ITEM NO.	5 (b)

NEGLECTED LAND REVIEW GROUP

Responsible Cabinet Member - Councillor David Lyonette, Regeneration and Planning Portfolio

Responsible Director – John Buxton, Director of Development and Environment

Purpose of Report

1. To report the Environment Scrutiny Committee's recommendations in relation to Neglected Land sites within the Borough.

Information and Analysis

- 2. The Environment Scrutiny Committee at its meeting on 28th April, 2005 established a Review Group to investigate Members' concerns regarding derelict/vacant sites and to identify possible solutions to various problems following the findings of the Derelict Land Sites Task and Finish Review Group
- 3. The detailed findings of the Group are outlined in the attached report (Appendix 1).
- 4. The Environment Scrutiny Committee at its meeting on 11th May, 2006, accepted and endorsed the recommendations of the Review Group and agreed to forward the report and Action Plan to Cabinet.

Director's Comments

- 5. The report of the Neglected Land Review Group considers an issue which faces most urban areas, that being the potential adverse impact of derelict/vacant/untidy land on the quality of life for local residents and the image of the town. Darlington prides itself on the quality of the environment and, the Council continues to make significant progress in dealing with some of the issues highlighted by the Review through, for example, the Street Scene Scheme and the successful 100 day Grot Spot Campaign.
- 6. The Review usefully identifies a range of site-specific issues, which in turn suggest varying solutions, some more long term than others. It is interesting to note that since the Review began, and various sites were identified as concerns, a number have either been resolved or are the subject of development proposals which will remedy the problems. A key message, is that a co-ordinated, pro-active approach across the Council is required, to maximise the powers available.

- 7. My comments regarding the Action Plan items 1-5 are as follows:
 - (1) The need for a corporate, co-ordinated approach to tackling neglected land issues is accepted, although as the report recognises, various initiatives have or are being employed to achieve this already. The establishment of an Officer Task Group, as recommended, would link in well with the aims of the Review of Regulatory Services and reduce the ad hoc nature of some of the current arrangements.
 - (2) Item 2 highlights an issue, already understood by Members and officers alike, that the Council has an important civic leadership role in setting an example to private landowners, and people in the town, regarding the maintenance of local amenity.
 - (3) The Street Scene area teams will provide important 'on the ground' knowledge of site specific issues and problems as they arise, which they could communicate to relevant officers as and when appropriate. This pro-active approach would not only help to build useful links across the Council, but could also help to pre-empt and resolve problems before they reach the complaint stage.
 - (4) The Councils External Funding Team has an important role in identifying resources available to community groups, local organisations, and the Council itself, for site improvement and enhancement schemes. This resource will continue to be available from the team. Darlington CVS provides funding advice direct to voluntary and community sector groups.
 - (5) An important aspect of the Action Plan will be the 6 monthly feedback reports to the Environment Scrutiny Committee, highlighting progress against the Targets and any difficulties/barriers arising, which may suggest alternative approaches.

Outcome of Consultation

8. In undertaking this Review, the Group consulted various Darlington Borough Council staff and undertook internet research of other Local Authorities and their comments and findings were taken into consideration when compiling the final report.

Legal Implications

9. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

10. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Neglected land can be a focus for anti-social behaviour and problems of vandalism. It is expected that a pro-active co-ordinated approach to identifying and dealing with such sites will remove the opportunity for anti-social behaviour and improve the local amenity of the area.

Council Policy Framework

11. The issues contained within this report do not represent change to Council policy or the Council's policy framework

Decision Deadline

12. For the purpose of the 'call-in' procedure this does not represent an urgent matter

Recommendation

- 13. It is recommended that :-
 - (a) The recommendations of the Environment Scrutiny Committee be noted.
 - (b) The comments of the Director be referred back to the Environment Scrutiny Committee.

Reasons

14. The recommendations are supported to enable the views of Cabinet to be sought and referred back to the Environment Scrutiny Committee.

Paul Wildsmith, Director of Corporate Services

Background Papers

There were no background papers used other than those referred to in the report.

