

Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	27 October 2015

ENFORCEMENT ITEM
NON-COMPLIANCE WITH PLANNING CONDITIONS ATTACHED TO PLANNING PERMISSION 13/00600/FUL. LAND 60M NORTH TO THE REAR OF 34-42 AND INCLUDING 42 CHORLEY LANE CHARNOCK RICHARD

PURPOSE OF REPORT

- To seek authority to take enforcement action in respect of the non-compliance with condition 12 attached to planning permission 13/00600/FUL

RECOMMENDATION(S)

- That Members authorise officers to take enforcement action including service of enforcement notices, Breach of Condition Notices and Temporary Stop Notices.

EXECUTIVE SUMMARY OF REPORT

- Planning permission has been granted subject to planning conditions to ensure a satisfactory development. Development has commenced without compliance with a condition relating to essential highway works which would result in an unsatisfactory access and may create a highway safety issue while the development is under construction and conflict with other road users. Should the Council's request for work to cease not be met then it would appropriate to take enforcement action.

Confidential report Please bold as appropriate	Yes	No
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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

5. Planning permission was granted in 2013 for the demolition of 42 Chorley Lane, Charnock Richard and former nursery buildings and the erection of 8 dwellings, access road and associated development. Work has recently commenced on the development but complaints have been received that conditions imposed on the planning permission have not been complied with despite the development having been commenced and therefore it is in breach of conditions. In particular concerns have been raised that highway works essential to ensure a safe means of access to Chorley Lane have not been implemented.

ASSESSMENT

6. Planning condition number 12 attached to the permission required that works for the construction of the new estate/access road were to be constructed in accordance with Lancashire County Council highways specification as part of a Section 278 highways agreement before the development commenced. The reason for the condition was to ensure that satisfactory access is provided to the site before construction commences and to ensure future residents have a satisfactory means of access to their properties. It is considered that the failure to provide approved highway specification will result in an unsatisfactory access and may create a highway safety issue while the development is under construction and conflict with other road users.
7. The developer has today been requested to confirm that work ceases on the development until the approved scheme of highways works have been approved and implemented. An update of any response received will be verbally reported to Committee.
8. In the event that the developer is unwilling to comply with the Council's request to cease work then officers consider it expedient to seek Members' authority to take enforcement action should that prove necessary in the interests of highway safety.

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

10. There are is no impact on the Council's budget as a result of the contents of this report.

COMMENTS OF THE MONITORING OFFICER

11. The Council should have regard to its planning enforcement policy.
12. A breach of condition notice must allow a minimum period of 28 days for compliance. Failure to comply with a breach of condition notice is a criminal offence punishable in the magistrates' court by a fine of up to £2,500.

13. Failure to comply with a stop notice is also a criminal offence. The fine for breach of a stop notice in the Crown Court is unlimited. A stop notice must be served at the same time or after the enforcement notice to which it relates

Jamie Carson

Director of Public Protection Streetscene and Community

Background Papers			
Document	Date	File	Place of Inspection
Planning Application	01/07/13	13/00600/FUL	Civic Offices Union Street

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	27/10/15	***