

Planning Committee – Wednesday 21 May 2008

Report of the Development Manager

Enforcement Item

Parish:	Wiveslicombe
1. File/Complaint Number	49/2007/026LB
2. Location of Site	Co-Operative Store, The Square, Wiveliscombe
3. Names of Owners	Co-Operative Group
4. Name of Occupiers	Co-Operative Group
5. Nature of Contravention	

Unauthorised extension to rear, consisting of covered walkway and other associated works.

6. Planning History

Applications 49/2001/060 and 061LB for replacement of covered walkway to rear of Co-Op store, refused 10 January 2002.

Applications 49/2002/069 and 071LB for replacement of covered walkway to rear of Co-Op store, granted temporary permission (until 31 November 2005) and refused respectively 11 November 2002.

Applications 49/2007/025 and 026LB for the retention of the canopy to the rear, granted temporary permission (until 30 June 2010) and refused respectively 25 June 2007.

7. Background

The issue of the unauthorised development to the rear of the Co-Op has been ongoing since 2001.

In November 2002 Listed Building Enforcement action was deferred for the life of the temporary planning permission i.e. 31 November 2005, with the intention of a more permanent and acceptable design being promoted which would also meet the future needs of the users of the Town Hall.

When applications 49/2007/025 and 026LB were determined by Committee temporary planning permission was granted on the basis that the applicants had indicated that they were shortly to submit applications for a replacement rear extension and Listed Building Enforcement action was delayed for 6 months i.e. November 2007.

Whilst discussions may have been ongoing with the Town Hall Trust post June 2007, Council Planning Officers have not been privy to the same.

Given the clear lack of progress a letter to the Agent, advising that a report to Committee was being prepared recommending that Listed Building Enforcement action be instigated without delay, was sent on April 22nd 2008.

By email dated 28th April 2008 the Co-Operative Group acknowledged that communication with the Council had broken down. It also detailed the Groups current position and requested a deferral of the Listed Building Enforcement action.

8. Reasons for Taking Action

- a) The existing extension has a serious detrimental impact on the character of the Listed Building (as evidenced by Committee refusal for its retention)
- b) Whilst the Council has been lenient in granting successive temporary planning permissions for retention of the unauthorised rear extension, no tangible evidence has been received to date to suggest that action should be delayed further.

9. Recommendation

The Solicitor to the Council be authorised to issue a Listed Building Enforcement Notice to secure the removal of the rear extension and effect associated repairs as a result of its removal.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER:

Diane Hartnell – 01823 356492