

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 2ND APRIL 2019, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following report that was unavailable when the agenda was published.

Agenda No Item

5 **SECTION 215 NOTICE - 62 HIGHFIELD ROAD SOUTH**

(Pages 43 - 46)

Report of the Director of Customer and Digital (enclosed).

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Development Control Committee

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

This page is intentionally left blank



Report of	Meeting	Date
Director of Customer and Digital	Development Control Committee	2 April 2019

SECTION 215 NOTICE - 62 HIGHFIELD ROAD SOUTH

PURPOSE OF REPORT

- Authority is sought to issue a notice under Section 215 (S215) of the Town and Country Planning Act (1990) ‘Power to require the proper maintenance of land’.

RECOMMENDATION(S)

- That it is expedient to issue a S215 notice in respect of the following amenity issues:
 - The land is causing unacceptably adverse effects on the visual amenity of the area by virtue of the overgrown nature of the vegetation in the front garden.

EXECUTIVE SUMMARY OF REPORT

- A warning letter has been issued requesting that the occupant of No. 62 Highfield Road South, Chorley, improve the visual appearance of the property. No such improvements have been made and so it is considered expedient to issue a S215 Notice. It is proposed that the S215 require the following actions from the landowner:
 - Remove all trees from the front garden.
 - Cut any grass in front garden to within 2” from the ground and remove all cuttings from the Property.
 - Weed and sweep drive and pathways in front garden and side driveway and remove all weeds and sweepings from the Property.
 - Remove all tree, bushes and other vegetation cuttings from the property.
 - Repair the wall to the front of the property.

Period For Compliance

- 28 days. An initial 28 days must pass prior to the notice coming into force and so there will be 56 days in total from service of the notice until the period for compliance expires.

Confidential report Please bold as appropriate	Yes	No
--	-----	-----------

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy homes and communities	x	An ambitious council that does more to meet the needs of residents and the local area	x

BACKGROUND

- 6. If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under S215. The notice shall require such steps for remedying the condition of the land as may be specified in the notice to be taken within such period as may be so specified.
- 7. Whilst there have been historic complaints relating to this site, the most recent was in December 2018 relating to its visual appearance. A warning letter was issued on 2nd January 2019 requesting that the landowner undertake a number of actions to improve the state of the Land by the end of January 2019 or risk a Section 215 Notice being issued.
- 8. No improvement has been made to the land since the warning letter was issued and so it is requested that a S215 Notice be issued.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 9. Alternative options considered were:
 - a. To issue a Community Protection Notice, however, unlike a S215 Notice there is no power for Direct Action to be undertaken by the Council, i.e. make the improvements ourselves, and then place a charge on the land, should the landowner not comply with the Notice within the given timescale.
- 10. To have the land restored to a state which no longer has a negative impact upon the visual amenity of the area.
- 11. Unlike with a Community Protection Notice (CPN), a S215 allows Direct Action to be undertaken by the Council (under S219 of the Act), i.e. make the improvements ourselves, and then place a charge on the land, should the landowner not comply with the Notice within the given timescale.

IMPLICATIONS OF REPORT

- 12. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	x
Human Resources		Equality and Diversity	
Legal	x	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 13. No comment

COMMENTS OF THE MONITORING OFFICER

- 14. This notice is used to maintain and improve the quality of the environment, to assist in tackling dereliction and retaining land in a productive use as well as contribute to the regeneration of an area and respond positively to public concerns.

15. The minimum compliance period allowed under Section 215 of the Town and Country Planning Act 1990 is 28 days. The notice will be registered as a local land charge and binding on all future owners. The recipient has the right of appeal against the notice to the Magistrates' Court. Appeal grounds include that the requirements of the notice are excessive and/or that the compliance period is unreasonable.
16. In the event of non-compliance with the notice S219 of the Town and Country Planning Act 1990 provides for the Council to enter the land and take such steps as described in the notice to and recover the costs of the works from the owner and to secure the costs by way of a charge on the land.
17. Failure to comply with the notice by the end of the compliance period may also result in a criminal prosecution in the Magistrates' Court. The maximum fine is £1,000.

ASIM KHAN
DIRECTOR OF CUSTOMER AND DIGITAL

Report Author	Ext	Date
Mike Halsall	5226	13 th March 2019

This page is intentionally left blank