

28th JANUARY 2016

REPORT OF HEAD OF REGULATORY SERVICES

CONDITION OF LAND AT CHAPEL STREET/ORCHARD CLOSE, BARKESTONE LE VALE

1. PURPOSE OF THE REPORT

- 1.1 This report is intended to invite the Committee to consider whether to take action, in the form of a section 215 'derelict land notice

2. RECOMMENDATION

- 2.1 **That the Committee declines to serve a Notice under s215.**

3.0 BACKGROUND

- 3.1 Members may recall dealing with planning applications for 2 dwellings related to land at Chapel Street/Orchard Close, Barkestone le Vale dating back to 2009. There were a series of applications, and permission was granted on appeal (09/00292/FUL). Work was commenced on one of the plots within the requisite period allowed by the permission.
- 3.2 However, work on the site was stalled and all that is present is the foundation and ground floor 'slab' of the permitted house. It is understood works have been suspended for a lengthy period.
- 3.3 Concerns have been raised via the Ward Cllr, though none have been received directly. These relate to the condition of the site and the impact it has on the amenity of the area. There is also concern regarding damage to the footpath on Chapel Street but this has recently been rectified.

4. KEY ISSUES

- 4.1 Members will be aware that powers are available under s215 of the Act to require works to land that is "adversely affected by its condition". The Council has a discretionary power to require such works as are necessary to alleviate the adverse affect.
- 4.2 On important aspect of the legislation is that it cannot be used to alleviate impacts that are an integral part of the authorised use, e.g. a scrapyard cannot be the subject of a Notice simply because activity associated with such use is inherently unsightly.

5. ASSESSMENT

- 5.1 In this case, the authorised use of the site is as a development site for two houses. The site is readily visible the works undertaken to date can be readily viewed, and are considered to be entirely conventional for a building project having reached that stage. There are limited number of materials stored on the site and it is 'fenced off' on the Chapel St frontage with high visibility fencing that

would often be associated with building site. Accordingly, it is considered that the site, though unsightly by its nature, is typical of a building site and the limited quantity of materials present do not have a significant impact on amenity.

6. CONCLUSION

- 6.1 It is considered that the site is unsightly but only to an extent to be expected from its legitimate use as a building site. The fact that the works are proceeding very slowly is not a matter that can be taken into account, whilst the site retains its planning permission (the applicant has advised he intends to resume work on the development in Spring).

SITE LOCATION PLAN

