



# Planning Committee

1 October 2013

<b>Report Title</b>	Authorisation to serve notice under Section 215 of the Town and Country Planning Act (Requiring the proper Maintenance of Land) at 24 – 27 Victoria Street, Wolverhampton.	
<b>Cabinet Member with Lead Responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity	
<b>Wards Affected</b>	St. Peters	
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise	
<b>Originating service</b>	Planning Services	
<b>Accountable officer(s)</b>	Charlotte Morrison	Section Leader
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**Recommendation for action or decision:**

The Committee is recommended to authorise the issuing of a notice under Section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land comprising buildings at 24 – 27 Victoria Street, Wolverhampton("the buildings").

## **1.0 Purpose**

- 1.1 The report is bought to Committee as the notice requires large scale and detailed works to a number of prominent properties (“the buildings”) within the Worcester Street Conservation Area (“the Conservation Area”).

## **2.0 Background**

- 2.1 The report is presented as part of the Council wide on-going commitment to improving the city centre. A number of S215 notices have been served on various properties and some direct action has also been carried out where notices have not been complied with.
- 2.2 Negotiations are on-going in relation to developing the buildings. The planning application which is currently under consideration is unlikely to be approved and we’re working a solution to develop the site. This is likely to take the form of a new application.
- 2.3 There is an extant S215 notice relating to 1 Cleveland Street – a single storey building to the rear of the buildings. This notice has been challenged in the Magistrate’s courts and the appeal was withdrawn by the appellant after an agreement was reached to allow an extended compliance period.

## **3.0 Financial implications**

- 3.1 Should the S215 notice as issued in respect of the buildings not be complied with then a decision would be made whether to take further action by way of prosecution, incurring legal costs which could be recouped in successful cases, or direct action where the Council as the Local Planning Authority enter the buildings and carry out the works applying a charge to the buildings. In this case, given the scope and cost of the works, it is likely that prosecution would be considered in the first instance.

## **4.0 Legal implications**

- 4.1 Under Section 215 of the Town and Country Planning Act 1990 the Council, acting as Local Planning Authority, may issue a notice requiring the proper maintenance of land (including buildings). There is a right of appeal to the magistrate’s court against the notice before it takes effect and the notice would effectively be suspended whilst any appeal is determined.
- 4.2 If after the end of the compliance time stated in the notice the notice has not been complied with an offence is committed under Section 216 of the Act and can result in a fine not exceeding level 3 on the standard scale (£1000). On subsequent prosecutions for the same offence the fine would be based on a daily rate of £100 per day since the previous prosecution. KR/19092013/A

## **5.0 The site and Surroundings**

- 5.1 Victoria Street is entirely within the Conservation Area and has a number of attractive and important historical features many of which need to be retained as part of the Local Authorities responsibility to preserve and enhance the Conservation Area.
- 5.2 On the buildings at 24 – 27 Victoria Street of particular note are the oriel windows which in some cases have been retained but in other cases have been replaced with substandard 'modern' type windows.
- 5.3 The upper floors of the buildings are in a variety of states with some retaining their original features (sash windows) and all retaining the interesting soffit detailing apart from the end property on which it is absent and has not been replaced.
- 5.4 Further rainwater goods are generally present, but need to be refurbished. In some cases they are overgrown with plants (and trees).
- 5.5 A number of the frontages in Victoria Street are boarded and it is not possible to tell what remains under the boarding. The shop fronts are a wide variety and mixture. Section 215 cannot deal with advertisements, roller shutters or unsympathetic shop fronts, which are considered to be immune from planning enforcement action through the passage of time.

## **6.0 Environmental implications**

- 6.1 Failure to take effective action under Section 215 of the Act would result in a disparity between this and other similar buildings in the city centre and would allow the building to deteriorate further and have a severe adverse impact on the amenity of the neighbourhood.

## **7.0 Appraisal**

- 7.1 The key issues are;-
- The impact on the amenity of the neighbourhood
  - Reasonable requirements
  - Period for compliance
- 7.2 Impact on the amenity of the neighbourhood  
The buildings are in a poor state of repair and occupy a prominent location in the conservation area within the city centre. The buildings require a great deal of work to bring them up to a proper standard.
- 7.3 The impact of the dereliction of the buildings is a severe loss of amenity not only the immediate visual amenity within the street scene but also the wider city centre. This action is part of a wider strategy of raising the amenity of the city centre in order to encourage and lead businesses to take responsibility for their premises for the benefit of the whole city centre.

