

Report of	Meeting	Date
Corporate Director (Business)	Development Control Committee	14.10.2008

**ENFORCEMENT ITEM
MIXED USE OF PROPERTY FOR RESIDENTIAL/ BUSINESS PURPOSES
22A WINDSOR ROAD, CHORLEY**

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 does not affect the corporate priorities.

RISK ISSUES

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

BACKGROUND

4. The case relates to the mixed use of the property, for residential and business purposes. The business activity is a web design and marketing service undertaken from an office complex located above the integral garage of this substantial property, located on the west side of Windsor Road, Chorley. The property benefits from a large forecourt area that leads into a double garage. Complaint was received from neighbouring properties regarding the use of the property in particular the parking of the employee's vehicles along Windsor Road.

POLICY

5. The property is within the designated settlement area of Chorley as defined on the proposals map of the Adopted Chorley Borough Local Plan Review.
6. Policy EM7 permits new small-scale employment in residential areas but such a use has to be balanced against existing uses and amenity.

ASSESSMENT

7. It is recognised that such small business enterprises that operate from residential properties do contribute to the local economy in terms of job creation and investment in the area, but such uses must be balanced against protecting existing uses and amenity, especially in residential areas.



8. The activity being undertaken at the property is web space design and its marketing, a use that falls within Class B 1, (Business) of The Town & Country Planning Use Classes (Amendment Order) 2005. The service provided is carried out by five employees within an office complex who operate from individual computer terminals. This use cannot be considered to be ancillary to the main use of the dwelling which is a use that falls within Class C3 (Residential) of The Town & Country Planning Use Classes (Amendment Order) 2005 given the number of employees who attend the dwelling on a daily basis. Therefore there is a mixed use of the dwelling that requires planning permission that has neither been sought nor approved.
9. Despite being invited to submit a planning application for the mixed use none has been received, in spite of this consultation has been carried out with all neighbours regarding the activity at the property inviting their response. The majority of responses received raise the on street parking issue of the employees. The Highways Authority were also invited to comment on any proposed mixed use and have responded that they would recommend refusal on the grounds of highway safety and demand for parking in the area. Notwithstanding this comment they did consider that with good design the large plot could sustain off street parking that may alter their objection.
10. The views of the highways authority have been duly noted, however no enforceable conditions could be applied restricting employees to parking on the forecourt or within the garage.
11. The issue to consider is whether the development has resulted in a loss of amenity to neighbouring properties and the area in general. Although the activity appears not to have directly impacted on the amenity of neighbours in terms of noise, smell or fumes the daily movement of employees to and from the property in their private motor vehicles, coupled with occasional business callers, results in a level of activity that has created on street parking problems for residents due to inadequate parking provision leading to a loss of amenity for local residents.

COMMENTS OF THE DIRECTOR OF FINANCE

12. No comments.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

13. No comments.

RECOMMENDATION

14. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control: Without planning permission, the material change of use of the property from residential to a mixed use for residential and web space design and marketing.

Remedy for Breach

- (a). Cease the use of the property for web space design and marketing.
- (b). Period of Compliance
Six Months.
- (c). Reason

The development, by reason of inadequate parking provision results in on street parking leading to a loss of amenity for local residents contrary to the provisions of Policy EM 7 of the Adopted Chorley Borough Local Plan Review.

JANE E MEEK
CORPORATE DIRECTOR (BUSINESS)

Report Author	Ext	Date	Doc ID
Steve Aldous	5414	30 Sept 2008	
Background Papers			
Document	Date	File	Place of Inspection