
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	27 th June 2006	CATEGORY: DELEGATED
REPORT FROM:	Head of Planning Services	OPEN
MEMBERS' CONTACT POINT:	R. M. Shirley	DOC:
SUBJECT:	Non-compliance with Temporary Stop Notice relating to the use of the former Brandons Poultry Farm, Heath Top, Church Broughton, for B1/B8 light industry and warehouse use	REF: RMS/E2005/488

WARD AFFECTED:	North West	TERMS OF REFERENCE: DC01
-----------------------	------------	---------------------------------

1.0 Recommendations

1.1 That the Committee authorises the Head of Legal and Democratic Services to institute an appropriate prosecution with reference to the non-compliance with the Temporary Stop Notice but defers any action to the first week in August 2006 to enable the required highway works to be carried out to the road junction between Woodyard Lane, Cotebottom Lane and Heath Top, Church Broughton.

2.0 Purpose of Report

2.1 To obtain the Committee's instructions.

3.0 Detail

3.1 At its meeting on 16th May 2006, Committee authorised the issue of a Temporary Stop Notice to secure the cessation of the unauthorised use of the premises for B1/B8 light industry and warehouse use. The Notice was duly issued on 24th May 2006, taking effect on 30th May.

3.2 Further complaint was received alleging continuing use of the affected buildings with associated access by heavy goods vehicles in contravention of the Notice and a site inspection was carried out on 8th June 2006 to address these concerns.

3.3 Whilst full internal access to the buildings was not possible, it was possible to view any contents via windows in the flanks. The inspection revealed that one of the four buildings was empty and a second building was largely empty with a small number of cars and caravans in evidence. The third building appeared to be partly occupied by

racks of stored materials and the fourth was in use for the storage of packaging materials. At the time of the inspection, all buildings were secured and no vehicles arrived at the site affected by the Notice.

- 3.4 At the commencement of the inspection, the owner supplied a copy of a duly receipted invoice from Derbyshire County Council for the junction works required by the outstanding condition, the non-implementation of which brought about the issue of the Temporary Stop Notice. The matter has been progressed with the Highways Design Team and advice received that the design work is complete and that arrangements are in place for the work to be carried out. A start date of 1st August 2006 was quoted although it is viewed as likely that the works will be commenced at an earlier date, possibly considerably so.
- 3.5 An additional factor to be taken into account is that, at present, Woodyard Lane is undergoing extensive surface repairs, the execution of which has given rise to a prolonged period of closure. The effect of this is that a relatively high proportion of vehicles accessing the site have taken an alternative route via Broughton Heath Road and Sutton Lane.
- 3.6 The use of the two northernmost poultry buildings and the open fronted agricultural building for storage purposes is, as indicated in the earlier report, authorised under planning permission 9/2004/877/U and is being implemented with associated generation of access traffic.
- 3.7 A copy of the report of 16th May 2006 is attached at Annexe A

4.0 Financial Implications

- 4.1 Should prosecution prove necessary, the Council may incur certain costs.

5.0 Conclusions

- 5.1 The site inspection of 8th June 2006 revealed that one of the essential requirements of the Temporary Stop Notice had not been addressed insofar as there was evidence of storage continuing in three of the former poultry houses although only one of these was in apparent appreciable use. Within the context of the site and taking into account the extent of the fully authorised use of the two northernmost buildings, the additional amount of storage usage may not be viewed as excessive.
- 5.2 As indicated in the earlier report, the main complaint is rooted in the number of heavy goods vehicles which, in accessing the site, pass close to residential property and to the junction of Heath Top and Boggy Lane. There is no evidence to suggest that the required works to the junction with Woodyard Lane would effect any diminution in this number, indeed, were the circumstances at the two buildings authorised under planning permission 9/2004/0877/U to merit the case, additional vehicles could access the site at present to meet any storage exigencies arising.
- 5.3 Arrangements for the works to effect the required alterations to the junction are in place with a with a relatively early date of implementation which may well be improved upon and Woodyard Lane itself is currently closed for repairs.

5.4 On the basis of the site inspection, there is a breach of the Temporary Stop Notice, and should the Committee be minded to do so, it is open to it to authorise the Head of Legal and Democratic Services to institute a prosecution against the owner of the site for non-compliance. However, bearing in mind the facts that Woodyard Lane is temporarily closed and that arrangements are in place to carry out the junction alterations with some urgency, at present, such a course of action would not appear expedient. An alternative would be for the Committee to authorise the prosecution but instruct the Head of Legal and Democratic Services to defer action until the First week in August 2006.

6.0 Background Papers

6.1 Enforcement File E2005/488

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100