

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	12 July 2011

ENFORCEMENT ITEM

Development not in accordance with the Approved Plans & Formation of Raised Landing Beds Application 08/00553/FUL High Wire Adventure Course (Go Ape) Rivington.

PURPOSE OF REPORT

- To consider whether it is expedient to take enforcement action to secure a car parking area as shown on approved plans is laid in accordance with those plans and in respect of the formation of two raised landing beds.

RECOMMENDATION(S)

- That, at this time it is not expedient to take enforcement action in respect of the following breach of planning control:

Breach

- Failing to comply with condition number 6 attached to application 08/00553/FuL approved on 28 July 2008 that stated,

Before the development hereby permitted is first brought into use, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.”

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with the Joint Lancashire Structure Plan SPG Access and Parking

AND

- The formation of the raised landing areas.

This position/recommendation will be reviewed following the determination of the planning application for the raised landing areas and at October Committee in respect of the car park if an application for the reconfigured car park or other application has not been submitted.

EXECUTIVE SUMMARY OF REPORT

- Planning permission was granted on 24 July 2008 for a high wire adventure course to be provided on land between Great House Barn and lower Rivington reservoir. The facility was to be accessed by the existing entrance to Great House Barn, off Rivington Lane, with an

extension to the existing car park for the use of Go Ape customers. A plan detailing the additional car parking area for customer vehicle parking was submitted and that plan approved. Additionally, the approved plans for the course layout did not show raised landing beds for the two zip wire runs. A retrospective planning application has now been submitted for the raised landing beds and will be subject of a future report to Development Control Committee.

REASONS FOR RECOMMENDATION(S)

4. The additional parking area as shown on the approved plan covered an area of approximately 394 square metres; the additional car parking that has been provided covers an area of approximately 319 square metres. The Council have now been informed by the management company that they are having detailed plans drawn up showing the full extent of the additional parking to be provided. The operators of the facility will then conduct consultation with the Friends of Lever Park and the Parish Council regarding the parking to be provided after which a full planning application will be submitted for consideration by the Authority or an application to vary the existing condition.

5. It is therefore proposed that a period of three months be given to allow for the consultation period and formal submission of the planning application for the car parking. After that period if no application has been received by the planning authority a further report will be submitted to the Development Control Committee seeking their authority to take enforcement action if they consider it expedient to do so to secure the laying of the car parking area as shown on the approved plans, application 08/00553/Ful refers.

6. An application for the building up (raising) and enlargement of two zip wire landing sites at Go Ape was submitted on 26 May 2011 and public consultation on the application has commenced. It is envisaged that the application could be presented to the September 2011 Development Control Committee if all available information has been received by Officers. It is appropriate that the application is determined prior to a decision or recommendation to take enforcement action is made or decided. At the DC Committee when the application is determined and depending upon the outcome then a decision to give authority for enforcement action can be made.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. N/A

CORPORATE PRIORITIES

8. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	X
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

9. Following the granting of planning permission for application 08/00553/Ful the adventure course was constructed and put to use. The additional parking area was formed but was not laid to the size as shown on the approved plans. Following complaints the additional parking area was measured and the shortfall in area noted. However, it was also noted that to lay the car parking as shown on the approved plan some trees may well need to be felled.
10. Alternative car parking arrangements can well be provided within the site area that will make up the shortfall of parking space without the necessity for any tree felling and it is those alternatives arrangements that the developers will submit to the Council following consultation with the Friends of Lever Park and the Parish Council. A period of three months is considered to be an acceptable period of time for the management company to carry out those consultations and submit the planning application.

IMPLICATIONS OF REPORT

11. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	X

COMMENTS OF THE DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

12. None.

Lesley-Ann Fenton
Director of Partnerships, Planning & Policy

Report Author	Ext	Date	Doc ID
S Aldous	5414	1 July 2011	N/A

Background Papers			
Document	Date	File	Place of Inspection
Approved Plan	28 July 2008	08/00553/FUL	Union Street