Karen Graves : Extension 2291

KG

ENVIRONMENT SCRUTINY COMMITTEE NEGLECTED LAND REVIEW GROUP

DRAFT FINAL REPORT

MAY 2006

INTRODUCTION

1. Born out of a concern about the state of some derelict/vacant/untidy land, and the impact such sites can have on the local amenity and the general image of the town, Members have considered the issues they raise and the potential for improvements. Building on the work of the Derelict Land Task and Finish Group, the Terms of Reference used for the Review are set out in **Appendix 1** and provide the structure for this final report.

DEFINITIONS

2. The Review has highlighted the existence of various definitions of land ranging from the more formal examples such as derelict and contaminated to the more informal including vacant, unused, and untidy. Early in the review process it was decided that the study would involve a cross section of these site types and that a generic definition should therefore be applied to the work. 'Neglected Land' is defined as:

"land which is capable of some beneficial use but which is at present perceived as uncared for, untidy or in a condition detrimental to the environment."

3. Whereas, the earlier Task and Finish Group work was limited to land and sites within certain deprived wards, this review considered the whole of the urban area.

SITE INVESTIGATION AND ISSUES RAISED

- 4. Key to the Review process was the analysis and investigation of selected sites to identify the variety of issues raised by different site types, and possible solutions. Members of the Council were invited to suggest sites they were aware of, the current state of which raised concerns in terms of their impact on the local amenity. **Appendix 2** provides a summary and photographic record of the selected site details including site history, current condition, ownership, site issues, and potential barriers to improvement where identified.
- 5. The sites chosen included small areas of overgrown, unused land within residential areas, previously developed vacant land, and large areas of unused land, some identified for development. They provide a useful cross section of sites and raise the following issues for consideration:
 - Ownership a number of the sites are owned by the Council, the remainder are privately owned although not all owners are known. In terms of dealing with problems/issues associated with the land, ownership can be important. Generally, if the Council owns the land it can, where appropriate initiate works to resolve issues, without recourse to often time consuming regulations (see available powers below), which may be required for private land.

- Location impact on the local community, or wider general public and visitors, can be a factor of location. A prominent location on a main road into the town, for example, may be felt to be more of a priority for improvement than other less obvious sites.
- Size the size of a site will often influence the likely cost of any solution to a problem and in turn be a factor in the approach to that solution.
- Impact on amenity is the impact local or wider. The impact may be direct or indirect (anti-social behaviour). There may be a long history of complaints about the site.
- Cost/funding related to the nature and scale of the site issues and the size of the site itself. Again ownership will influence resource availability.
- Plans and proposals- some sites are allocated for development or provide development opportunities which often means little will happen with the land until development is secured.
- Priorities on what basis should site be prioritised for enhancement/improvement works.
- Biodiversity overgrown sites may have a bio-diversity value which may impact on approach chosen to deal with a site.
- Powers are the powers available to address the issues raised by sites?
 See below.

AVAILABLE POWERS

6. Having identified the type of issues neglected land can generate within a community, Members were keen to understand the powers available to the Council, through statutory legislation and other methods, to remedy problems in the short and long term.

7. **Planning**

- **Development process**: On Council-owned land, the promotion of development through disposal may lead to site improvements. Allocating land through the development plan process may enable the development of vacant/unused sites or permitting development through the planning applications process. This can be a long process and therefore should not be relied upon to deal with more immediate problems.
- Section 215 Notice: Where it appears to the Council that the amenity of an area is being adversely affected by the condition of land, it is able to serve a notice on the owner and/or occupier to take specified steps to remedy the situation within a given time period.
- **Enforcement:** if there has been an unauthorised change of use of a site or, if planning conditions have been breached enforcement action can be taken to remedy the situation. This can be a lengthy process as there is a right of appeal. It tends to be a reactive process in response to complaints.
- Compulsory Purchase Order: usually only used where site assembly is necessary to take forward a development scheme. Often viewed as a last resort where negotiations have not succeeded. Can be a very lengthy process.
- Listed buildings and Conservation Areas Act: this allows the Council to take action where a listed building has deteriorated to the extent where its preservation is at risk

Environmental Health

- **Nuisance:** under the Environmental Health Act, the Council has powers to deal with land that is prejudicial to health, or is a nuisance.
- **Pests:** The Prevention of Damage by Pests Act is used clear up sites that harbour mice or rats.
- Environmental protection: general issues covered include fly tipping, unauthorised encampments, and nuisance activities such as anti-social behaviour, noise nuisance, vandalism and arson.

