

CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- 27th January 2012

Agenda Item No:-

Private

This report is not for publication by virtue of paragraph 3 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

Title:- **ENFORCEMENT ACTION UPDATE - REPORT NO.1**

Report of:- **Director of Economic Development**

Report reference:- **ED 03/12**

Summary:-

At the Development Control Committee meeting, which took place on the 16th December 2011, Egertons Recovery Ltd withdrew an application to vary the approved surface water drainage system prior to it being considered by the Committee. As a drainage system has yet to be installed since permission was granted in July 2010 Members requested that Officers prepare a further report to advise them of the options available to address Egertons Recovery Ltd's failure to install a surface water drainage system. In the Interim period Egertons Recovery Ltd has submitted a further application to vary the approved drainage details (Application 12/0016).

Recommendation:-

It is recommended that no enforcement action be progressed until application 12/0016 is determined.

Contact Officer: Sam Greig

Ext: 7176

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1. INTRODUCTION

- 1.1 Members may recall that a retrospective planning permission, for the change of use of the depot to be used as a vehicle recovery centre, was approved at the Development Control Committee held on the 16th July 2010.
- 1.2 The planning permission was subject to a series of conditions that the operators of the premises have to adhere to in order to ensure that the operation does not prejudice the living conditions of the occupiers of the neighbouring residential properties or the surrounding environment. One of these conditions (No.7) required the surface of the vehicle storage area to be made good and drained to the foul sewer via an interceptor, which is designed to collect contaminants that may potentially leak from damaged vehicles onto the vehicle storage area. A previous report to the Development Control Committee in April 2011, which related to an application to vary the condition that required the erection of an acoustic barrier (Application 11/0042), outlined the difficulties that Egertons have had with complying with the approved scheme. In summary the problems related to the rise in levels across the site from the vehicle storage area to the adopted sewer.
- 1.3 An application to vary the approved surface water drainage details was made valid on 9th February 2011. That revised scheme proposed some minor changes to the surfacing and means of draining the yard; however, the most notable change was the applicant's proposal to discharge the surface water into a drain to the north of the site, as opposed to the adopted sewer located at the southern extent of Caxton Road. Despite various attempts to do so, the applicant was unable to verify where the drain to the north of the site discharged to and, therefore, United Utilities advised Officers that it could not confirm that the revised details were acceptable. That application was scheduled to be brought before the Development Control Committee on 16th December 2011 with a recommendation for refusal, but it was withdrawn by the applicant's agent prior to consideration.
- 1.4 At the time that the aforementioned application was withdrawn the applicant's made Officers' aware that it was their intention to submit a further application to vary the requirements of Condition 7. That application was submitted on the 13th January

2012 and, at the time of preparing this report, is in the process of being validated. The proposal is broadly based on the applicant's original surface water drainage scheme, but to overcome the difficulty of the vehicles storage area being positioned at a lower level to the adopted sewer the applicant proposing to install a pump to pump the water upwards into the adopted sewer. The application is still in its early stages; however, in principle, it is the Officer's view that this amended scheme should overcome the previous difficulties.

- 1.5 Until such time that the current application is determined it would not be expedient of the Council to progress enforcement action against the applicant's non-compliance of condition 7 of application 08/1089. The current application will need to be determined in accordance with the Council's procedures and, if the scheme is acceptable, an appropriate timescale imposed for the implementation of the drainage works.

2. RECOMMENDATIONS

- 2.1 It is recommended that no enforcement action be progressed until application 12/0016 is determined.

3. IMPLICATIONS

- Staffing/Resources – Officer's within the Economic Development Directorate have been working to resolve this matter with the applicant.
- Financial – None.
- Legal – Legal comments are contained within the body of the report.
- Corporate – The work outlined in this report will help deliver the Corporate Plan objective that relates to achieving improvements in the quality of the local environment.
- Risk Management – Not applicable.
- Equality and Disability – Not applicable.

- Environmental – The implementation of a surface water drainage scheme should bring about environmental improvements by ensuring that potential contaminants do not enter the water course.
- Crime and Disorder – Not applicable.
- Impact on Customers – Neighbouring residents have previously raised concerns regarding this issue. If the current application is approved and that scheme is subsequently implemented the measures proposed will help rectify the present situation.

Impact assessments

Does the change have an impact on the following?

| Equality Impact Screening | Impact Yes/No? | Is the impact positive or negative? |
|--|-----------------------|--|
| Does the policy/service impact on the following? | | |
| Age | No | |
| Disability | No | |
| Race | No | |
| Gender/ Transgender | No | |
| Sexual Orientation | No | |
| Religion or belief | No | |
| Human Rights | No | |
| Health inequalities | No | |
| Rurality | No | |

If you consider there is either no impact or no negative impact, please give reasons:

The impact created by the unauthorised work has the potential to affect the immediate environment and residents in the vicinity and are not directed at a single group/area.

If an equality Impact is necessary, please contact the P&P team.