

Application Number:	2022/0464	Application Type:	Full
Proposal:	Full: Construction of detached garage	Location:	Garage Site Shawclough Street Whitewell Bottom Rossendale Lancashire BB4 9JY
Report of:	Head of Planning and Building Control	Status:	For Publication
Report to:	Development Control Committee	Date:	March 2023
Applicant:	Mr Grant Kempson	Determination Expiry Date:	Tuesday 28 th March (Time extension agreed)
Agent:	Steven Jackson		

Contact Officer:	Chris Dobson	Telephone:	01706 238639
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Yes – The land has been confirmed as being under the ownership of the Council
Member Call-In Name of Member: Reason for Call-In:	No
3 or more objections received	No
Other (please state):	No

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That planning permission be approved

APPLICATION DETAILS

2. SITE AND SURROUNDING AREA

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The application site is a small piece of land located within an existing garage site that provides communal parking for the surrounding residents. The garage site currently contains three garages all of wooden construction with the surrounding space used for informal parking.

The site is accessed from the B6238 Burnley Road East to the south of the junction with Shawclough Street. Whitewell Brook flows past the south east of the site at a lower elevation than the garage site with a retaining wall in place securing the land.

The land is under the ownership of the Council and is located within the urban boundary.

3. RELEVANT PLANNING HISTORY

No relevant planning history

4. PROPOSAL

The applicant seeks to construct a detached garage on an existing garage site. The garage is shown to be 6m in length and 3.8m wide and contain a pitched roof with a maximum height of 3m. It is proposed to be constructed from timber cladding with a profiled sheet metal roof. The garage is proposed to be constructed on a concrete base. The front of the garage is shown to contain double opening doors to provide access with a single window located on the rear elevation. Following consultation with the Environment Agency the garage has been relocated to sit 1.5m away from the retaining wall structure to allow access for any future repairs required to the wall. The garage is shown to sit adjacent to the existing garages in place on the site.

POLICY CONTEXT

National

National Planning Policy Framework

Section 9 – Promoting Sustainable Transport

Section 12 – Achieving Well Designed Places

Section 15 – Protecting and Enhancing the Natural Environment

Development Plan Policies

Local Plan

Policy SD2: Urban Boundary and Green Belt

Policy ENV1: High Quality Development in the Borough

Policy TR4: Parking

Other

National Planning Practice Guidance

5. REPRESENTATIONS

Letters were sent to nearby properties notifying occupiers of the application and a site notice was posted.

Two objections and one supporting comment have been received. The objections received both raised the following concern:

- Reduction in available parking to the remainder of the garage site.

6. CONSULTATION RESPONSES

LCC Highways – No Objection

Environment Agency – No objection - An initial objection raised due the site being located within flood zone 3 and no flood risk assessment submitted however, this has been withdrawn following submission of amended details from the applicant's agent.

Property Services – No objection – permission has been obtained to construct the garage from the Council's Property Services team subject to planning approval being granted.

7. ASSESSMENT

Principle

The application site is located within the defined urban boundary where Policy SD2 of the Rossendale Local Plan seeks to locate the majority of new development. In addition to this, the site is currently in use as a garage plot. Due to this, the proposal is acceptable in terms of principle.

Visual Amenity

Visibility of the garage from Burnley Road East would be limited as the garage would be set back from the road and at a lower elevation. Mature trees are also in place providing some screening.

The proposed finish of the garage is not dissimilar to that found on the adjacent garages

As such, the proposal is not considered to appear out of keeping and is acceptable in terms of visual amenity.

Neighbour Amenity

The proposed garage will not significantly affect the level of light, outlook or privacy currently received by residents of any of the surrounding properties.

Access/Parking

The proposals have attracted two objections during the consultation phase both of which relate to the addition of the proposed garage reducing the availability of parking on the remainder of the garage site. It is considered however that the parking of vehicles within the site is on an informal arrangement with the proposed garage providing one permanent space. While the dimensions of the garage would be larger than a traditional parking space, it is considered that sufficient space would remain available within the site for the parking and manoeuvrability of vehicles. In addition to this, the local Highway Authority have raised no objection to the proposals.

The development is considered acceptable in terms of access/parking arrangements.