#### 7.4 Requirements

One of the matters which can be appealed against is that the requirements of the notice are unreasonable and that lesser steps would overcome the impact on amenity. It is therefore important that Committee are fully apprised of the full schedule of works, with a different schedule for each of the four buildings 24, 25, 26 and 27 Victoria Street in the buildings and include general information such as the need to obtain necessary licences and removal of debris. The works are then grouped into headings. The four schedules of works are included at Annex A, and will form the basis of the 'steps to be taken' part of the S215 notice. Each schedule has been carefully considered and are reasonable in all respects.

#### 7.5 Period for compliance

These works are part of a wider programme of works within the city centre. Some of the less onerous S215 notices have required compliance periods of 28 days. 1 Cleveland Street to the rear of the buildings, which is under the same ownership is subject to a separate extant S215 notice which requires compliance within six months from 4<sup>th</sup> September that is by 4<sup>th</sup> March 2014. The works to 1 Cleveland Street and the proposed required works to the buildings could be done at the same time as part of the wider redevelopment of the site within the same ownership as the owners have indicated they would like to do. The compliance time for the proposed S215 notice should be six months in line with the 1 Cleveland Street notice.

### 8.0 Conclusion

8.1 The buildings have a severe adverse impact on the amenity of the neighbourhood. The requirements outlined in the attached schedules are the minimum steps which could be taken to rectify the harm caused to amenity and the six months for compliance is reasonable.



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**S.215 Notice: Schedule of works**

**24 Victoria Street: Wolverhampton**

*For information:*

- Obtain all necessary licences for skips; scaffolding etc.
- Erect safe and suitable scaffolding access to all roof slopes and elevations.
- Remove all debris from site to authorised disposal facility.

*Roof:*

- Replace all defective and missing roofing slates with natural Welsh slates to match existing in size; colour and texture.
- Replace all damaged and missing leadwork.
- Repair and repoint chimney stack.
- Refix existing ridge tiles; any shortfall to be replaced with natural clay ridge tiles to match existing.

*Rainwater and external drainage goods:*

- Remove all vegetation and debris from gutters.
- Overhaul all existing cast iron rainwater and external drainage goods. Replace all plastic; missing and defective sections in cast iron; gutter profile to match existing. Install downpipes and gutters to appropriate falls and connect to adjacent gutters, to ensure complete discharge of rainwater from the building without leaks.
- All components to be supplied with manufacturer's primer and painted with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

*Eaves:*

- Repair eaves soffit detail. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.
- Repair and decorate the corner fascia board detail with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

*Walls:*

- *Bell Street elevation:* Decorate existing render with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to match existing.
- *Bell Street and Victoria Street elevations:* Remove signage and fixings from corner entrance pilasters and walls. Remove redundant alarm boxes; lighting units; fixings; cables etc.
- Carry out localised brickwork repairs and repoint in lime mortar as necessary.

*Windows:*

- *Ground, first and second floors (Bell Street elevation):* Remove all loose and flaking paint from stone window sills and lintels. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.

## NOT PROTECTIVELY MARKED

- *First floor (Bell Street elevation):* Remove existing windows. Install 5no. double hung, vertical sliding, timber sash windows with brass pulleys; cords and weights. Joinery profiles to match the existing second floor windows. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.
- *First floor: corner oriel window (corner of Bell Street & Victoria Street):* Repair oriel window roof and renew leadwork. Install oriel window to include double hung, vertical sliding, timber sash windows with brass pulleys; cords and weights. Joinery profiles to match original first floor oriel window at no. 25 Victoria Street. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.
- *First floor oriel window (Victoria Street elevation):* Repair roof and joinery and renew leadwork. Install oriel window to include double hung, vertical sliding, timber sash windows with brass pulleys; cords and weights. Joinery profiles to match original first floor oriel window at no. 25 Victoria Street. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.
- *Second floor (Bell Street and Victoria Street elevations):* Overhaul and repair existing double hung sash windows. Remove existing paint, prepare woodwork. Replace putty as required. Repair/replace decaying timber as required with timber to match existing in species; joinery profiles and appearance. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Shopfront:*

- Remove algae from brickwork above shopfront cornice.
- Prepare surface of existing pilaster capitals and decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Rear elevation (Cleveland Passage):*

- Overhaul and repair all existing windows. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.
- Remove loose and flaking paint from stone window sills and lintels. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.
- Carry out localised brickwork repairs and repoint in lime mortar as necessary.

