
REPORT TO: DEVELOPMENT CONTROL COMMITTEE
DATE OF MEETING: 11 January 2005
REPORT FROM: PLANNING SERVICES MANAGER
MEMBERS' CONTACT POINT: RAFFAELLA SHIRLEY (EXT. 5750)
SUBJECT: Non-Compliance with Town & Country Planning Act 1990, Section 215 Untidy Site Notice – 14 and 16 High Street, Woodville
REF: RMS/E2001/333
WARD AFFECTED: Woodville

AGENDA ITEM: 5
CATEGORY: DELEGATED
OPEN PARAGRAPH NO. N/A
DOC:

1.0 **Purpose of Report**

- 1.1 To obtain the instructions of the Development Control Committee.

2.0 **Content**

- 2.1 The condition of the above properties, which are a pair of terraced houses and originally, the adjoining retail premises (No. 12), have been the subject of recurring complaint since October 2001.
- 2.2 Works have been carried out at No.12 to improve the appearance of the property to the point where formal action is no longer required but the condition of No. 14 and 16, probably exacerbated by extended periods of non-occupation, deteriorated to the point where there was and is, a material affect on local amenity.
- 2.3 Authority was given by the Development Control Committee at its meeting on 16th April 2002 to issue Notices under Section 215 of the Town & Country Planning Act 1990 with a view to correcting the situation. In the light of a formal approach, pending issue of the Notice, appropriate works were undertaken at No. 12 which, as indicated above, improved its condition to the point where formal action was not deemed necessary. During the summer of 2002, a limited amount of tidying was carried out at 14 and 16 but the appearance of the buildings remained untidy. In view of the continuing situation, a Section 215 Notice was issued on 29th August 2003.
- 2.4 A site inspection carried out at the expiration of the Notice revealed that apart from some scrap metal (subsequently removed) and the failure to repair the roof of the bay window at 16, the requirements of the Notice had been substantially discharged.
- 2.5 A subsequent site inspection carried out on 3rd August 2004 at the request of a local member indicated that the front and rear gardens had substantially deteriorated and the condition of the bay window roof at 14 was still unsightly.
- 2.6 The advice of the Council's Legal and Democratic Services Manager was sought and it was deemed appropriate to address the situation by the service of further notices relating to the individual properties concerned.

- 2.7 The Notices were issued on 26th August 2004 being delivered by hand to both owner and to purported occupiers.
- 2.8 A site inspection carried out on 26th October 2004 revealed that, whilst the front gardens of the properties had been cleared and additionally, part of the rear garden of 14 had been tidied, the remaining aspects of the Notices were still outstanding.
- 2.9 A subsequent site inspection on 24th November 2004 revealed that no further work had been undertaken on the sites and there was evidence of the front gardens and access passage becoming affected by litter.
- 2.10 Copies of the Committee Report of 16th April 2002 and of the notices issued on 26th August 2004 are attached at Annex 'A'.

3.0 **Financial Implications**

- 3.1 Should the Committee be minded to authorise the implementation of legal proceedings in the matter, the Council may be subject to certain costs.

4.0 **Conclusions**

- 4.1 Whilst some work has been carried out on the sites, this could not be viewed as sufficient to discharge the requirements of the Notice.
- 4.2 Bearing in mind the demonstrable lack of compliance, it is open to the Committee to authorise the Head of Legal and Democratic Services to institute an appropriate prosecution to secure full compliance with the Notices.

5.0 **Recommendation**

- 5.1 That the Committee authorises the Head of Legal and Democratic Services to institute an appropriate prosecution to secure full compliance with the requirements of the Notices.

6.0 **Background Papers**

- 6.1 Enforcement File E2001/333.