

<b>Application Number:</b>	2024/0137	<b>Application Type:</b>	Full
<b>Proposal:</b>	Construction of a garage.	<b>Location:</b>	Land At Barnes Avenue Rawtenstall Rossendale Lancashire BB4 8ST
<b>Report of:</b>	Head of Planning	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	21.05.2024
<b>Applicant:</b>	Mr Sam Hesketh	<b>Determination Expiry Date:</b>	13.06.2024
<b>Agent:</b>	N/A		

<b>Contact Officer:</b>	<b>Claire Bradley</b>	<b>Telephone:</b>	<b>01706 238636</b>
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	No
<b>Member Call-In</b> Name of Member: Reason for Call-In:	No
<b>3 or more objections received</b>	
<b>Other (please state):</b>	<b>Council owned land</b>

### **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 the application be approved subject to the conditions included in this report.

## APPLICATION DETAILS

## 2. SITE

The application relates to a site that was previously a garage site located between Nos 46 and 52 Barnes Avenue. The site currently has an electric substation, a single garage and a further larger garage leased by the applicant that was approved in 2023.

The current access is hard surfaced and the front of the site has mature landscaping, with the remainder of the site being grass and overgrown shrubbery. There is a solid boundary fence adjacent to No 46 Barnes Avenue and trees to the rear of the site.

The site is located within the urban boundary, and within a predominantly residential area.

## 3. RELEVANT PLANNING APPLICATION HISTORY

2022/0573: Construction of a garage and extension of existing access way. (Approved)

## 4. PROPOSAL

Planning permission is sought to erect a garage on the site between the existing garages located on the site.

The proposed garage is for personal use by the applicant to undertake vehicle maintenance and repairs.

The proposed garage has dimensions of 7 metres (L) x 3 metres (w) with a rear height of 2.7 metres sloping up to a front height of 3.3 metres.

## 5. POLICY CONTEXT

### National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 4 Decision Making

Section 11 Making Effective Use of Land

Section 12 Achieving Well Designed Places

### Development Plan

SS: Spatial Strategy

SD1: Presumption in Favour of Sustainable Development

SD2: Urban Boundary and Green Belt

ENV1: High Quality Development in the Borough

TR4: Parking

### Other material considerations

National Planning Practice Guidance

## 6. CONSULTATION RESPONSES

Consultee	Response
LCC Highways	No objection subject to conditions

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 24.04.2024 and neighbour letters were posted out on 23.04.2024.

The consultation period expires on 15.05.2024

To date no objections have been received

## 8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle;
- 2) Visual Amenity;
- 3) Neighbour Amenity;
- 4) Access, Parking and Highway Safety

### Principle

This site is located within the urban boundary and within a sustainable location, on land where there are existing garages.

It is considered that the principle of the development is acceptable

### Visual Amenity

Policy ENV1 of the Local Plan seeks to promote high quality design in the Borough, and includes a varied set of criteria with which development proposals need to comply.

The Framework states that planning decisions should ensure that developments:

*“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

The garage will be visible from Barnes Avenue, visible from the side elevation/garden of No. 52 Barnes Avenue and visible above the existing landscaping and fencing from the side elevation/garden of No. 46 Barnes Avenue.

The proposed development is to be constructed in profiled steel cladding with plastisol coating (colour Light Grey) with a roof of the same materials. Whilst not ideal in design terms it is considered that a refusal of this application on either design or scale grounds would be difficult to reasonably sustain in this instance. This is because the application site is a garage site and the proposed development will be seen in the context of the existing garages (of varied styles and construction materials) and the neighbouring substation and is partially screened by mature landscaping. With this in mind it is considered that the development will not unacceptably impact upon the character, or appearance of the surrounding area and to this end will reasonably satisfy the relevant requirements of the Rossendale Local Plan and the NPPF.

