

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	11 December 2012

ENFORCEMENT ITEM

TITLE: Without planning permission the conversion of a garage and pedestrian access pathway to provide additional living accommodation at 10 Blacksmith Walks Chorley.

PURPOSE OF REPORT

1. To seek authority for the serving of an enforcement notice to remedy the reduction in the level of amenity enjoyed by users of the communal car parking area with the reinstatement of the communal pedestrian access.

RECOMMENDATION(S)

2. 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

- i. Without planning permission the conversion of a garage and the carrying out of building works to a pedestrian access pathway to provide extended residential accommodation.

Remedy for Breach

- ii. Remove wall A and window, as shown on the attached plan marked SA1, to soffit level and remove resultant debris from the removal from the site.
- iii. Remove wall B and window, as shown on attached plan marked SA1, to soffit level and remove resultant debris from the removal from the site.
- iv. Remove timber floor and associated insulation between walls A & B and remove resultant debris from the site.
- v. Reinststate external walls between A & B in materials to match the existing dwelling with cavity construction and brickwork to be keyed in to the existing walls.
- vi. Reinststate the paving slabs from removed wall B to the pavement edge. The width of the slabs to be laid equivalent to the width of the removed wall.
- vii. Remove the 8.5 metre length of close boarded timber fence and gate shown on the plan marked SA1.

Period Of Compliance

- viii. Within 6 months the external walls between A & B are to be reinstated in accordance with step v of the steps required for compliance with the enforcement notice.
- ix. Within 9 months;
 - a. The walls at A & B are to be demolished in accordance with steps ii and iii of the steps required for compliance with the enforcement notice.
 - b. The timber floor is to be removed in accordance with step iv of the steps required for compliance with the enforcement notice.
 - c. The paving slabs are to be reinstated in accordance with step vi of the

- steps required for compliance with the enforcement notice.
- d. The close boarded timber fence and gate are to be removed in accordance with step vii of the steps required for compliance with the enforcement notice.

Reason

- x. The development has resulted in the pedestrian permeability of Blacksmiths Walks being reduced, leading to a reduction in the level of amenity enjoyed by the users of the communal car parking area. The development is therefore contrary to Policies HS4(d) and TR4(1) of the Adopted Chorley Council Local Plan.

EXECUTIVE SUMMARY OF REPORT

3. Members will recall planning application 12/00655/Ful was reported to them at the Committee dated 2 October 2012 where it was resolved to defer the application for a site visit. That was undertaken on 16 October 2012. The application was reported back to Committee on 30 October 2012 where it was resolved to refuse planning permission.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	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)

4. To reinstate the pedestrian permeability previously enjoyed by the residents of Blacksmith Walks.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. NIL

CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	x	A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

7. The applicant's property comprises a ground floor apartment which is part of a small cluster of properties which front on to Blacksmith Walks with vehicle parking to the rear in a courtyard arrangement. The vehicle parking courtyard is accessed from Baker Close via an underpass below number 3 Baker Close. The properties on Blacksmith Walks all front onto a pedestrian walkway.
8. There are three first floor apartments on Blacksmith Walks; two of these apartments do not have direct access to the rear parking area, numbers 7 and 11. The incorporation of the pedestrian access by the occupant of number 10 has restricted the occupants of numbers 7 and 11 to a single point of pedestrian entry and egress via Baker Close.
9. With regards to the converting of the garage to additional habitable space, the property benefits from two off road spaces, one within the garage the other a designated area to the front of the garage that faces onto the courtyard parking area. The property is a single bedroomed apartment and the County parking standards for this type of property is met with the single off road space. Therefore it is not considered expedient to enforce the cessation of the use of the garage for additional habitable space.

IMPLICATIONS OF REPORT

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

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

11. NIL

COMMENTS OF THE MONITORING OFFICER

12. NIL

DIRECTOR NAME Lesley Anne Fenton
DIRECTOR OF Partnerships, Planning & Policy

Report Author	Ext	Date	Doc ID
S Aldous	5414	3 December 2012	NIL

Background Papers			
Document	Date	File	Place of Inspection
Planning Application	17 Sept 12	12/00655/Ful	Union Street Offices