### *Single storey rear building:*

- Clear all debris; seats; mattress etc. from flat roof.
- Cut back all vegetation and treat root system with herbicide. Allow vegetation to die back before removal.
- *Bell Street elevation:* Repair damaged parapet brickwork and corbel detail.
- *Cleveland Passage elevation:* Repair existing render. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Rear boundary wall (Cleveland Passage):*

- Remove existing boards from rear gate and replace with exterior grade plywood. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

## **25 Victoria Street: Wolverhampton**

### *For information:*

- Obtain all necessary licences for skips; scaffolding etc.
- Erect safe and suitable scaffolding access to all roof slopes and elevations.
- Remove all debris from site to authorised disposal facility.

### *Roof:*

- Replace existing roof covering with natural Welsh slates to match existing in size; colour and texture.
- Replace leadwork.
- Repair and repoint chimney stack.
- Refix existing ridge tiles; any shortfall to be replaced with natural clay ridge tiles to match existing.

### *Rainwater and external drainage goods:*

- Overhaul all existing cast iron rainwater and external drainage goods. Replace all plastic; missing and defective sections in cast iron; gutter profile to match existing.
- *Victoria Street elevation:* Install cast iron downpipe and gutters to appropriate falls and connect to adjacent gutters, to ensure complete discharge of rainwater from the building without leaks. Profiles to match existing gutters on 24 Victoria Street.
- All components to be supplied with manufacturer's primer and painted with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Eaves:*

- Repair eaves soffit detail. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Walls:*

- Carry out localised brickwork repairs and repoint in a lime mortar as necessary.

### *Windows (Victoria Street elevation):*

- Replace stone sills to second floor windows with natural sandstone. Profiles to match original detail. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.
- Remove all loose and flaking paint from stone lintels. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.
- Repair roof and joinery of first floor oriel window. Renew leadwork. Refurbish and decorate existing window. Remove existing paint; prepare woodwork. Replace putty as required. Repair/replace decaying timber as required with timber to match existing in species; joinery profiles and appearance. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.



## NOT PROTECTIVELY MARKED

- Refurbish and decorate existing second floor double hung sash windows. Remove existing paint; prepare woodwork. Repair/replace decaying timber as required with timber to match existing in species; joinery profiles and appearance. Replace putty as required. Reglaze as necessary. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Shopfront:*

- Remove hoardings and signage fascia.
- Prepare and decorate existing capitals with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.
- Install traditional shopfront including pilasters; capitals; cornice; fascia and stall riser. (N.B. Planning approval will be required for a replacement shopfront; details to be agreed with the Local Planning Authority.)

### *Rear elevation (Cleveland Passage):*

- Overhaul and repair all existing windows. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Rear building (Cleveland Passage):*

- Cut back all vegetation and treat root system with herbicide. Allow to die back before removal.
- Replace existing roof covering with natural Welsh slate to match existing in size; colour and texture.
- Replace all damaged and missing leadwork.
- Inspect existing ridge tiles; refix or replace as necessary with natural clay ridge tiles to match existing.
- Carry out localised brickwork repairs and repoint in lime mortar as necessary.
- Install cast iron downpipes and gutters to appropriate falls to ensure complete discharge of rainwater from the building without leaks. All components to be supplied with manufacturer's primer and painted with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.
- Repair rear door. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

## **26 Victoria Street: Wolverhampton**

### *For information:*

- Obtain all necessary licences for skips; scaffolding etc.
- Erect safe and suitable scaffolding access to all roof slopes and elevations.
- Remove all debris from site to authorised disposal facility.

### *Roof:*

- Replace existing roof covering with natural Welsh slates to match existing in size; colour and texture.
- Replace leadwork.
- Repair and repoint chimney stack.
- Refix existing ridge tiles; any shortfall to be replaced with natural clay ridge tiles to match existing.

### *Rainwater and external drainage goods:*

- Overhaul all existing cast iron rainwater and external drainage goods. Replace all plastic; missing and defective sections in cast iron; gutter profile to match existing. Install downpipes and gutters to appropriate falls and connect to adjacent gutters, to ensure complete discharge of rainwater from the building without leaks.
- *Victoria Street elevation:* Install cast iron downpipes and gutters to appropriate falls and connect to adjacent gutters to ensure complete discharge of rainwater from the building without leaks. Profiles to match existing gutters on 24 Victoria Street.
- All components to be supplied with manufacturer's primer and painted with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Eaves:*

- Repair eaves soffit detail. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Walls:*

- Remove redundant alarm boxes; fixings; cables; signage etc.
- Carry out localised brickwork repairs and repoint in lime mortar as necessary.

