

**Committee:** Planning  
**Date of Meeting:** 11 November 2009  
**Title of Report:** Works in default at 23 Hillcrest Road, Crosby.  
**Report of:** Andy Wallis  
 Planning and Economic Regeneration Director  
  
**Contact Officer:** Mr J E Alford Telephone 0151 934 3544  
**Case Officer:** Mr A Lynch Telephone 0151 934 3571

<b>This report contains</b>	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) ..... of Part 1 of Schedule 12A to the Local Government Act 1972		✓
Is the decision on this report DELEGATED?	✓	

**Purpose of Report:** To seek authority to carry out works in default in respect of non compliance with a notice under the terms of Section 215 of the Town & Country Planning Act 1990 to the following property – 23 Hillcrest Road, Crosby.

**Recommendation(s):** That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 notices in respect of the property at 23 Hillcrest Road, Crosby, pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by the WNF.

## Corporate Objective Monitoring

Corporate Objective		Impact		
		Positive	Neutral	Negative
1	Creating A Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs & Prosperity		✓	
4	Improving Health & Well Being	✓		
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving The Quality Of Council Services & Strengthening Local Democracy		✓	
8	Children & Young People		✓	

## Financial Implications

Officer Time

## Departments consulted in the preparation of this Report

None

## List of Background Papers relied upon in the preparation of this report

The notice referred to.

## **Introduction.**

The approval of the committee is required for action to be taken under Section 219 of the Town & Country Planning Act 1990 by way of works in de-fault to be undertaken by the council.

## **Current situation.**

23 Hillcrest Road is a traditional three bedroomed semi detached house within a primarily residential area. It has remained long term vacant and derelict and consequently the appearance and condition is having an adverse and detrimental impact on visual amenities of nearby residents.

Enquiries to trace the owners at have revealed they left this property over five years ago without giving a forwarding address. As it has not been possible to contact the owners it has therefore not been possible to request remedial works be carried out. As a result Section 215 Notices was issued and served on the property on 22nd September 2009. The compliance period ends on 17th November 2009.

The requirements of Section 215 Notice are: Reinstate missing timber garage doors. Reinstate missing or damaged timber doors to outbuildings to rear elevation. Rub down with wire wool to prepare exterior varnished timber window frames and doors to all elevations and apply two coats of exterior grade varnish. Prepare woodwork to front door and framework surround and apply exterior grade white undercoat paint. Apply two coats of exterior grade gloss white paint to front door and framework surround. Remove all waste materials from the rear and side of the building to include general litter, waste building materials, waste timber, waste metal, bricks etc, and waste overgrowth including remains of felled trees, to leave it clear and tidy. Remove all waste materials from the front of the buildings to include general litter, redundant telephone directories, plastic bags, etc and waste overgrowth including remains of felled trees, to leave it clear and tidy. Leave the land and buildings in a clean and tidy condition and the property secure.

A site inspection will take place after 17th November 2009 that is expected to reveal that no remedial works have been undertaken to comply with the requirements of the Section 215 Notice by the owner of the property, namely, 23 Hillcrest Road, Crosby. The property continues to deteriorate.

Notwithstanding and despite all avenues of investigation being exhausted the owner of the above property's whereabouts cannot be established and therefore it has not been possible to undertake prosecution action.

## **Comments.**

In the absence of any communication whatsoever with the owner it is reasonable to conclude that it is not possible to undertake any legal proceedings that would bring about a satisfactory conclusion to the matter.

The council are empowered by virtue of Section 219 of the Planning Act to carry out works in de-fault and recover the costs of doing so from the owners.

Financial funding to carry out remedial works is available and can be provided by WNF. Estimates taken from authorised contractors give an overall cost for the remedial works in the region of £4,500. This cost will be recovered by placing a charge against the property on Land Registry.

Furthermore, it is considered expedient and pragmatic to make use of the set aside funding, which is available to be used to undertake outstanding remedial works as specified in the requirements of the section 215 notices to the above property as a matter of urgency.

The funding, which I understand is only available for the current financial year, has been set aside as a contingency for such matters.

It is important, in the short term to ensure that any long-term vacant properties such as the above are effectively secured and refurbished in such a manner that will provide a more aesthetically pleasing appearance.

Consequently, it is considered appropriate that resources and funding provided can be used to remedy the above breach of planning control.

**Recommendation.**

That the Planning and Economic Regeneration Director be authorised to execute the works required by the Section 215 Notices in respect of the property at 23 Hillcrest Road, Crosby pursuant to Section 219 of the Town & Country Planning Act 1990, subject to the necessary funding being provided by the Planning budget.