

RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 16 FEBRUARY 2016

Report of the Head of Planning

Untidy site due to the storage of spoil, rubble and building materials at Land adjacent to Dhekelia,
Moor Lane, Broughton, Malton

Purpose of the Report

To advise Members of the condition of land adversely affecting the amenity of the neighbourhood and recommend an appropriate course of action.

1. SITE LOCATION

1.1 The site lies to the south of a residential property known as Dhekelia within the development limits of Broughton. The site was formally the amenity space to this property but is now under separate ownership. There are no constraints on the site. The village is not a designated Conservation Area.

2. CONDITION OF LAND ADVERSELY AFFECTING THE AMENITY OF THE NEIGHBOURHOOD

2.1 The condition of land adversely affecting the amenity of the neighbourhood comprises :

The land known as land adjacent Dhekelia has remained undeveloped and is being used as a dumping site for spoil, rubble, general waste and building materials . It is understood that the materials kept on the site had come originally from the redevelopment of Dhekelia but are also being imported from a building site in Amotherby. It is understood that the site at Amotherby is also owned by the occupier of the land the subject of this report. .

3. HISTORY

3.1 13/01099/OUT. Erection of 1 no. dwelling (site area 0.0282 ha). Approved

3.2 15/00358/FUL. Erection of a 3 bedroom detached dwelling and detached 1 bay garage together with formation of vehicular access (revised details to outline approval 13/01099/OUT dated 25.07.2014). Withdrawn

3.3 16/00045/FUL. Erection of 1no. four bedroom detached dwelling with garden shed and formation of vehicular access. Pending consideration

4. APPRAISAL

4.1 Section 215 (s215) of the Town & Country Planning Act 1990 (the Act) provides a local planning authority (LPA) with the power, in certain circumstances, to take steps to require the proper maintenance of land by requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, they may serve a notice on the owner requiring that the situation be remedied. These notices set out the steps that need to be taken, and the time within which they must be carried out.

- 4.2 The site the subject of this report is a street frontage plot within the centre of the predominantly residential village of Broughton. Prior to being separated from the host dwelling Dhekelia, the site was a well maintained garden with low level fencing along the street frontage boundary. However since being separated the site has remained unoccupied. Members will note that whilst there has been previous planning permissions granted to develop the site for one dwellinghouse a lawful start has not been made. There is currently an application pending for the erection of a dwelling.
- 4.3 The Local Planning Authority received a complaint in June 2015 which expressed concern that not only was there a spoil heap on the site but that it was starting to spill onto the footpath. When officers initially visited the site, The spoil heap, situated on the western boundary, was estimated to be approximately 5 feet high running almost the entirety of the width of the site. The heap is made up of spoil, rubble and building materials. It was obvious that the heap had been there for a period of time as the heap had signs of vegetation. Officers discovered that in addition to the heap the site had also been used for the disposal of other building materials including insulation, plastic and large builders sacks.
- 4.4 Officers concluded that due to the spoil heaps nature, size and location it appears as a incongruous feature within the wider street scene, and as such is having a detrimental impact on the amenity of the area.
- 4.5 Officers have requested on two separate occasions that the owner of the site remove the spoil heap from the site. These requests have been ignored and an officer site visit on the 3 February 2016 concluded that the spoil heap remains in situ. It has however been noted that the building sacks have been removed and although the spoil heap remains on the boundary to the footpath it was no longer on the footpath .
- 4.6 In view of the nature of the complaints received, the lack of any communication from the land owner and the evidence of the use and appearance of the site, it is considered that the Local Planning Authority should take action to remedy the situation.

5. WHY IS IT CONSIDERED EXPEDIENT TO SERVE A SECTION 215 NOTICE?

- 5.3 The expediency reason to serve a section 215 notice is outlined below:

1. The appearance of this land due to the amount of spoil, rubble, builders materials and general waste is having a detrimental impact on the visual amenity of the area as by the nature, scale and siting of the materials. The site is visually intrusive within the wider residential setting. For those reasons it is considered that the amenity of the area is adversely affected by the condition of the land adjacent to Dhekelia, Moor Lane, Broughton.

6. STEPS NECESSARY TO REMEDY THE DETRIMENTAL IMPACT ON THE VISUAL AMENITY OF THE NEIGHBOURHOOD

- 6.1 This report seeks authorisation for the Council Solicitor in consultation with the Head of Planning and Housing to serve a Section 215 Notice requiring the land to be cleaned up. In order to achieve compliance the necessary steps include:
1. Remove from the land all builders materials, general waste, spoil and rubble.
 2. Restoration and levelling of the land to its former condition, through the removal of the above.
 3. Cultivate and seed the land with lawn seed

6.2 To authorise the Council Solicitor to take the following action:

a) Seek prosecution for the non-compliance of the section 215 Notice.

AND / OR

b) Make arrangements for direct action to carry out the works specified in steps 1 to 3 of paragraph 6.1 above to tidy the land ; and

c) To take all necessary steps to secure the recovery of all costs incurred by the placing of a charge on the property.

7. SUGGESTED PERIOD FOR COMPLIANCE

7.1 The suggested period for compliance is one month in respect of a Section 215 Notice.

Recommendation

A. The Council Solicitor be authorised in consultation with the Head of Planning and Housing Services to issue a notice pursuant to section 215 of the Town and Country Planning Act 1990 (as amended) requiring :

1. The removal from the land the builders materials, general waste, spoil and rubble
2. Restoration and levelling of the land to its former condition, through the removal of the above .
3. Cultivate and seed the land with a lawn seed

B. To authorise the Council Solicitor to take the following action:

a) Seek prosecution for the non-compliance of the section 215 Notice.

AND / OR

b) Make arrangements for direct action to carry out the works specified in steps 1 to 3 of paragraph 6.1 above to tidy the land ; and

c) To take all necessary steps to secure the recovery of all costs incurred by the placing of a charge on the property.

Reason for Recommendation – to enable the problem to be resolved as effectively as possible because the poor condition of the site and appearance of the land is detrimental to the surrounding area and neighbourhood. The despoiled land is affecting the amenity of the area and the builders rubble and other materials are visually intrusive.

Background Papers

Investigation file 15/00048/ ENF215