
REPORT TO: DEVELOPMENT CONTROL SUB-COMMITTEE AGENDA ITEM: 9

DATE OF MEETING: 29th May 2001

REPORT FROM: PLANNING SERVICES MANAGER CATEGORY: DELEGATED

MEMBERS' CONTACT POINT: RAFA SHIRLEY (EXT. 5750) OPEN PARAGRAPH NO. N/A

DOC:

SUBJECT: Non-compliance with Conditions 5 and 6 of planning permission 9/1194/0668/U relating to the use for the sale and hire of 4 x4 vehicles together with associated parking and maintenance of the premises at 145 Mount Pleasant Road, Castle Gresley

REF: E/2000/533

WARD AFFECTED: Linton

1.0 Purpose of Report

- 1.1 To obtain the instructions of the Development Control Sub-Committee.

2.0 Content

- 2.1 Following a complaint from the Local Ward Member site inspections were carried out at the above premises which were formerly a haulage and storage depot. There were a number of heavy goods vehicles in evidence including a low loader in addition to the 4x4 vehicles which were the subject of the application.
- 2.2 Condition 5 of 9/1194/0668/U required the laying out of an additional visitor parking area. Condition 6 stated that the areas shown on the submitted plans as reserved for the parking, garaging, circulation and standing of vehicles whilst they are being unloaded, shall be used for those purposes and no others and in particular shall not be used for the open storage of goods or materials of any kind.
- 2.3 The yard was congested with vehicles to the point where parking was taking place in the access to the A444 road, there being no apparent provision for free circulation of traffic within the site or customer parking as required by the above conditions.
- 2.4 The owner of the site has been contacted and states that whilst appreciating that the premises are congested, arrangements are in hand to transfer part of the operation to alternative premises in Castle Gresley, namely the former Davis Plant depot on Burton Road. An application to appropriately vary the use of these premises has been recently permitted .
- 2.5 A plan of the site which is approximately 0.7 hectares in area is attached at Annexe A.

3.0 Financial Implications

- 3.1 Should legal action prove necessary, the Council may be subject to certain costs

4.0 **Conclusions**

- 4.1 There is a clear breach of Conditions 5 and 6 of planning permission 9/1194/0668/U.
- 4.2 It is open to the Sub-Committee to authorise the service of a Breach of Condition Notice requiring the full implementation of the conditions within a reasonable period.

5.0 **Recommendation**

- 5.1 That the Sub-Committee authorises the service of a breach of Condition Notice requiring the full implementation of Conditions 5 and 6 of planning permission 9/1194/0668/U within 28 days of the Notice taking effect.

6.0 **Background Papers**

- 6.1 Enforcement File E2000/533