Community Services

- Clean Neighbourhood and Environment Act: has introduced many new powers that are easier to enforce and produce a quick response through fixed penalties. Examples include:
 - o Litter Clearance Notices- issued to landowners and occupiers which can include conditions regarding the cleaning and maintenance of site.
 - o Flytipping powers have increased to make owners clear up land.
 - Street Clearance Notices: used to ensure that areas around take aways are kept clean and tidy.
- Environment Crime Team: to be established to cover issues such as dog fouling, litter dropping, fly tipping etc.
- 8. As a result of the Best Value Review of Regulatory Services, the role for 'generic enforcement' is being investigated in order to increase connectivity between Departments. Neglected land is an area of work that falls into this category. The aim would be to reduce Officers working within their own boundaries, and encourage working together.
- 9. Threat of use of powers is often enough to generate a response from landowners. Officers would however prefer to use their powers of negotiation/persuasion rather than resort to formal notices due in particular to the time and resources this could save. Use of a combination of powers, or again the threat of such use may carry more weight with landowners and achieve results more easily.
- 10. Many of the sites identified in this review do not typically lend themselves to the regulatory approaches outlined above in that they are not in a condition that merits intervention on the basis of impact on amenity. As such it is common for some sites to have remained in their current state for months, if not years. Longer term solutions are generally required. Some form of prioritisation may be required.

MANAGING SITE SPECIFIC SOLUTIONS

11. The review considered the implementation of solutions to the type of issues arising at the selected sites. This involved investigating sources of funding, and the approach taken by other local authorities, and examining innovative and imaginative solutions to neglected land issues.

- On small Council sites where, for example, the issue is an untidy/unmaintained piece of land, the cost of remedying the situation may be available from existing budgets and could be included in an existing programme of works as a one off task.
- For private sites, where owners cannot be contacted or are unable or unwilling to pay for necessary work to be done, a notice can be served. If they do not comply, the Council could do the work by default and recoup the costs, for example by putting a charge on the land, or pursuing the landowner through the courts.
- Sites may be disposed of by the Council for development in which case the costs will be borne by the developer.
- A private owner may have a piece of land with development potential, but the state of
 the site, perhaps due to contamination or dereliction, is enough to put investors off.
 Remediation or site improvement works may be financed by the owner to create
 investor interest.
- There may be occasions where sites require enhancement or improvement and the local community is willing to get involved in the planning and implementation of a suitable project. National grants exist for this type of work, some on a bidding basis, others through application judged against stated criteria.
- Some local authorities have set up small grant schemes for environmental improvements including providing fencing; verge improvements; paving/surfacing; tidying up eyesores; tree and shrub planting; and nature conservation. They are often aimed at engendering community ownership of a scheme and require local commitment to maintain a site once improvements have been made.
- In addition to the more usual approaches of regulatory controls, grant aiding improvement schemes, or development, other methods have been employed to resolve problems caused by neglected land. In some areas, local businesses have sponsored works as a way of improving the general environment and image of an area. Others have allowed their staff to take a day away from work to work in partnership with the local community to carry out local environmental works including cleaning up untidy land.

FINDINGS/CONCLUSIONS

- 12. Having considered in some detail the various aspects of dealing with neglected land summarised above, Members have highlighted the following key findings and conclusions:
 - Quality of life for residents, visitors and workers alike can be significantly affected by the quality of the local built and natural environment. The amount of derelict, unused, and vacant land and properties within an area, where they impact adversely on the local amenity, can have a detrimental impact on the image of the area and send negative signals to investors and visitors.
 - Currently, when concerns about neglected land are brought to the attention of Council officers, often through Members, local residents or businesses, it tends to be that a particular Section is approached, and will look to deal with the situation under its relevant powers. This may be enough to solve the problem, but it could be that other more appropriate avenues/ways of tackling the problem were available but not considered, as they were outside the experience or knowledge of that Section. A combination of powers may have been appropriate. A joined-up approach is likely to

be more effective than the current ad hoc situation and the establishment of a Corporate Officer Task Group is a possible way forward that needs to be considered.

