

Planning Committee – 23 May, 2007

Report of the Development Manager

Enforcement Item

Parish: Wiveliscombe

1. **File/Complaint Number** 49/2002/069 and 49/2002/071LB
2. **Location of Site** 9 The Square, Wiveliscombe.
3. **Names of Owners** Co-Operative Group
4. **Names of Occupiers** Co-Operative Group
5. **Nature of Contravention**
 1. Work was underway when applications 49/2001/060 and 49/2001/061LB for the erection of a 'replacement' covered walkway to the rear of the store were submitted and subsequently refused in January 2002. The Planning Committee authorised prosecution and listed building enforcement action at its meeting on 9 January, 2002.
 2. Application 49/2002/069 for the erection of a 'replacement' covered walkway to the rear of the store was granted temporary permission until 30 November, 2005.
 3. Application 49/2002/071LB for the erection of a replacement covered walkway to the rear of the store was refused in November 2002, with officers agreeing to defer the action approved at 1 above, for the life of the temporary planning permission at 2 above.
6. **Planning History**
 1. Despite enquiries, no evidence has ever been submitted by the Co-Operative Group, to prove that there was an existing covered walkway, capable of being 'replaced'.
 2. In 2002, a local community group expressed interest in re-use of the first floor of the Town Hall. As this could require a second escape route to the rear, the most recent planning application noted above, was so determined, to enable the Co-Op and the community to prepare a joint scheme.
 3. Dialogue between the Co-Operative Group and the community group has since been intermittent and driven by the community group. (It is acknowledged that changing personnel at the Co-Operative Group has clearly not helped).

4. Direct dialogue between the Co-Operative Group and the Council, can reasonably be described as non-existent, with updates re 'progress' being conveyed by the community group.
5. As noted above, the temporary planning permission expired on 30 November, 2005.
6. In 2005, the Co-Operative Group agreed to grant the Wiveliscombe Town Hall Trust a 3 year option to acquire a long lease of the first floor.
7. The Wiveliscombe Town Hall Trust was registered as a charity on 16 March, 2006.
8. A letter to the Co-Operative Group in October 2006, requesting a formal reply with regard to 'progress', and advising that prosecution and enforcement will need to be reconsidered, purely resulted in the submission of an invalidated planning application for the retention of the covered walkway for a further 5 years. The application remains unregistered.

7. Reasons for taking Action

Whilst there has been some dialogue between the Co-Operative Group and the Wiveliscombe Town Hall Trust, it is not considered that the Co-Operative Group has positively engaged with the Council's offer to withhold legal action.

8. Recommendation

The authorised prosecution and listed building enforcement action be progressed.

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

CONTACT OFFICER: Ms Diane Hartnell Tel: 356492