

Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	14 July 2015

## **ENFORCEMENT ITEM**

### **PLANNING PERMISSION 14/00687/FUL - 142 BOLTON STREET CHORLEY- DEVELOPMENT NOT CARRIED OUT IN ACCORDANCE WITH APPROVED PLANS.**

#### **PURPOSE OF REPORT**

- To seek authority to under-enforce against the unauthorised alterations to planning permission 14/00687/FUL.

#### **RECOMMENDATION(S)**

- That in accordance with Section 173(11) of the Town and Country Planning Act 1990 it is considered expedient to 'under enforce' in respect of the following breach of planning control: Without planning permission Change of use from petrol station to hand car wash and valeting centre, including removal of petrol pumps and erection of a valeting area consisting of an attached polycarbonate roof supported by a screen plywood wall and erection of single storey extension to provide store room and prayer room to south east of existing building.(as shown on the plan attached to this notice)

#### **Remedy For Breach**

- The car wash and valeting centre hereby permitted shall only be operated between 09.00 hours and 19.00 hours on any day of the week.
- The prayer room shall only be used by employees of the car wash and valeting centre.

#### **Period For Compliance**

Seven days.

#### **Reason For Issue Of Notice**

To protect the amenities of the nearby residents.

#### **EXECUTIVE SUMMARY OF REPORT**

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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#### **CORPORATE PRIORITIES**

- This report relates to the following Strategic Objectives:

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

## BACKGROUND

- Historically, this site was a former petrol station and is situated on the corner of Bolton Road and Jackson Street, Chorley. On 8<sup>th</sup> August 2014, planning permission was approved for *'Change of use from petrol station to hand car wash and valeting centre, including removal of petrol pumps and erection of a valeting area consisting of an attached polycarbonate roof on steel supports to southeast of existing building'*. An enforcement complaint was received following the implementation of the permission alleging that the development had not been carried out in accordance with the approved plans and was attached to a wall owned by another party. A canopy covering the car washing area had been extended so that it attached onto a boundary wall together with an attached side extension which is used as a store room and a prayer room for staff which is attached to the original shop premises of the former service station. A retrospective planning application has been requested however no application has been submitted.

## ASSESSMENT

- The location of the car wash is within the settlement and the principle of development is considered acceptable the main issues are whether as a result of the development this has had an adverse impact on the area or amenity of neighbouring residents. The canopy in the car wash area has now been reduced in length to 7.2 metres from the previous unauthorised length of 8.5 metres and removed from the wall to which it was originally attached. Although the canopy has been reduced in size the side extension which overall measures 8.5 metres x 4.2 metres remains for the prayer room/store room which forms an L shape infilling the area between the car wash canopy and the former garage shop.
- As part of the Councils consideration of the case I wrote to the occupiers of neighbouring properties to advise them that the development had not been carried out in accordance with the planning permission and asked for their comments as to whether they considered the development had affected them or the area in any way and ,if so ,how. Two responses were received. They state that part of the development has been attached to a neighbouring property not within the ownership of the applicant and that the materials used to construct the car wash canopy are different from the approved plans in that it has been constructed from wood and has a plastic sheet roofing .Part of the development may well be attached to property not within the applicants ownership, however that is not a planning consideration and remedies exist through means of civil law to deal with any encroachment and this is a private matter between the two parties. The roof of the car wash canopy has been constructed of translucent polycarbonate as approved. The roof was shown to be supported by four steel galvanised pole supports. These have been replaced with a screen wall comprised of sheet plywood which supports the roof.
- The planning impact of the changes is minimal both in terms of the alternative treatment used to support the roof and extension to the existing building. The materials used are acceptable in appearance and it is not highly visible in the streetscene.It is considered therefore that the development does not have an adverse impact either on the area or the amenity of neighbouring residents.

8. Having said that because the development has not been implemented strictly in accordance with the approved plans then the development is unlawful and any conditions attached to the planning permission would have no subsequent effect and would be unenforceable. In this case there is a condition restricting the opening hours of the premises in respect of car washing/valeting. In order to protect the Council's ability to enforce the condition in the absence of a retrospective application upon which conditions could be re-imposed I consider it expedient to under enforce against the breach of planning control which has occurred. This means that the development would effectively be granted planning permission but with same conditions as the original planning permission which would protect the Council's position to enforce against any potential breach of the planning conditions.

## IMPLICATIONS OF REPORT

9. 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

12. There are no budgetary implications at this stage.

## COMMENTS OF THE MONITORING OFFICER

- 13 The proposed action is proportionate in this instance.

Jamie Carson  
Director of Public Protection Streetscene and Community

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
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