Flood Risk

The site is located within Flood Zone 3. An objection was initially received from the Environment Agency as no Flood Risk Assessment was submitted with the application. These concerns were raised with the applicant's agent who submitted an amended plan to show the risk of flooding would not be increased by the development and the development would not impact upon retaining wall separating the garage site from Whitewell Brook. Following this, the Environment Agency has withdrawn their objection. They have however requested that the garage be positioned at least 1.5m away from the retaining wall to allow access for any future repair works to be carried out. An amended Plan showing the new position of the garage has been submitted.

8. RECOMMENDATION

Approval, subject to conditions.

SUMMARY REASON FOR APPROVAL

The proposal is considered acceptable in principle given that the site lies within the urban boundary and within an established garage site. The scheme would reasonably safeguard the character and appearance of the area, the amenities of nearby local residents, access parking arrangement and would not increase the risk of flooding to the site. The proposal is therefore considered to be in accordance with the requirements of the National Planning Policy Framework and the Council's adopted Local Plan.

9. CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

- Site Location Plan received 13.12.2022
- Proposed Site Plan Drawing No. GKG/002/01 received 13.12.2022
- Proposed Plans and Elevations Drawing No. GKG/002/01 received 13.12.2022

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

- 3) The garage hereby permitted shall only be used for domestic purposes and the garage shall not be used for any trade or business purposes.

Reason: In order to safeguard the residential amenity and character of the area

INFORMATIVES

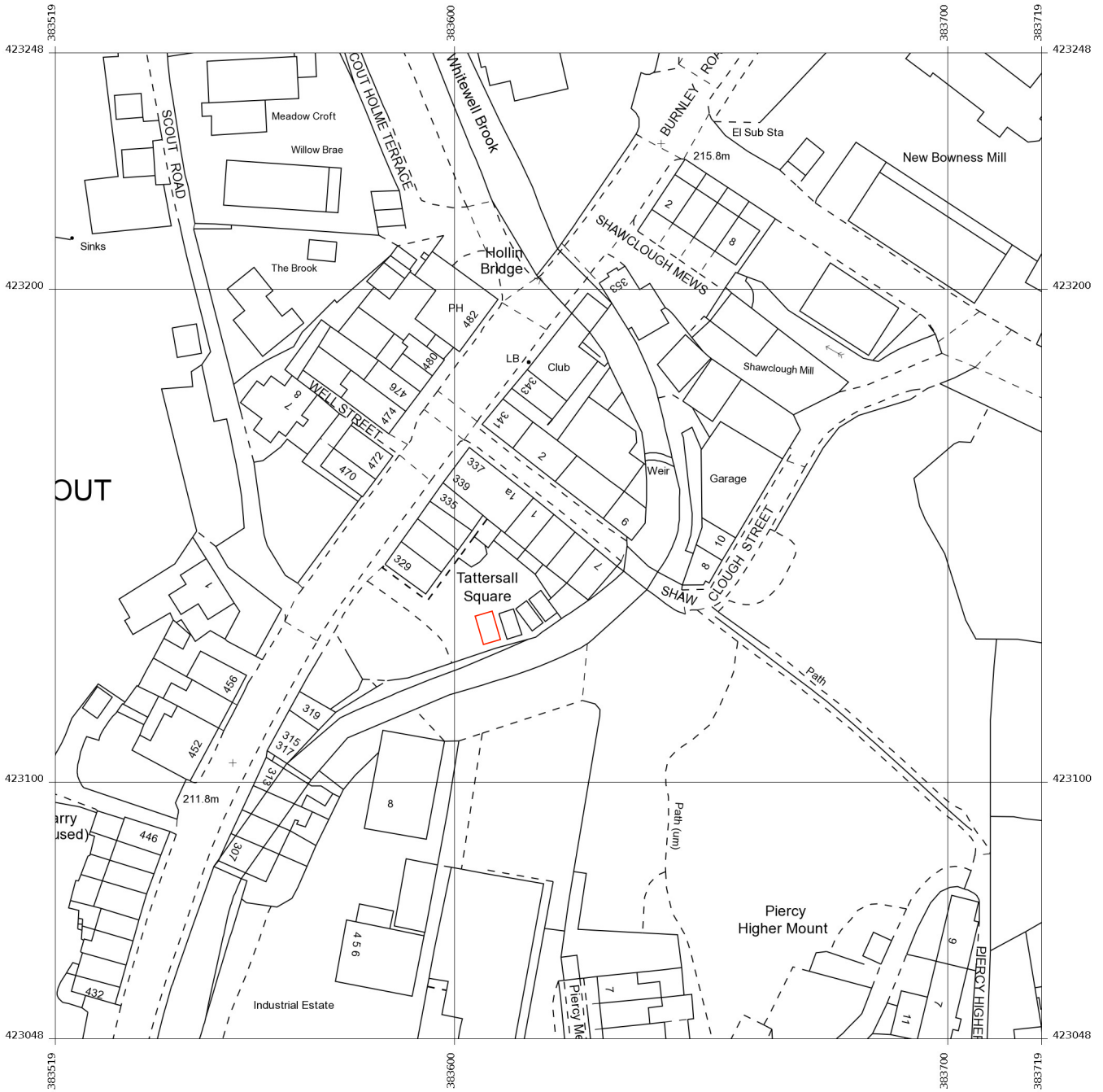
- 1) The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision

