

Committee: Planning
Date of Meeting: 10 March 2010
Title of Report: Works in default within Seaforth/Waterloo HMRI area.
Report of: Andy Wallis
 Planning and Economic Development Director

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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 – 72 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 72 Seaforth Road, Seaforth pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by Step Clever.

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 de-fault to be undertaken by the council.

Current situation.

72 Seaforth Road is a former public house known as 'The Seaforth Castle' that is located within a primarily residential area and also within the Seaforth/Waterloo HMRI area. The property has remained long term vacant and semi-derelict and the appearance and condition have deteriorated following internal 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 owning company at their 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 is close to going into administration with no funds available to carry out the requested remedial works. As a result Section 215 Notices was issued and served on the property on 29th January 2010. The compliance period ends on 27th March 2010.

The requirements of Section 215 Notice are: Remove all vegetation growing at elevations to Seaforth Road and Rossini Street. Paint metal sheeting fitted to doors and windows to ground floor level facing on Seaforth Road and Rossini Street with two coats of exterior grade dark blue paint. Secure first floor windows on the elevations facing onto Seaforth Road and Rossini Street with fitted polymer sheeting with net curtain behind. All second floor windows to elevations facing onto Seaforth Road and Rossini Street that are not covered with timber boarding to be boarded with exterior grade timber sheeting. Paint boarding to all second floor windows on elevations facing onto Seaforth Road and Rossini Street with two coats of exterior grade dark blue paint. Windows to rear elevation facing onto yard area in Rossini Street to be secured with fitted 4mm galvanised steel sheeting and painted dark blue. Repair/replace and clean gutters and downspouts to front and rear elevations. Remove all waste materials to include general litter, waste building materials etc. from the rear yard facing onto Rossini Street. Paint double doors to yard in Rossini Street with two coats of exterior grade dark brown paint. Graffiti and paint daubed on external walls to all elevations to be removed or painted over. Leave the land and buildings in a clean and tidy condition

A site inspection will take place after 27th March 2010 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, 72 Seaforth Road, Seaforth. The property continues to deteriorate.

Comments.

In light of the genuine possibility of the owning company going into administration 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. Estimates taken from authorised contractors give an overall cost for the remedial works in the region of £3,500. This cost will be recovered by placing a charge against the properties on Land Registry.

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 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 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 property at 72 Seaforth Road, Seaforth pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by Step Clever.