

Item No. 21

SCHEDULE D

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| LOCATION | Land at Old Bridge Way, Shefford |
| REASON FOR COMMITTEE TO CONSIDER | Report requested by members at meeting of Development Management Committee on 8 April 2009. |

Site Location:

This 0.2ha site, which was previously used as a laundry, lies on the junction of the High Street and Old Bridge Way Shefford. The front quarter of the site, to the north of a line parallel with St Francis Way, lies within the designated Shefford Conservation Area.

Purpose of this Report:

At their meeting on 8th April 2009 members of the Development Management Committee granted conservation area consent to application 09/00217/CAC for demolition of buildings on this site. This would facilitate the redevelopment of the site for the erection of a retail foodstore, for which outline planning permission has been granted (06/01418/S73) on 12th March 2009.

In considering the application for conservation area consent members expressed concern at the condition of the site, and requested that a report be brought back to the meeting of Development Management Committee on 13th May 2009 to advise on the potential for the Council to require the demolition of buildings on the site to the betterment of the locality and Conservation Area

Consultation:

Approaches have been made to Building Control, Environmental Health, and Community Services. Each was asked to comment on whether they were aware of concerns at the site and whether they were able to use powers to improve the situation. The responses were as follows:

Building Control

Indicated that they have an ongoing dangerous structure file, which means they are monitoring the site on a monthly basis. The boundary wall adjacent to Old Bridge Way is potentially dangerous where a tree inside the boundary has caused the wall to bow and crack. The building towards the rear of the site has suffered roof spread and building control officers would wish to see that building demolished as soon as possible. However

the current stance is that the structures are not sufficiently dangerous to the public to warrant enforcement action.

Environmental Health

Environmental health have received complaints regarding unauthorised access on, to, and, into the buildings associated with this site with local youths continually breaching the security of the site. They do have powers to require the repair and improvement or demolition of a building where it is harmful to the amenity of a neighbourhood but do not consider the level of nuisance expressed to them would currently justify such action.

The site is known to contain hazardous materials within the construction of the existing buildings, and there is a concern that unauthorised access into the site could be damaging these materials through vandalism.

Community Services

Officers commented that apart from reports of some damage last year, they are not aware of any problems associated with the site.

Therefore, from the above consultations, it is evident that although the state of the buildings and the potential for vandalism is a continuing problem, the concern is not presently great enough to warrant the demolition of the building under the relative powers of Building Control or Environmental Health.

Planning Considerations:

Despite having Conservation Area consent for the site's demolition first granted in early 2004 and renewed last month, the buildings remain in situ. In the normal course of events it is unlikely that the demolition will take place in advance of confirmed building works to redevelop the site. Though the permissions are extant, there can be no assumption that the site owner will undertake the demolition until such expenditure is justified in terms of the redevelopment of the site. Since the permission for redevelopment is only in outline, and a reserved matters submission is yet to be considered, it is unlikely that clearance will be undertaken without some form of proactive intervention.

However, It is evident that the site and buildings, in their state of disrepair and due to their prominent location, continue as an adverse visual impact to the local area and the Shefford Conservation Area, highlighted in the Conservation Area leaflet as a site where enhancement is to be encouraged.

Powers exist under Section 215 of the Town and Country Planning Act 1990 for Local Planning Authorities to remedy the condition of land in the interests of the amenity of an area. A notice under Section 215 will take effect not less than 28 days after the notice is served and will require the specified works to be implemented in a given timeframe. In default the Local Planning Authority can arrange for direct action to be taken.

The ODPM has produced Best Practice Guidance on the use of 215 notices (2005). This confirms that the scope of works that can be required is wide, and can include tidying, repairs, repainting and demolition. The guidance notes that the serving of a notice must not require works that would result in a breach of planning control. Given that the conservation area consent is extant, there would be no breach in terms of the demolition of the detached building and the surrounding wall. However, further research would be necessary in terms of the brick building attached to the dwelling at 35 High Street, Shefford, as its demolition would normally need to be the subject of a prior notification given its attachment to a residential property.

The guidance recommends pre-notice discussions with landowners, but notes that this should not be allowed to result in undue delay in action. Indeed, the guidance notes that in many cases such discussion can avoid the need to serve a notice. Such negotiation will also enable officers to consider the extent to which the various structures within the wider development site would be deemed appropriate for immediate action and which are appropriate for retention at this point in time.

There is a right of appeal against a notice under Section 217 on any of the following grounds:

- That the condition of the land to which the notice relates does not adversely affect the amenity of the area;
- That the condition of the land to which this notice relates is directly related to the carrying on of operations or a use of land which is authorised at the site;
- That the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of the area; and,
- That the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.

The appeal is first made to the magistrate's court who may quash the appeal or vary the terms of the notice.

There is a further right of appeal to the Crown Court by the appellant or by the local planning authority who served the notice in question, under Section 218 of the Act.

Conclusion:

Given the condition of the site and its prominent position close to the town centre and partially in the conservation area for Shefford, it is appropriate that further investigation be undertaken using the powers given under Section 215 of the Town and Country Planning Act 1990 which make provision to require the tidying and/or demolition of a site in the interests of the general amenity of an area.

Best Practice Guidance recommends that discussions are first held with the landowners before formal action is undertaken. It is also considered appropriate to advise immediate neighbours and the Town Council of the suggested course of action, in particular as full clearance of the site would have implications for the resident in the adjoining property at 35 High Street.

Recommendation:

That officers investigate the current ownership of the premises and undertake early discussion with the site owners with a view to achieving the tidying and /or clearance of the site, as appropriate, in advance of the commencement of any building works associated with its subsequent redevelopment.

That the immediately adjacent residents to the site and the Town Council be advised of the intentions of the Local Planning Authority.

That liaison be undertaken with Environmental Health regarding the potential of the site to contain hazardous materials and the need to employ safe practices in any works undertaken.

That if such discussions with site owners are not positive in terms of the tidying of the condition of the site then formal action be pursued under Section 215 of the Town and Country Planning Act 1990.