without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

2) The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

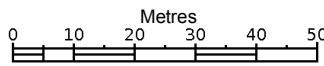
- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.



Produced 24 Jun 2022 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

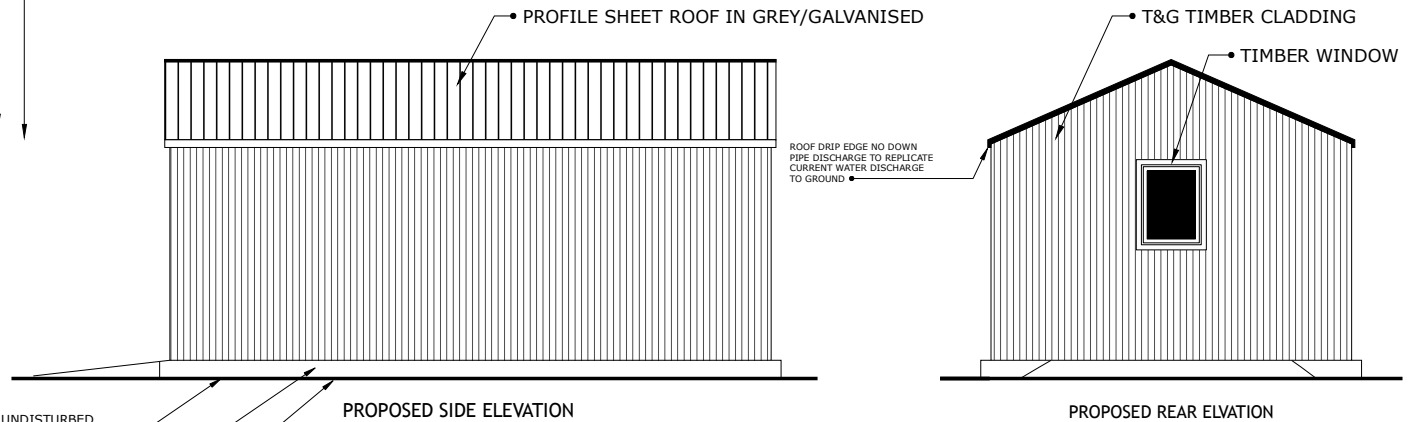
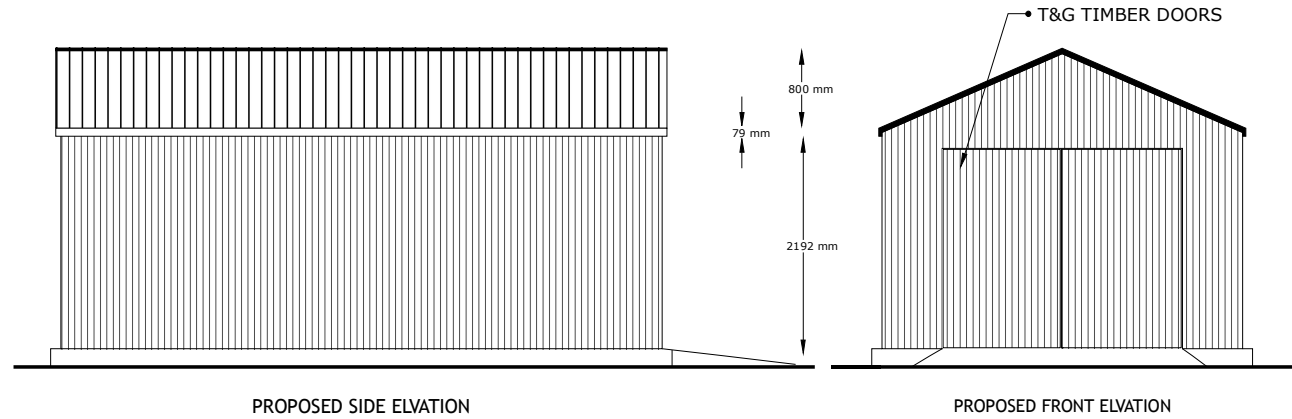
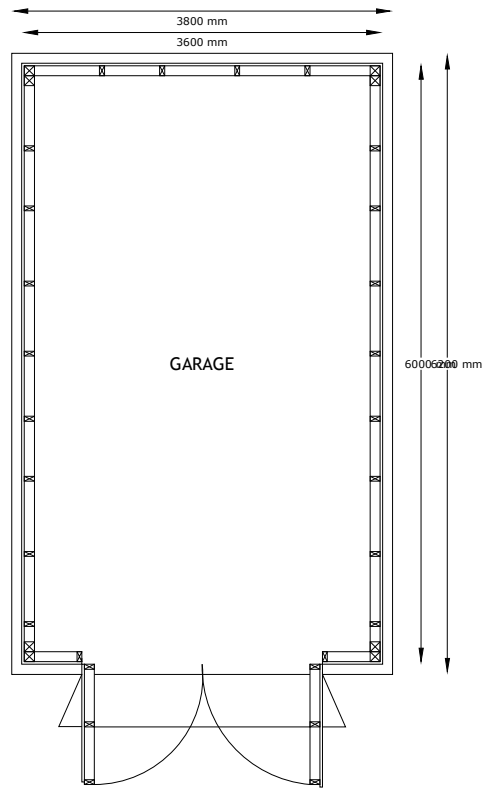