### **Neighbour Amenity**

Policy ENV1 (c) requires development to be *sympathetic to surrounding land uses, avoiding demonstrable harm to the amenities of a local area*; and (d) states that *the scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light; -nor should it be adversely affected by neighbouring uses and vice versa*;

The application site is located between the existing garage adjacent to 46 Barnes Avenue and the single garage adjacent to the substation.

The garage is to be used for a personal use for vehicle repair and maintenance, which would not be unusual in a location such as this.

The development is acceptable in terms of residential amenity with the proposed conditions and is in accordance with the Rossendale Local Plan and the NPPF

### **Highway Safety**

It is not envisaged that the proposals will give rise to any undue highway safety concerns. There is provision within the site for the turning of vehicles and consequently vehicles will be able to enter and leave the site onto the highway in forward gear.

The proposals are acceptable in terms of highway safety and the Highway Authority have no objections

## 9. SUMMARY OF REASONS FOR APPROVAL

The proposed development is acceptable in principle, and subject to conditions would not unacceptably detract from visual amenity, neighbour amenity or highway safety. As such, the scheme accords with the National Planning Policy Framework and the Council's adopted Local Plan.

## 10. CONDITIONS

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

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. The development shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:
  - Application form received 08.04.2024
  - Location Plan received 23.04.2024
  - Elevations Plan received 18.04.2024
  - 3D Plan received 18.04.2024

Reason: To ensure the development complies with the approved plans and submitted details.

3. Construction works shall not take place outside the following hours:  
Monday to Friday 08:00 to 18:00  
Saturday 08:00 to 13:00  
Construction shall not take place on Sundays or Bank or Public Holidays.  
Access and egress for delivery vehicles shall be restricted to the working hours indicated above.

Reason: to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

4. The garage hereby approved shall be kept freely available for the parking of cars and shall not be converted for any other use without the submission and grant of a planning permission for that purpose by the local planning authority. The garage shall be used only for personal vehicular parking and maintenance, and not for any commercial purposes.

Reason: To allow for the effective use of the parking areas.

5. The parking areas must be constructed of a bound porous material in order to ensure that satisfactory parking is provided before the proposal hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas.

## 11. 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. Construction phase:

Noise: Take all practicable steps to prevent the noise from the site activities giving rise to a nuisance.

Dust: Take all practicable steps to prevent any dust from the site activities giving rise to a nuisance.

Fumes: Take all practicable steps to prevent any fumes from site plant/ vehicles/ activities giving rise to a nuisance.

No Burning of Materials: No burning of materials shall take place at the site, unless otherwise agreed in writing by the Local Planning Authority.

# Location Plan

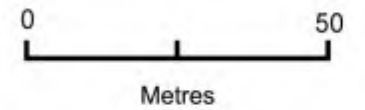
Site Address: Land At, Barnes Avenue, Rawtenstall, Rossendale, BB4 8ST

