is expected to reveal that no remedial works have been undertaken to comply with the requirements of the Section 215 Notice by the owner of the property, namely, 13-15 Seaforth Road, Seaforth. The property continues to deteriorate.

Notwithstanding and despite all avenues of investigation being exhausted the owner of the above properties at present cannot be established since the original owning company was dissolved and therefore it has not been possible to undertake prosecution action.

### **Comments.**

In the absence of any communication whatsoever with any new 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 Seaforth/Waterloo HMRI 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 Step Clever and WNF. Step Clever will fund the remedial works to the front of the property and WNF will fund remedial works to the rear. Estimates taken from authorised contractors give an overall cost for the remedial works in the region of £7,500. This cost will be recovered by placing a charge against the properties on Land Registry.

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

The funding, which I understand is only available for the current financial year, has been set aside by Step Clever and WNF as a contingency for such matters. There will be no financial costs to the council.

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 by Step Clever and WNF 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 Notices in respect of the properties at 13-15 Seaforth Road, Seaforth pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by Step Clever & WNF.