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3, Shawclough St, Whitewell Bottom,
Rossendale
BB4 9JY

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EXISTING GROUND AND SUBSTRATES TO REMAIN UNDISTURBED TO ENSURE EXISTING GROUND PERMEABILITY IS PRESERVED

CONCRETE SLAB/RAFT ON EXISTING HARDCORE/STRATA

THE CURRENT STRATA IS FREE DRAINING INTO THE EXISTING WATER COURSE TO MAINTAIN THIS NO WATER DISCHARGE IN ADDITION TO THE CURRENT STAUUS WILL BE INTRODUCED

SOLUTIONS
Elevating Life Through Great Design

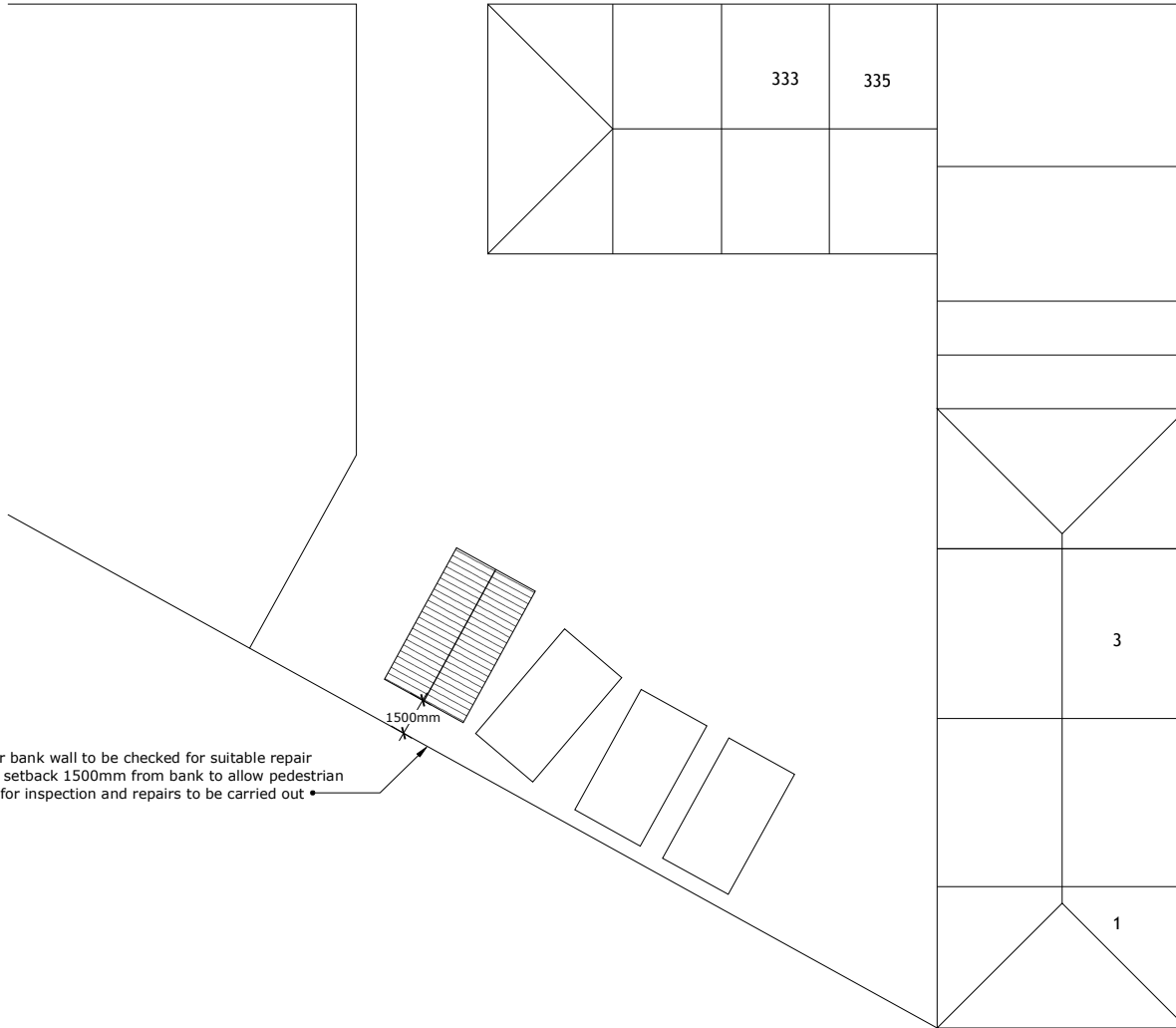
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PROJECT /JOB/DWG NO/	
GKG/001/01/	
CLIENT	SCALE 1:50
MR G KEMPSON	
<p>PROJECT PROPOSED GARAGE AT REAR SHAWCLOUGH ST WATERFOOT</p>	

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BURNLEY ROAD EAST



SHAWCLOUGH STREET

Nb river bank wall to be checked for suitable repair
