

REPORT FOR DECISION

Agenda Item	
----------------	--

MEETING: PLANNING CONTROL COMMITTEE

DATE: 17 APRIL 2007

SUBJECT: ENFORCEMENT ACTION – 6 COOK STREET, BURY

REPORT FROM: BOROUGH PLANNING, ENGINEERING AND
TRANSPORTATION SERVICES OFFICER

CONTACT OFFICER: TOM MITCHELL – DEVELOPMENT MANAGER

TYPE OF DECISION: COUNCIL

**FREEDOM OF
INFORMATION
STATUS:** This paper is within the public domain

SUMMARY:

The report is for information only in respect of the Enforcement Action in respect of the use of 6 Cook Street as a Cash and Carry.

OPTIONS AND RECOMMENDED OPTION (with reasons):

The Committee is asked to note the report.

IMPLICATIONS -

Corporate Aims/Policy Framework: N/A

**Financial Implications and
Risk Considerations** N/A

**Statement by Director of Finance
and E-Government:** N/A

Equality/Diversity implications: N/A

Considered by Monitoring Officer: N/A

Are there any legal implications? No

Staffing/ICT/Property: N/A

Wards Affected: ALL

Scrutiny Interest: N/A

TRACKING/PROCESS

EXECUTIVE DIRECTOR:

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council

1.0 INTRODUCTION

The property is a former engineering works which is sited between residential properties and industrial commercial uses fronting Cook Street. The property has been refurbished and is currently being used as a “Cash and Carry” business.

2.0 PLANNING HISTORY

1. **46392** – External alteration – refused July 2006 on the grounds of adverse impact from proposed rear servicing facilities.
2. **46628** – Change of use to wholesale warehouse with 10% retail use – refused September 2006
3. **46717** – External alterations (no change of use) – approved October 2006
4. **47113** - Change of use to wholesale warehouse with 20% retail use – refused December 2006.
5. **47825** – Change of use from Industrial to Warehousing – received on the 19th March but the application is as yet invalid until further details are provided.

3.0 ENFORCEMENT ACTION

Following complaints received that the former factory premises at Cook Street, Bury were being fitted out as a retail supermarket, a site inspection was carried out on 9th January 2007. New signage had been erected to the front of the premises advertising the premises as First Choice Cash and Carry Ltd. Lights were on inside the premises and work was seen being carried out to refit the interior with shelving stacks, fridges and checkout areas.

A further site inspection on 30th January 2007, revealed the premises to be open to the public as a retail supermarket.

Under the circumstances, on 2nd February 2007, a Temporary Stop Notice was served. The Notice required the immediate cessation of the premises as a retail (Use Class A1) supermarket.

Subsequent observations carried out on three separate occasions revealed the Notice appeared to be being breached.

Following a site meeting and after receiving further complaints regarding retail and wholesale sales being carried out from the premises, on 21st March 2007 an Enforcement Notice was served in respect of the unauthorized change of use of the land and property to a predominantly retail (Use Class A1) Cash and Carry Supermarket, together with some wholesale sales (Use Class B8) without the benefit of planning permission. The Notice is to take effect on 23rd April 2007, unless an appeal is made against it beforehand. In the event of an appeal the Notice is effectively suspended and the appeal process could take as long as 12 months to resolve.

The Notice requires that the retail and wholesale sales shall cease within 7 days after the Notice takes effect; and that all foods, goods, trolleys, shelves, refrigeration units and equipment related to and associated with the mixed retail and wholesale use of the land and property, shall be permanently removed 90 days after the Notice takes effect.

The situation is being closely monitored regarding any problems with car parking and loading or unloading involving Heavy Goods Vehicles.

4.0 CONCLUSIONS

As can be seen from the Planning History the owner of the property does not have consent for either warehousing (Use Class B8) or Retail (Use Class A1) and hence all activity on the premises is unauthorised.

The retail activity in this location is considered to be contrary to the Council's retail policies and is giving rise to issues of servicing and car parking to the detriment of the area, and most of the reasons for previous refusals relate to the unacceptability of retail activity.

The owner has argued that the use of the property is not retail and that any retail activity is ancillary to a warehousing/wholesale operation. Consequently the latest planning application which has been received refers to the activity as that of a warehouse operation. From observations and investigations I am satisfied that there is a significant retail activity in addition to the wholesale business which justifies the service of the Enforcement Notice.

List of Background Papers:- None

Contact Details:-

Tom Mitchell
Development Manager
Environment and Development Services
Craig House
5 Bank Street
Bury BL9 0DN

Tel: 0161 253 5321

Email: t.mitchell@bury.gov.uk