Date Produced: 07-Apr-2024

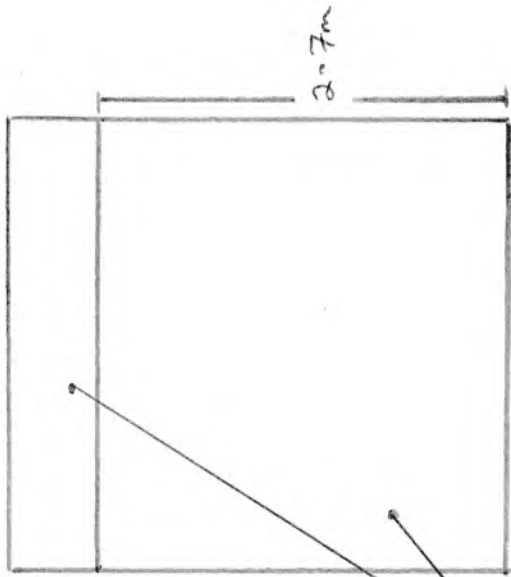
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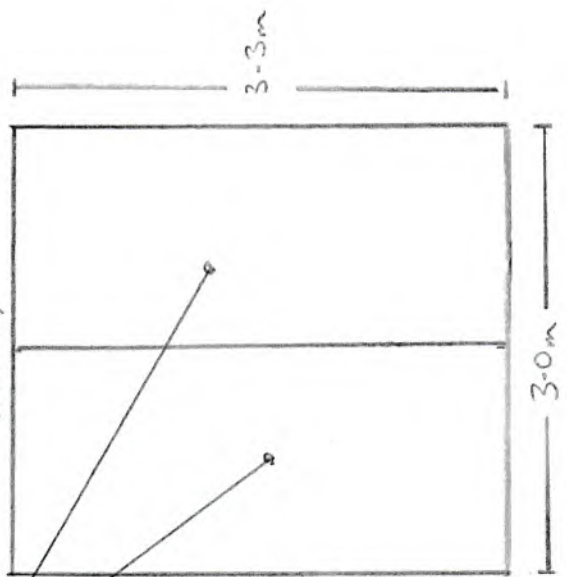
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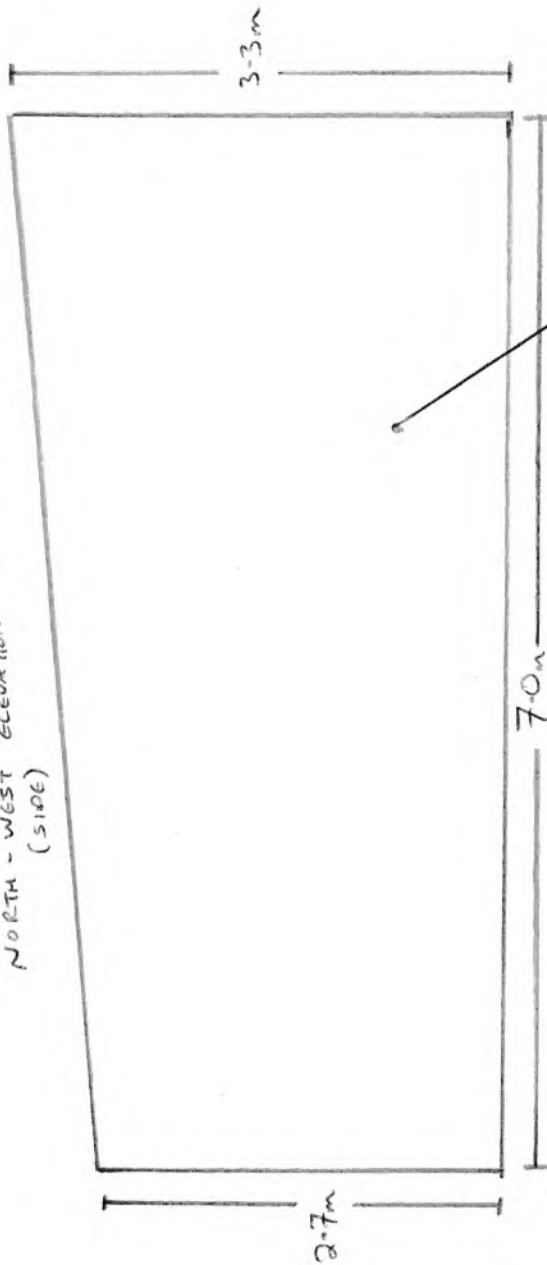
SOUTH - WEST ELEVATION  
(REAR)



NORTH - EAST ELEVATION  
(FRONT)

