

Report of	Meeting	Date
Head of Planning Services	Development Control Committee	30.08.2005

## ENFORCEMENT ITEM

### LAND AND BUILDING REAR OF 21 GORSEY LANE MAWDESLEY

#### PURPOSE OF REPORT

1. To consider whether it is expedient to take enforcement action in respect of the above case.

#### CORPORATE PRIORITIES

2. This report raises no issues of corporate priorities.

#### RISK ISSUES

3. The report contains no risk issues for consideration by Members.

#### BACKGROUND

4. Last year an application for a Certificate of Lawful Use in respect of the existing use of the above site Class B1 (Business Use) was refused because the evidence submitted did demonstrate a continuity of the use or that the use fell within Class B1. Since then I have received a number of complaints concerning the use of the building and land both for the repairing of motor vehicles and as a taxi base for the operation of taxi vehicles.

Your officers have carried out site visits in order to establish whether there have been any breaches of planning control. Part of the building is being used as an office in connection with a taxi business the rest of the building is being used in connection with the repair and maintenance of motor vehicles including the use of the land to park vehicles awaiting repair.

#### POLICY

5. The property lies in an area of built settlement. Within the settlement there is a presumption in favour of appropriate development, subject to normal planning considerations and policies and proposals of the Adopted Chorley Borough Local Plan Review. Policy EM7 of the Local Plan states that small scale employment development will be permitted in areas where housing is the principal land use provided there would be no detriment to the amenity of the area in terms of noise, nuisance, disturbance, environment and car parking.

#### ASSESSMENT



6. The issue to consider is whether the development has resulted in a loss of amenity to neighbouring properties and the area in general. In terms of visual impact of the development, whilst this may give rise to some loss of outlook due to the parking of vehicles on the site this does not appear to be significant. However, complaints relating to noise generated from activities on the site have been received concerning noise from the revving of car engines, work on vehicles within the building and from taxi vehicles calling at and leaving the property. These indicate that there is a significant loss of amenity to neighbouring residents due to noise and disturbance generated by the uses.

#### **COMMENTS OF THE DIRECTOR OF FINANCE**

7. No comments.

#### **COMMENTS OF THE HEAD OF HUMAN RESOURCES**

8. No comments.

#### **RECOMMENDATION**

9. That it is expedient to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 in respect of the following breach of planning control - without planning permission the change of use of the land and building to a mixed use for the repair of motor vehicles and as an operating base for taxi vehicles.

#### Requirements of the Enforcement Notice

1. Cease the use of the land and building for the repair of motor vehicles and as an operating base for taxi vehicles.
2. Remove all vehicles under or awaiting repair from the site.
3. Remove all taxi vehicles from the site.

#### Period for Compliance

6 months

#### Reason

The development by reason of noise and disturbance resulting from the repair of motor vehicles and the movement of taxi vehicles to and from the site has resulted in a loss of amenity to occupiers of neighbouring property contrary to Policy EM7 of the Adopted Chorley Borough Local Plan.

ALAN CROSTON  
HEAD OF PLANNING SERVICES

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Peter Willacy	5226	15 August 2005	
<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Application For Certificate of Lawful Use		04/1133/CLEUD	Union Street Offices