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REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	29 <sup>th</sup> October 2002	CATEGORY: DELEGATED
REPORT FROM:	<u>DEPUTY CHIEF EXECUTIVE</u>	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	R M Shirley (596750)	DOC:
SUBJECT:	Non-Compliance with Conditions relating to Planning Permission 9/2001/131/U for the use as an operating base for midi-coaches and private hire vehicles of the former Central Telcom Office, Civic Way, Swadlincote	REF: RMS/E2002/5
WARD(S) AFFECTED:	Swadlincote	TERMS OF REFERENCE: DC01

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**1.0 Reason for Exempt (if appropriate)**

1.1 Not applicable

**2.0 Recommendations**

2.1 That the Development Control Committee authorises the service of a Breach of Condition Notice to secure full compliance with Conditions 2 and 5 of Planning Permission 9/2001/131/U relating to the use as an operating base for midi-coaches and private hire vehicles of the former Central Telecom Office, Civic Way, Swadlincote. A two-month compliance period is viewed as appropriate.

**3.0 Purpose of Report**

3.1 To obtain the Committee's instructions.

**4.0 Executive Summary**

4.1 Not applicable

**5.0 Detail**

5.1 Following complaint, site inspections carried out at the above location revealed the occupiers to be in breach of two Conditions of the above grant of planning permission.

- 5.2 Condition 5 required that a barrier be erected on the northern boundary of the site prior to the first use of the site. The height and specification of the barrier was required to be agreed with the Local Planning Authority prior to its erection.
- 5.3 The use is well established and no details of the barrier have been received nor has any work with respect to the erection of such a barrier been commenced.
- 5.4 Condition 6 stated that, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Article 3 and Part 3 of the Town & Country Planning (General Permitted Development) Order 1995, this permission shall relate to the use of the premises as described in your application and for no other purpose. The application specifies the use of the rear of the site for the parking of midi-coaches and private hire vehicles.
- 5.5 A 52 seat coach has been observed parked at the rear of the property.
- 5.6 The owners of the property have been contacted but have taken no action.
- 5.7 A plan of the site which is approximately 950 square metres in area is attached at Annexe A.

## **6.0 Financial Implications**

- 6.1 Should legal proceedings prove necessary the Council may be subject to certain costs.

## **7.0 Corporate Implications**

- 7.1 None

## **8.0 Community Implications**

- 8.1 None

## **9.0 Conclusions**

- 9.1 There is evidence of breach of the two Conditions.
- 9.2 It is open to the Committee to authorise the service of an appropriate Breach of Condition Notice to secure full compliance with the Conditions within a reasonable Period.

## **10.0 Background Papers**

- 10.1 Application File 9/2001/0131
- 10.2 Enforcement File E2002/5