

Decision Maker: PLANS SUB-COMMITTEE 3

Date: Thursday 4 February 2016

Decision Type: Urgent Non-Executive Non-Key

Title: UNTIDY SITE - LAND ADJ 39 SOUTHEND ROAD,
BECKENHAM, BR2 1SP.

Contact Officer: Philip Spiteri, Planning Enforcement Officer
Tel: 020 8461 7751 E-mail: Philip.Spiteri@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Copers Cope;

1. Reason for report

The report seeks permission for direct action to be taken for an untidy site at land adjacent to 39 Southend Road, Beckenham, BR2 1SP. The area of land approximately 50m x 42m in Southend Road, Beckenham junction with Stumps Hill Lane, a very busy road, the area of land has green metal corrugated fencing separating the area from the footways in Southend Road and Stumps Hill Lane.

Historically since 2004 the boundary fencing of the land has been an issue regarding the state of repair. Frequent visits to the site and contact with the owner has resulted in running repairs being made to the perimeter fencing. No substantial replacement fencing has been erected despite fencing itself becoming very dilapidated with age and wear and tear.

S215 Notices have been issued requiring the replacement of the boundary fence and to safely secure the land, cut back the overgrown vegetation on the land excluding any works to trees which are covered by the Tree Preservation Order and remove from the land any miscellaneous rubbish and all resulting debris.

Despite numerous requests to repair the fencing the S215 Notice has not been complied with and the fencing remains in a poor state of repair.

The views of members are requested to ascertain whether Direct action would be appropriate in this case.

2. **RECOMMENDATION(S)**

That Members authorise Direct Action for a contractor to be employed to carry out work to the boundary fencing and remove from the land any miscellaneous rubbish if considered necessary and all resulting debris and a charge to be placed on the land to recover all necessary cost from the current owners of the land.

Corporate Policy

1. Policy Status: Not Applicable Existing Policy New Policy: Further Details
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence Vibrant, Thriving Town Centres Not Applicable: Further Details
-

Financial

1. Cost of proposal: Estimated Cost £6,240 to £6,800
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning Enforcement and Development Control
 4. Total current budget for this head: £612k
 5. Source of funding: Existing revenue budget for 2015/16. Officers will endeavour to recover the costs from the owner or attach a charge to the property.
-

Staff

1. Number of staff (current and additional): 1 Planning; 1 Enforcement and 1 Legal
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
 2. Call-in: Applicable Not Applicable: Further Details
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 Since 2004 various complaints have been made regarding the state of the boundary fence and overgrown vegetation. The site has been visited on numerous occasions and running repairs have been made by the owner to address individual issues which generally consisted of sections of the fencing becoming detached and collapsing onto the pavement.
- 3.2 Recent action has had to be taken by the Council to address concerns to the safety of members of the public by fencing sheets becoming detached and collapsing onto the pavement. The owner has failed to respond to emails requesting this remedial work to be done.
- 3.3 Prosecution is currently pending following the issuing of a S215 Untidy Site Notice issued on 1 May 2015 which has not been complied with. This required the replacement of the boundary fence and to safely secure the land, cut back the overgrown vegetation on the land and remove from the land any miscellaneous rubbish and all resulting debris. If authorised this action would be on hold pending the outcome of the prosecution.
- 3.4 Authorisation to take Direct Action is sought to engage a contractor to replace the boundary fence, to enable compliance as a minimum to the notice, the cost of this work is estimated to between £6,240 and £6,800 supplied by three contractors.
- 3.5 Various quotations have been obtained for the removal of the rubbish and debris within the site, although the cost of this work is difficult to estimate due to the unknown quantity. It may be considered that this could be left in situ if it is considered to be non-hazardous (which it does not appear to be) and would not be visible once the boundary treatment has been completed.

4. FINANCIAL IMPLICATIONS

- 4.1 The estimated cost of the proposed works will be £6,240 to £6,800. Written quotes will be sought in accordance with Financial Regulations to ensure value for money.
- 4.2 Officers will endeavour to recover from the owner of the land all expenses reasonably incurred by the Council for carrying out the works, including registering a charge against the land if necessary.

5. LEGAL IMPLICATIONS

- 5.1 Addressed in the body of the report.

Non-Applicable Sections:	Policy, Personnel implications
Background Documents: (Access via Contact Officer)	N/A