

**Enforcement List Item 1**  
Committee Date: 11<sup>th</sup> May 2016

**Case No.** ENF/15/00112/UNLD

**Grid Ref:** 295670 112583

**Address:**

The Society For The Protection and Re-Homing of Animals, 24 Gold Street, Tiverton, Devon

**Alleged Breach:**

Building frontage incorporating charity shop allowed to deteriorate causing adverse effect on the visual amenity of the area.

**Recommendations:**

That the Legal Services Manager be authorised to take any appropriate legal action, including the service of a notice or notices seeking the improvement of the appearance of the property frontage. In addition, in the event of the failure to comply with any notice served, to authorise prosecution, direct action and/or authority to seek a court injunction.

**Site Description:**

The Society for the Protection and Re-Homing of Animals, 24 Gold Street, Tiverton, Devon. A two-storey terraced property with charity shop occupying the ground floor and flat above. Property is situated in a conservation area.

**Site Plan:**



**Site History:**

86/01669/FULL	Change of use from offices to ground floor shop with flat above	PERMIT
91/00558/FULL	Alterations to shop front	PERMIT
79/00550/FULL	Erection of new flat roof in connection with linking W H Ayre Ltd, 22 Gold Street and former Wakefields premises, 26 Gold Street	PERMIT
09/00384/DET	Licence	REC

**Development Plan Policies:**

National Planning Policy Framework

**Mid Devon Core Strategy (Local Plan 1)**

COR2 - Local Distinctiveness

COR6 - Town Centres

COR13 - Tiverton

**Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 - High Quality Design

DM16 - Town Centre Development

DM18 - Fronts of Shops and Business Premises

**Reasons/Material Considerations:**

Members will recall passing a resolution authorising the issue of a Section 215 Notice at the January 2016 meeting. The only reason this report is back before members is that the Legal Team discovered that, although the map is annotated showing number 24 within the polygon as originally shown at Committee, the property affected is in fact a very small area immediately adjacent to that and is now shown in this report with the correct polygon. This report is therefore presented to confirm the resolution to take formal action based on the recent information identifying the location of the property in question on the plan. Without this, there is a risk of challenge over the incorrect identification of the property location. A new resolution is sought.

24 Gold Street is situated mid-way down the road on the north side of the street. The property frontage is predominantly white render which, over time, has deteriorated in appearance. The windows and fascia have also deteriorated in condition and appearance. There is vegetation growing out of cracks in the render in places.

The owner has been approached on previous occasions to improve the exterior appearance of the property. The owner has been made aware that the property is within a conservation area and has also been made aware that funding may be available through regeneration projects should he wish to apply. The owner has expressed an interest in such schemes during meetings on site with your Officers. However, to date there has been no application for a grant or any funding monies and no improvements to the property have been undertaken.

It is now your Officers opinion that a section 215 notice be served, requiring the property to be tidied up.

**Human Rights and Equality Issues:**

Any enforcement action could be said to impact upon the land/property owner/occupier's human rights under Article 8 and Article 1 of the First Protocol of the Human Rights Act 1988.

In this case your Officers have considered the situation and do not believe there to be any human rights issues but simply a building in need of redecoration and/or possible renovation. Therefore the Local Planning Authority believes it is pursuing a legitimate aim in seeking compliance with the provisions of the Town And Country Planning Act 1990 (as amended) so as to prevent the demonstrable harm of the interests of acknowledged importance and to protect the environment.

**Options for action or remedy:**

The list of options available is as follows:

**Take no action:**

This would not be the appropriate course of action. There is no justification for the property frontage to remain in such a condition and to impair the visual amenity of the area. To allow the current situation to persist is contrary to current planning policy.

**Issue a Section 215 Notice seeking works to improve the condition and the appearance of the property frontage -**

This is considered by your Officers to be the appropriate course of action.

**Reasons for Decision:**

The property has fallen into a state of disrepair and the flat has been unoccupied for such time as it is reasonable to assume that the owner has no interest in carrying out any work to improve it. The amenity of the area is adversely affected and works are required to improve the appearance of the property.

**Steps Required:**

All the below works are required to be carried out on the front elevation of the building only.

1. Clear all vegetation growth from the front of the property and treat with systemic weed killer.
2. Hack off any perished, unkeyed and cracked render. Replace render so removed using suitable materials to match the existing render mix and finish.
3. Prior to repainting, clean and prepare all render, removing in the process any flaking paint, so as to ensure all external render is in an appropriate condition for repainting.
4. Prior to repainting, clean and prepare all external timbers including windows and frames, removing in the process any flaking paint and replacing any rotten or perished timbers with replacement woodwork which is an accurate replica of the original design in terms of pattern, detail and profile, so as to ensure all external timbers are in an appropriate condition for repainting.
5. On completion of steps (2) and (3) above, repaint in white all render with a minimum of two coats of exterior paint.
6. On completion of step (4) above, repaint all external timbers in white with primer, undercoat and gloss.
7. Repair or replace all rain water goods such as guttering and downpipes, ensuring that the repaired or replaced guttering and downpipes efficiently disposes of surface water.
8. Make good existing panels to the shop front and replace any missing panels ensuring all repairs and replacements are in materials to match the existing panels.
9. Prior to repainting, clean and prepare all shop front panels, removing in the process any flaking paint, so as to ensure all panels are in an appropriate condition for repainting.
10. On completion of steps (8) and (9) above, repaint in white all panels with a minimum of two coats of exterior paint.

**Period for Compliance:**

Three months from the date the Notice takes effect.