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| <b>REPORT TO:</b>              | <b>DEVELOPMENT CONTROL COMMITTEE</b>   | <b>AGENDA ITEM:</b> 6           |
| <b>DATE OF MEETING:</b>        | 27 <sup>th</sup> June 2006   | <b>CATEGORY:</b><br>DELEGATED   |
| <b>REPORT FROM:</b>            | Head of Planning Services  | OPEN                            |
| <b>MEMBERS' CONTACT POINT:</b> | R. M. Shirley  | DOC:                            |
| <b>SUBJECT:</b>                | Non-compliance with 'Untidy Site' Notices issued under Section 215 of the Town & country Planning Act 1990 – Land fronting an to the rear of Oversetts Road, Newhall | REF: RMS/E2000/247              |
| <b>WARD AFFECTED:</b>          | Newhall  | <b>TERMS OF REFERENCE:</b> DC01 |

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## 1.0 Recommendations

1.1 That the Development Control Committee authorises the Head of Legal and Democratic Services to place in hand an appropriate prosecution for non-compliance with three Notices under Section 215 of The Town & Country Planning Act 1990 relating to land fronting and to the rear of Oversetts Road, Newhall.

## 2.0 Purpose of Report

2.1 To obtain the Committee's instructions.

## 3.0 Detail

3.1 The above area of land which consists of three separate parcels has been the subject of long-standing complaint with respect to its untidy condition. The owner has tidied the road frontage to some extent on several occasions but the appearance has deteriorated and the condition of the remainder of the seriously affects local amenity.

3.2 Originally, also subject to complaint were a pair of terraced dwellings and their gardens (16 and 18 Oversetts Road) together with part of the garden of 20 Oversetts Road. However, negotiation with the landowner has secured a significant improvement in the condition of the gardens certainly to the point where formal action would not be justified. The future of the dwellings themselves is being dealt with by the Council's Environmental Health Department.

3.3 To address the untidy condition of the remaining land and buildings, following contact with the landowner, three notices under Section 215 of the Town & Country Planning act 1990 were issued on 26<sup>th</sup> January 2006. An 84 day compliance period was

specified in view of the considerable amount of work that would be entailed in carrying out the steps specified in the Notices.

3.4 A site inspection carried out on 26<sup>th</sup> May 2006 revealed that there was little evident improvement to the land covered by the Notices although it was apparent that some of the accumulated drinks cans on the road frontage had been removed.

3.5 In the light of this substantial compliance with the Notices cannot be recorded

3.6 Copies of the Notices are attached at Annexe A.

#### **4.0 Financial Implications**

4.1 Should prosecution prove necessary, the Council may incur certain costs.

#### **5.0 Corporate Implications**

5.1 None

#### **6.0 Community Implications**

6.1 None

#### **7.0 Conclusions**

7.1 On the basis of the most recent site visit, it is apparent that the requirements of the notices have not been implemented.

7.2 In the light of the above, it is open to the Committee to authorise the Head of Legal and Democratic Services to institute an appropriate prosecution for non-compliance with the Notices.

#### **8.0 Background Papers**

8.1 Enforcement File E2000/247