

Application No: 2007/048

Application Type: Full

Proposal: Removal/amendment of Condition 3 of Planning Permission 2006/101 relating to a lock-up garage

Location: Land adj to 7 Rose Mount, Newchurch

Report of: Head of Planning, Legal and Democratic Services

Status: For Publication

Report to: Development Control Committee

Date: 6 March 2007

Applicant: Mrs Lynn Ashworth

Determination Expiry Date: 22 March 2007

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In	<input type="checkbox"/>
Name of Member:	
Reason for Call-In:	
3 or more objections received	X

Other (please state)

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.

APPLICATION DETAILS

1.1 The Proposal and the Site

The application site is within the Urban Boundary and is accessed by a single-track unadopted highway to the front of 1-7 Rose Mount.

The applicant has permission for the construction of a single detached garage under Planning Planning 2006/101, subject to a condition that it be used for no other purpose than the parking of a car associated with the dwelling at 7 Rose Mount.

This application seeks to remove the condition tying the use of the garage to 7 Rose Mount or have it amended to enable use of the garage for the parking of a car associated with either 7 Rose Mount or the adjacent house, Rook Mount, which fronts Turnpike.

1.2 Relevant Planning History

2006/101 - Erection of new garage on site of previous garage – Approved 6 April 2006

1.3 Policy Context

Rossendale District Local Plan
Policy DS.1 (Urban Boundary)
Policy DC.1 (Development Criteria)

Joint Lancashire Structure Plan
Policy 1 (General Policy)

Other Material Planning Considerations
PPS 1
PPG13
LCC Parking Standards

2. CONSULTATIONS

LCC (Highways) raises no objection to the application.

3. REPRESENTATIONS

Neighbours were notified by individual letter and a site notice posted near to the site. Five letters of objection have been received, expressing concern that the use of the garage by the vehicles of persons unconnected with 7 Rose Mount would add to access/parking problems for them.

4. THE APPLICANTS CASE

The applicant's agent makes the following points :

- There was previously a lock-up garage on the site which had no condition restricting its use it.
- Rook Mount does not have a garage and parking on Turnpike itself is particularly hazardous. Turnpike is a major highway route.

- The lack of a garage or parking is causing a major difficulty in the possible sale of the house. Mrs Ashworth is a widow who, because of her domestic circumstances, finds that Rook Mount is now too large and wishes to sell and to move to her mother's house.
- The curtilages of Rook Mount and 7 Rose Mount touch each other and the proposed garage is accessed from the rear garden of Rook Mount.
- The removal or amendment of the planning condition will not, by itself, lead to any increase in vehicles or in parking requirements.
- There will still be space for residents to park outside their homes on Rose Mount.

5. ASSESSMENT

The proposal site is within the Urban Boundary and therefore the proposal would be in accordance with Policy DS1 of the Rossendale District Local Plan.

It was considered appropriate to condition Planning Permission 2006/101 to limit use of the garage to the vehicle of the resident of 7 Rose Mount" as its use by a third party could have increased traffic on a road which fails to meet modern standards and could (potentially) have impacted adversely upon the amenities of local residents/the character of the area.

It remains my view that the condition ought not to be removed. However, to allow use of the garage by the car belonging to the resident of either 7 Rose Mount or the adjacent house, Rock Mount, would not add to traffic in the area or unduly affect the amenities of local residents/the character of the area.

Accordingly, I concur with the view of the Highway Authority that there is no reason to resist the variation of the condition in this way.

6. SUMMARY REASONS FOR APPROVAL

The building is located within the Urban Boundary and to vary the condition as proposed is not considered likely to result in significant detriment for neighbours or highway safety.

7. RECOMMENDATION

That Condition 3 of Planning Permission 2006/100 be varied to read as follows :

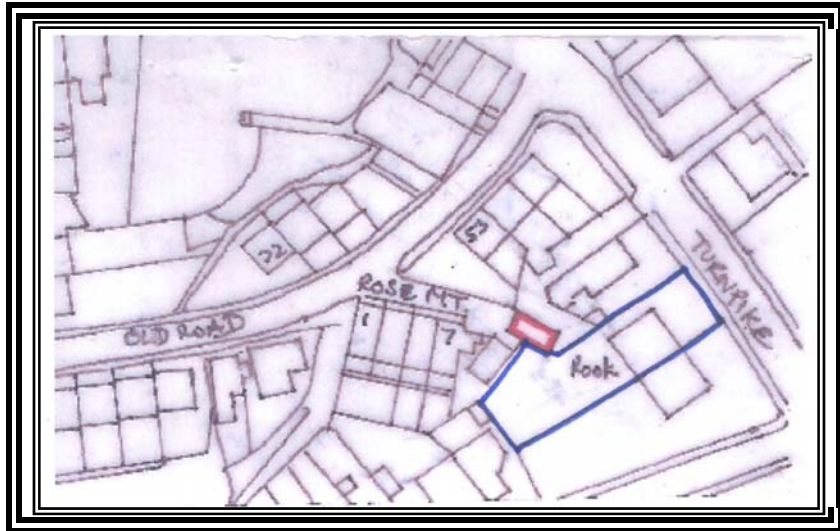
At no time shall the garage hereby permitted be used for any other purpose than the parking of a motor vehicle associated with the dwellinghouse known as 7 Rose Mount or Rook Mount. *Reason: In the interests of neighbour amenity and highway safety, and to accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

Contact Officer	
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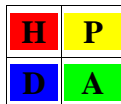
Site Location Plan and Red Edge

**Address and proposal: removal or amendment of condition no 3 relating to application for a lock up garage at 7, Rose Mount.
Application no 2006/101**

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Scale: 1 to 1250



January 2007

Prepared by Hartley Planning and Development Associates Ltd

