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| REPORT TO: | DEVELOPMENT CONTROL COMMITTEE | AGENDA ITEM: 6 |
| DATE OF MEETING: | 20 th August 2002 | CATEGORY: |
| REPORT FROM: | <u>DEPUTY CHIEF EXECUTIVE</u> | RECOMMENDED OPEN PARAGRAPH NO: |
| MEMBERS' CONTACT POINT: | R M Shirley (596750) | DOC: |
| SUBJECT: | Untidy condition of land and dwelling at 9 Main Street, Findern | REF: RMS/E/99/210 |
| WARD(S) AFFECTED: | Etwall | TERMS OF REFERENCE: DC01 |

1.0 Reason for Exempt (if appropriate)

1.1 Not applicable

2.0 Recommendations

2.1 That the Development Control Committee authorises the service of a further Notice under Section 215 of the Town and Country Planning Act 1990 requiring the following steps to be taken:

1. The front and rear walls of the dwelling to be repaired and in the case of the front wall to be re-painted in white exterior quality paint.
2. The front and rear ground floor and first floor windows to be replaced or fully repaired.
3. The roof to be repaired or replaced using slates to match those existing.
4. The front and rear doors to be replaced or fully repaired.
5. The overgrown grass and weed in the rear garden to be cut and cleared.
6. The building materials in the rear garden to be removed.
7. The land to be maintained in a tidy condition.

3.0 Purpose of Report

3.1 To obtain the Committee's instructions.

4.0 Executive Summary

4.1 Not Applicable

5.0 Detail

5.1 The condition of the above empty property has been the subject of complaint since mid-1999.

- 5.2 It consists of a terraced house situated within a row of well-maintained dwellings.
- 5.3 At its meeting on 18th January 2000 the, then, Development control Sub-Committee resolved to authorise the service of a Section 215 untidy site notice with a view to improving its appearance.
- 5.4 The owner submitted an application under the Building Regulations which involved substantial works to the building with a view to improving its condition and work commenced in mid-April 2000.
- 5.5 Shortly after commencement the owner, who is also the builder carrying out the work, sustained an injury at the dwelling which incapacitated him for a period.
- 5.6 As no further work was, apparently, carried out on the property and in the light of continued complaint, a Notice under Section 215 reflecting the current situation at the dwelling was served under delegated powers on 12th October 2001.
- 5.7 Further contact with the owner resulted in works again commencing to implement the Building Regulations approval but these ceased once more in early 2002.
- 5.8 Apart from responding to a request to remove several allegedly dangerous slates from the front roof slope, the owner has taken no further action to implement the work authorised by the Building Regulations submission and the property continues to deteriorate, the rear garden now being very overgrown and untidy.
- 5.9 A copy of the most recent Section 215 Notice and accompanying plan is attached at Annexe A.

6.0 Financial Implications

- 6.1 None

7.0 Corporate Implications

- 7.1 None

8.0 Community Implications

- 8.1 None

9.0 Conclusions

- 9.1 Notwithstanding the circumstances of the owner, the appearance of the building and garden has deteriorated over recent months and is continuing to do so.
- 9.2 Although contact with the owner has been maintained, there is no sign of a significant resumption of work at the property.
- 9.3 It is open to the Committee to authorise the service of a further Notice under Section 215 of the Town & Country Planning Act to correct the adverse effect on amenity demonstrated by the building in its current condition.

10.0 Background Papers

- 10.1 Enforcement File E99/210