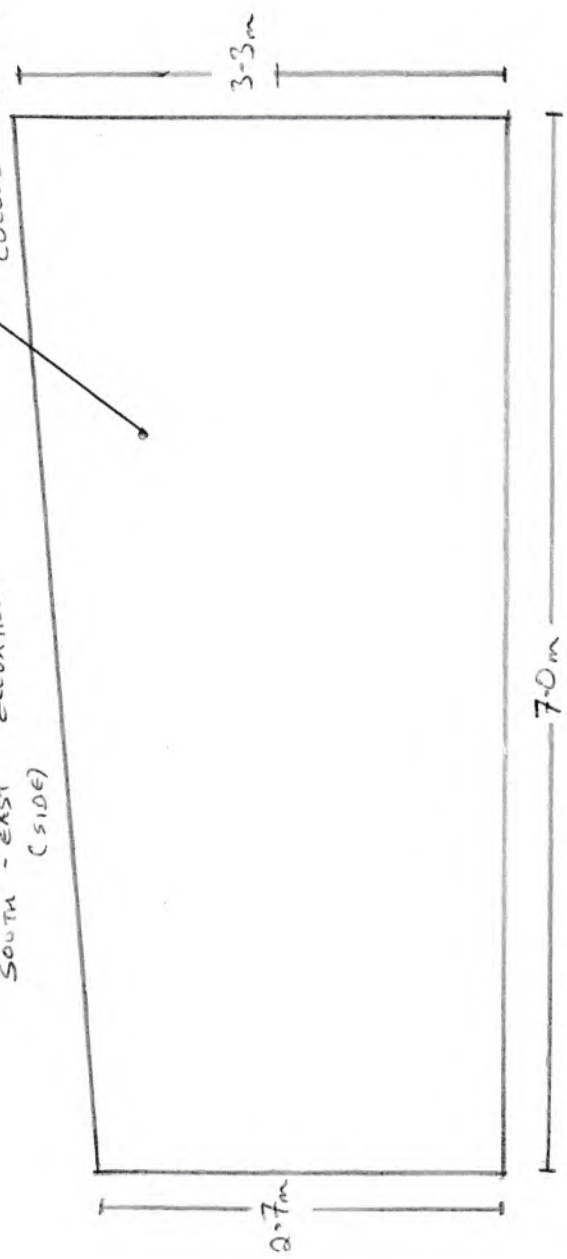


NORTH - WEST ELEVATION  
(SIDE)



PROFILED STEEL CLADDING WITH  
PLASTISOL COATING,  
COLOUR "LIGHT GREY"