- The Council's involvement in problems of untidy, unhealthy, neglected land, tend to be reactive, in response to a problem which has reached the stage where it generates complaints. Ideally, a more proactive approach would be followed which meant sites could be identified, and prioritised for action, before they reach the 'complaints' stage. The ability to take such a proactive approach would have resource implications, but in the long run, could reduce ultimate costs of having to deal with problem sites when they reach a stage where complaints arise. Recent initiatives within the Council have seen a more positive/pro-active approach with the 100 day Grot Spot Campaign and the longer term Street Scene Project.
- A pro-active approach could mean working in partnership with the wider community including land and property owners, to identify concerns and requirements, and suggest possible solutions. It is important that community involvement does not raise expectations above what can realistically be achieved, and that issues of long term maintenance are built into any scheme.
- The Council, as a major land and property owner, will need to lead by example. The proactive management of their own 'difficult' sites would also hopefully encourage private landowners to follow suit.
- Part of any proactive approach should also include clear policies on enforcement. It
 will be important that land and property owners are aware of the likely ramifications
 of not conforming. The role of any corporate officer group would be to inform
 owners what is required on a site and to advise what actions will be taken if
 requirements are not met. The type of enforcement action will necessarily depend on
 the site specific problems.
- At present, there is no corporate capital funding scheme available for the coordinated proactive approach outlined above. Sources of funding may be available, for example, to progress community clear-up projects and establish environmental schemes.
- Clearly, sites are identified as 'neglected' for a range of different reasons and this can be very subjective in terms of perceived impact on the local and wider community. The relative priority accorded to any resolution of the problems will be related to the resources available (staff and financial) and that level of perceived impact.
- Members were pleased to note that a number of the sites identified at the beginning
 of the Review were either being used, or had planning permission for development.
 This they felt was a sign of what could be achieved on some difficult sites and
 reflected, in part Darlington's position as a prosperous town where demand for urban
 development continues to be strong.

RECOMMENDATION

13.	It is recommended that the Action Plan included at Appendix 3 be agreed and referred to
	Cabinet for approval.

APPENDIX 1

NEGLECTED LAND REVIEW GROUP

PROPOSED TERMS OF REFERENCE

- 1. To define 'neglected land' for the purposes of this Review and clarify the scope of the review in spatial terms.
- 2. To identify and investigate selected sites to highlight the variety of issues raised by different site types.
- 3. To examine/investigate powers available to the Council to deal with 'neglected land' and the extent to which such powers are currently used.
- 4. To examine links of this review with other corporate projects such as the 'Street Scene Project' and Open Space Strategy work, to achieve a co-ordinated approach.
- 5. To examine/investigate sources of funding available to remedy problem sites.
- 6. To network with other authorities/organisations which manage/administer solutions to 'neglected land' difficulties.
- 7. To examine alternative/imaginative approaches to dealing with site specific issues.
- 8. To generate recommendations and compile an Action Plan upon completion of the Review.

APPENDIX 2

SITE ASSESSMENTS

SITE: Former Shell garage, Parkgate

STATUS: Unused vacant site. Potentially contaminated.

CURRENT CONDITION: Boarded up site. Has been subject to breakthrough/removal of

some panels. Subsequently replaced.

OWNERSHIP: Private

LOCAL PLAN: Within development limits but not subject to any protective

designation.

URBAN CAPACITY STUDY: Not included

PREVIOUS USE: Petrol Station/garage

COMMITMENTS/PROPOSALS: Outline Planning Application submitted for residential

development.

COMMENTS: One of various former petrol filling stations across the town which are currently

vacant/unused and subject to various levels of enclosure.

SITE: Land at Southend Avenue/Harewood Terrace

STATUS: Small parcel of unused vacant land.

CURRENT CONDITION: Overgrown and unmaintained.

OWNERSHIP: Private

LOCAL PLAN: Within Stanhope Road/ Grange Road Conservation Area

URBAN CAPACITY STUDY: Not included

PREVIOUS USE: Former site of telephone box.