### *Windows (Victoria Street elevation):*

- Replace stone sills to second floor windows with natural sandstone. Profiles to match original detail. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.
- Remove all loose and flaking paint from lintels. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.
- Install first floor oriel window and roof; to include slates; leadwork and double hung, vertical sliding, timber sash windows with brass pulleys; cords and weights. Joinery profiles to match original first floor oriel window at no. 25 Victoria Street. Decorate with Dulux Weathershield

## NOT PROTECTIVELY MARKED

exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

- Refurbish existing second floor double hung sash window. Remove existing paint, prepare woodwork. Repair/replace decaying timber as required with timber to match existing in species; joinery profiles and appearance. Replace putty as required; Reglaze as necessary. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.
- Install second floor double hung, vertical sliding, timber sash window with brass pulleys; cords and weights. Joinery profiles to match existing window at 2<sup>nd</sup> floor level. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Shopfront:*

- Remove hoardings and signage fascia.
- Install traditional shopfront including pilasters; capitals (to match existing on nos. 24 & 25); cornice; fascia and stall riser. (N.B. Planning approval will be required for a replacement shopfront; details to be agreed with the Local Planning Authority.)

### *Rear elevation (Cleveland Passage):*

- Overhaul and repair all existing windows. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Rear boundary wall (Cleveland Passage):*

- Remove all vegetation from rear yard.
- Remove metal sheet from boundary.
- Rebuild rear boundary wall in bricks to match existing in size; colour and texture.

## **27 Victoria Street: Wolverhampton**

### *For information:*

- Obtain all necessary licences for skips; scaffolding etc.
- Erect safe and suitable scaffolding access to all roof slopes and elevations.
- Remove all debris from site to authorised disposal facility.

### *Roof:*

- Replace existing roof covering with natural Welsh slates to match existing in size; colour and texture.
- Replace leadwork.
- Repair and repoint chimney stack.
- Refix existing ridge tiles; any shortfall to be replaced with natural clay ridge tiles to match existing.

### *Rainwater and external drainage goods:*

- Overhaul all existing cast iron rainwater and external drainage goods. Replace all plastic; missing and defective sections in cast iron; gutter profile to match existing. Install downpipes and gutters to appropriate falls and connect to adjacent gutters, to ensure complete discharge of rainwater from the building without leaks.
- *Victoria Street elevation:* Install cast iron downpipes and gutters to appropriate falls and connect to adjacent gutters to ensure complete discharge of rainwater from the building without leaks. Profiles to match existing gutters on no. 24 Victoria Street.
- All components to be supplied with manufacturer's primer and painted with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Eaves:*

- Repair eaves soffit detail. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Walls:*

- Remove redundant alarm boxes; fixings; cables etc.
- Carry out localised brickwork repairs and repoint in lime mortar as necessary.

### *Windows (Victoria Street elevation):*

- Replace stone sills to second floor windows with natural sandstone. Profiles to match original detail.
- Remove all loose and flaking paint from lintels. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.
- Install first floor oriel window and roof; to include slates; leadwork and double hung; vertical sliding; timber sash windows with brass pulleys; cords and weights. Joinery profiles to match original first floor oriel window at no. 25 Victoria Street. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

## NOT PROTECTIVELY MARKED

- Refurbish existing second floor double hung sash windows. Remove existing paint, prepare woodwork. Replace putty as required. Reglaze as necessary. Repair/replace decaying timber as required with timber to match existing in species; joinery profiles and appearance. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Shopfront:*

- Remove hoardings and signage fascia.
- Install traditional shopfront including pilasters; capitals (to match existing on nos. 24 & 25); cornice; fascia and stall riser. (N.B. Planning approval will be required for a replacement shopfront; details to be agreed with the Local Planning Authority.)

### *Rear elevation (Cleveland Passage):*

- Overhaul and repair all existing windows. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Rear boundary wall (Cleveland Passage):*

- Remove all vegetation from rear yard.
- Rebuild rear boundary wall in bricks to match existing in size; colour and texture.
- Overhaul and repair existing gate. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.