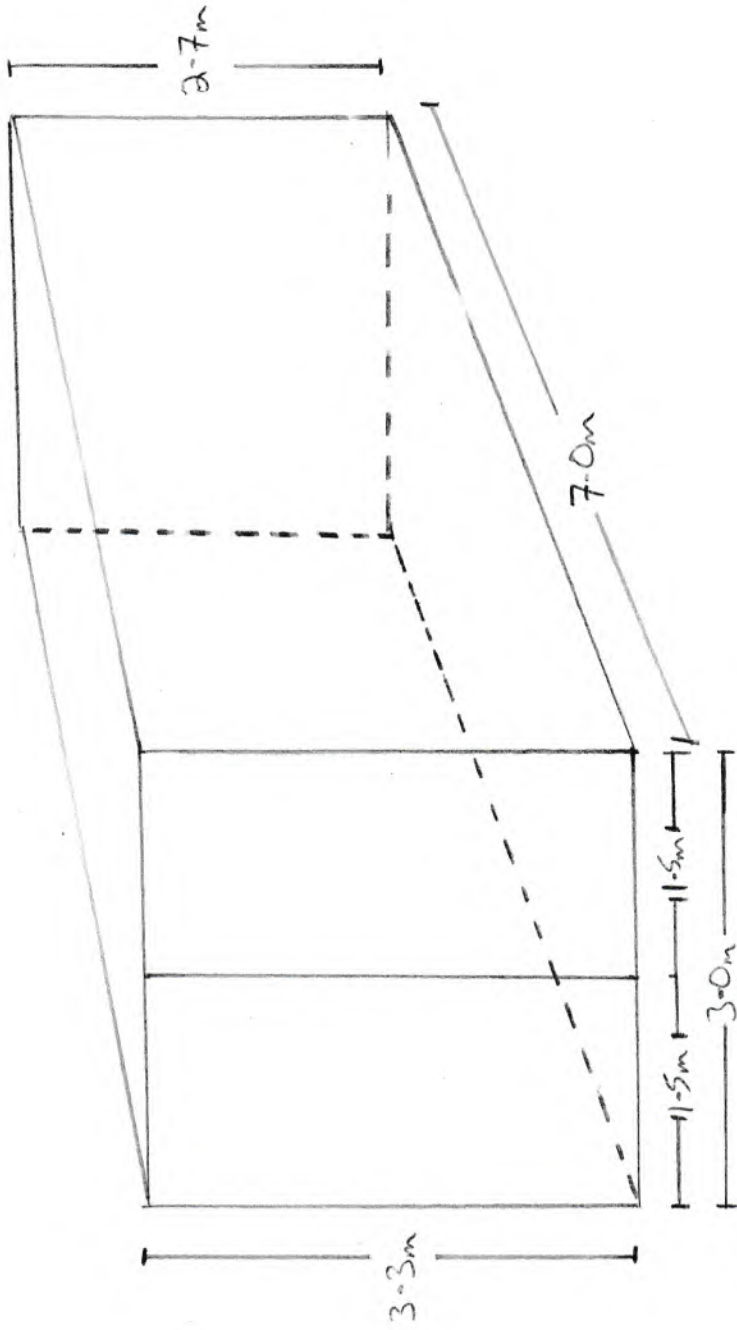
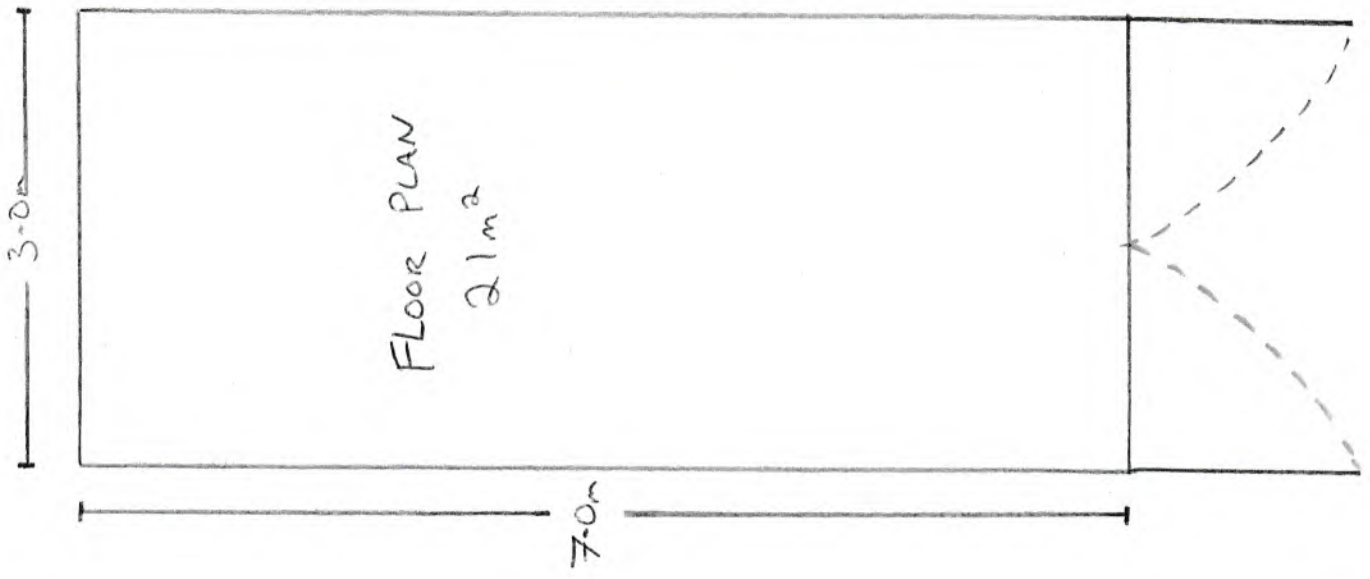
SOUTH - EAST ELEVATION  
(SIDE)



Proposed Elevation Plans  
@ 1:50







PROPOSED BUILDING PLAN + FLOOR PLAN @ 1:50