COMMITMENTS/PROPOSALS: Not aware of any.

COMMENTS: Untidy, overgrown parcel of land which would benefit from some maintenance.

But level of priority likely to be low.

SITE: Knoll Avenue

STATUS: Unused vacant land

CURRENT CONDITION: Overgrown and unmaintained. Used by children to congregate in.

OWNERSHIP: Private

LOCAL PLAN: Within development limits but not subject to any protective

designation.

URBAN CAPACITY STUDY: Not included

PREVIOUS USE: Former private tennis courts

COMMITMENTS/PROPOSALS: Not aware of any.

COMMENTS: Concerns locally that the site attracts youths and clearance of the land would solve the problems. The site has developed into a ecologically mature and diverse site which, it could be argued should be kept for the bio-diversity value.

SITE: Land adjoining Lindisfarne Court

STATUS: Vacant, unmaintained grass verge

CURRENT CONDITION: overgrown, untidy.

OWNERSHIP: Council – leased to The Hospitaller Order of St John of God

LOCAL PLAN: Within development limits but not subject to any protective

designation.

URBAN CAPACITY STUDY: Not included

PREVIOUS USE: Unknown

COMMITMENTS/PROPOSALS: Not aware of any

COMMENTS: Untidy, rather than necessarily causing adverse impact on local amenity.

Maintenance responsibility would need to be investigated.

SITE: Red Hall Estate

STATUS: large area of undeveloped land adjacent to housing estate

CURRENT CONDITION: overgrown waste ground with tarmac road/track

OWNERSHIP: Council

LOCAL PLAN: Identified as open land (Policy E3) and adjacent to route of proposed

Darlington Eastern Transport Corridor (DETC)

URBAN CAPACITY STUDY: Not included.

PREVIOUS USE: Unknown

COMMITMENTS/PROPOSALS: DETC will form southern boundary to the site.

COMMENTS: Scale of site would require major funding for recreational use. Future use of land will be dependent on DETC. Highly visible from new route, may be demand for development.

STATUS: vacant, unused land visible from main route into town

CURRENT CONDITION: Unmaintained grassland

OWNERSHIP: Council

LOCAL PLAN: Identified as open land (Policy E3) and within Haughton Village Conservation

Area. Adjacent to main road (Policy T7 & T8)

URBAN CAPACITY STUDY: Not included

PREVIOUS USE: Part former school site

COMMITMENTS/PROPOSALS: Not aware of any

COMMENTS: Concerns raised about state of this site given its key location in relation to St Andrews Church, and the main route into Darlington. Issues around access to the site and potential for countryside initiative.

SITE: Albert Road

STATUS: Vacant unused land

CURRENT CONDITION: vacant, overgrown, bounded by large boulders to prevent access.

OWNERSHIP: Council

LOCAL PLAN: part of route safeguarded for major road scheme (Policy T6.1). Allocated as

new car park (Policy T23)

URBAN CAPACITY STUDY: part of site Ref. 161 Vacant land. Capacity 29 –47 dwellings.

Long Term

PREVIOUS USE: Terraced housing

COMMITMENTS/PROPOSALS:

COMMENTS: site safeguarded against development and protected from unauthorised access. Not on main Road network and untidy rather than creating nuisance or adverse amenity impact. Likely to have low level of priority for improvement/enhancement.

SITE: Garages, Welbeck Avenue

STATUS: Council garages and adjacent open space

CURRENT CONDITION: Run down Council garages surrounded by open grassed areas.

OWNERSHIP: Council

LOCAL PLAN: Within development limits but not subject to any protective

designation.

URBAN CAPACITY STUDY: Not included

PREVIOUS USE: Unknown

COMMITMENTS/PROPOSALS: Planning permission for residential development

COMMENTS: Example of where development is likely to be the way to improving site.

SITE: Land at Upper Russell Street

STATUS: Small parcel of vacant land

CURRENT CONDITION: Grassed, maintained and bounded by bollards to prevent vehicular

access

OWNERSHIP: Council

LOCAL PLAN: Within development limits but not subject to any protective designation or

allocation.