Garage setback 1500mm from bank to allow pedestrian
Access for inspection and repairs to be carried out

 <p>SOLUTIONS Elevating Life Through Great Design</p>	<small>ANY ALTERATION OR DEVIATION MUST BE CONFIRMED WITH THE ARCHITECT/ENGINEER/LPA/ LABC PRIOR TO ANY WORKS BEING CARRIED OUT. IT IS THE CONTRACTORS SOLE RESPONSIBILITY TO CONFIRM ALL SITE MEASUREMENTS PRIOR TO ANY ORDERING OR COMMENCEMENT AS NO RESPONSIBILITY IS ACCEPTED OR IMPLIED BY THE ARCHITECT/ENGINEER ETC.</small> <small>THE DRAWINGS AND INFORMATION HERIN IS AND REMAINS SOLELY THE PROPERTY OF THE ARCHITECT. ANY UNAUTHORISED USE/COPYING/SHARING/PUBLICATION/SUBMISSION ETC WILL NOT BE PERMITTED UNDER COPYRIGHT LAW/INTELLECTUAL PROPERTY. THIS USE ALSO EXTENDS TO THAT OF THE LPA/LABC AND CHECKS MUST BE MADE TO SATISFY THE SOURCE OF THE DOCUMENT PRIOR TO USE.</small>	
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