

| Report of | Meeting | Date |
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| Director of Partnerships, Planning & Policy | Development Control Committee | 30 October 2012 |

ENFORCEMENT ITEM

TITLE: The change in use of a car workshop located at 286 The Green Eccleston Chorley PR7 5TE from a car workshop, a use falling within Class B2 The Town & Country Planning (Use Classes) Order 1987 (as amended) by the Use Classes Amendment Order 2005, to a place of storage and distribution, a use falling within Class B8.

PURPOSE OF REPORT

- To consider whether it is expedient to take enforcement action to impose conditions governing the use of the site.

RECOMMENDATION(S)

- That it is expedient to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 in respect of the following breach of planning control:

Alleged Breach

- Without planning permission the change in use of the site from a car workshop, a use falling within Class B2 The Town & Country Planning (Use Classes) Order 1987 (as amended) by the Use Classes Amendment Order 2005, to a place of storage and distribution, a use falling within Class B8 The Town & Country Planning (Use Classes) Order 1987.

ii. Remedy for Breach

The Use of the site for B8 Storage and Distribution shall be carried out in accordance with the following conditions:

- No storage activities shall take place on the site other than inside the building except for the parking of vehicles associated with the use of the site.
Reason: In the interests of the amenities of local residents.
- The use shall be restricted to the hours between 0800 hours to 1800 hours Monday to Friday, between 0800 hours and 1300 hours on Saturday. There shall be no use of the site on Sundays Bank or Public Holidays.
Reason: To safeguard the amenities of local residents.
- The building shall only be used for a purpose falling within Use Class B8 of the Schedule to The Town & Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes.
Reason: To clarify the use and to protect the amenities of local residents.

Period of Compliance

28 days.

iii. Reason

The development by virtue of its proximity to neighbouring residential properties if unrestricted will be harmful to the amenity of those properties and without the imposition of relevant conditions will be contrary to Policy EM7, Chorley Borough Local Plan Review Adopted Edition, that allows for small scale B8 development provided the use does not cause detriment to the amenity of the area through noise, nuisance or disturbance.

EXECUTIVE SUMMARY OF REPORT

- 3 The site occupies land that is bounded to the North by properties on Sagar Street, to the east by the garden of properties on Bradley Lane and to the west by the Bowling Green and St Mary's Primary School. Access is achieved via a narrow drive directly onto The Green adjacent to the Methodist Church and school playing field.
- 4 The site has historically been in use for vehicle related uses since 1953. An application was submitted in 1994 under application, 94/00342/FUL for a replacement building for use as a replacement workshop to allow the valeting, servicing and repair of vehicles. The application was approved on 8 February 1995 subject to conditions restricting the hours of operation, the permitted use and restricting outside storage.
- 5 Complaint was received that the site and building was being used for storage and repair of caravans and that a mobile office had been placed on the land. Enforcement action was taken against the mobile office which went to appeal. In his decision letter dated 5 December 2011 the Inspector upheld the appeal granting planning permission for the portable building for office use. Subsequent to that decision the building has been removed from the site and the caravan storage use has ceased. However, the building remains in use for the storage of household goods and oak furniture. And the operatives of the storage use are operating from the site in the early hours of the morning, 05:45 hours and 06:45 hours, causing noise and disturbance.
6. The lessees of the site have been requested to regularise the storage use of the site through submission of a planning application but to this date have not done so, and the Council have been informed through return of a Planning Contravention Notice they no longer have an interest in the land albeit the building continues to be used for a storage.
7. The use of the building for a B8, storage and distribution use falls to be considered against Policies GN3 and EM7, Chorley Borough Local Plan Review. These Policies are both saved Policies that have not been wholly replaced by the Core Strategy. Policy GN3 at criterion (a) permits development and re development of land wholly within the settlement area and at criterion (d) the rehabilitation and re use of buildings. Policy EM7 controls development in residential areas, which this site is within, and allows for B8 use provided there is no detriment to the amenity of the area through noise, disturbance or nuisance.
8. The permission that granted the replacement workshop was conditional in that the permission restricted the hour of operation, restricted outside storage and restricted the use to a workshop only. The conditions were imposed to protect the amenity of the local residents.
9. The use of the building for storage purposes is a change in use that meets relevant Policies provided the use is controlled by means of relevant conditions that protect neighbour amenity. Without the submission of a planning application the conditions can be only be imposed though the serving of an Enforcement Notice.

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| Confidential report Please bold as appropriate | | No |
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| Key Decision? Please bold as appropriate | | No |
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| Reason Please bold as appropriate | 1, a change in service provision that impacts upon the service revenue budget by £100,000 or more | 2, a contract worth £100,000 or more |
| | 3, a new or unprogrammed capital scheme of £100,000 or more | 4, Significant impact in environmental, social or physical terms in two or more wards |

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- An unrestricted use of the site for B8 purposes would be contrary to Policy EM7, the imposition of relevant conditions by means of an enforcement notice will protect the amenities of the neighbouring residential properties and the use will thereby accord with current Policies.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- An unrestricted use of the site for B8 purposes would be contrary to Policy EM7, the imposition of relevant conditions by means of an enforcement notice will protect the amenities of the neighbouring residential properties and the use will thereby accord with current Policies.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

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

BACKGROUND

- The site is within the designated settlement of Ecclestone. Policy GN3 allows for the redevelopment of land and the re use of buildings within the settlement. Policy EM7 Employment in Residential Areas permits small scale development including B8 uses provided there is no detriment to the amenity of the area.
- In this instance the change in use of the building requires planning permission as a restrictive condition attached to the planning permission granted under 94/00342/FUL only allowed for the building to be used as a vehicle workshop, a B2 Use. This condition being imposed as the Use Classes Order does allow a permitted change from a B2 use to a B8

use and the Council wished to prevent over intensive use of the site. The singular use of the building for storage purposes is not considered over intensive provided the use is controlled by means of conditions that protect local amenity.

IMPLICATIONS OF REPORT

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

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| Finance | | Customer Services | |
| Human Resources | | Equality and Diversity | |
| Legal | | Integrated Impact Assessment required? | |
| No significant implications in this area | x | Policy and Communications | |

COMMENTS OF THE STATUTORY FINANCE OFFICER

16. None.

COMMENTS OF THE MONITORING OFFICER

- 17 The proposed enforcement notice will regularise the planning position in relation to this site. The steps for compliance will protect the amenity of neighbours whilst allowing an appropriate use of this land to take place.

LESLEY-ANNE FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

| Report Author | Ext | Date | Doc ID |
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| S Aldous | 5414 | 19/10/12 | |