URBAN CAPACITY STUDY: Not included

PREVIOUS USE: Residential

COMMITMENTS/PROPOSALS: None

COMMENTS: Council cleared site of four dwellings because of ground instability problems. Until recently land was used as unauthorised car park. Site has been tidied up and enclosed. Example of how a little amount of work can improve site and local amenity.

SITE: Parkin Ness, Mowden Terace

STATUS: Vacant, derelict site

CURRENT CONDITION: Large unused, vacant, overgrown site within residential area

OWNERSHIP: Private

LOCAL PLAN: Within development limits (PolicyE2). Identified as open land under Policy

E3. Adjacent to Housing Improvement Area (Policy H16)

URBAN CAPACITY STUDY: Not included

PREVIOUS USE:

COMMITMENTS/PROPOSALS: Planning permission granted for residential development (apartments).

COMMENTS: Long history of complaints about the state of the land. Nature and scale of site have meant development is the most likely method of remedying the problems caused by the site.

SITE: Land at Feethams, opposite the bus station.

STATUS: Vacant town centre site

CURRENT CONDITION: Temporary compound for contractors working on High Row and

Dolphin Centre.

OWNERSHIP: Private

LOCAL PLAN: Allocated for Central Area Development sites (Policy EP11.3) and multi-

storey car parks.

URBAN CAPACITY STUDY: Not included

PREVIOUS USE: Furniture showroom/car park

COMMITMENTS/PROPOSALS: Various proposals have come forward in recent years but

not progressed.

COMMENTS: Key site within Town Centre 'Adding to Quality' redevelopment strategy.

SITE: Former Blacketts site, Alexander Street

STATUS: Vacant/potentially contaminated

CURRENT CONDITION: Large expanse of featureless grassed open space.

OWNERSHIP: Private

LOCAL PLAN: Part open land (Policy E3). Majority allocated for employment uses (Policy

EP2.4).

URBAN CAPACITY STUDY: Ref. 264. PDL Needs intervention. Capacity 50 dwellings.

Long term

PREVIOUS USE: Former Blackett's brickworks and a fuel depot. Reclaimed by Council for

Public Open Space and Light industry.

COMMITMENTS/PROPOSALS: Not aware of any

COMMENTS: Long term improvement only likely through development of site.

SITE: Former Railside Revival Sites

STATUS: Vacant land and unmaintained footpath

CURRENT CONDITION: Overgrown, vacant land adjacent to mainline railway. Footpath

overgrown and some derelict buildings.

OWNERSHIP: Part private/part Council

LOCAL PLAN: Within development limits but not subject to any protection, designation or

allocation.

URBAN CAPACITY STUDY: Not included

PREVIOUS USE:

COMMITMENTS/PROPOSALS: Part of land was put on the market for sale

COMMENTS: The footpath through this site was created as part of the Council's Railside Revival programme between 1985 and 1991. Unwelcoming for pedestrians.

SITE: Edgar Lawson Site, Yarm Road

STATUS: Vacant, potentially contaminated made ground

CURRENT CONDITION:

OWNERSHIP: Private

LOCAL PLAN: Landscape improvement area (Policy E17)

URBAN CAPACITY STUDY: Ref 295. PDL Needs intervention. Capacity 45. Long Term

PREVIOUS USE: Builders yard and former tip.

COMMITMENTS/PROPOSALS: Planning Permission exists for residential development but contaminated land issues have prevented development

COMMENTS: Ongoing discussions between owners and Council officers to progress development proposals. History of complaints about state of site and anti-social behaviour of youths. Owners have removed much of the rubble from the site(since photo was taken).

SITE: Holmwood Grove

STATUS: Small area of vacant land

CURRENT CONDITION: Untidy and overgrown

OWNERSHIP: Council

LOCAL PLAN: Within development limits but not subject to any protection, designation or

allocation.

URBAN CAPACITY STUDY: Not included

PREVIOUS USE: unknown

COMMITMENTS/PROPOSALS: Council considering future use for site????

COMMENTS: An example of small vacant plots which can contribute to an untidy appearance but in themselves do not cause particular amenity problems.

