

Application No: 2009/0078	Application Type: Full
Proposal: Demolition of existing commercial garage (Class B2) and erection of new commercial garage (Class B2) with 3 bedroom dwelling (Class C3) above	Location: Laurel Street Garage, Laurel Street, Bacup.
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 18 May 2009
Applicant: Mr S Ashworth	Determination Expiry Date: 19 May 2009
Agent: Walsh Architects	

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation
Member Call-In

Name of Member:
Reason for Call-In:

More than 3 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. SITE

1.1 The application site comprising a single storey building and the associated parking/turning area is located at the end of Laurel Street off Burnley Road, Bacup. Currently the building is used as a commercial garage to provide motor vehicle repairs/maintenance services including sale of vehicles. The site is surrounded by residential properties on Laurel Street/Lotus Street to the north,

River Irwell and Scouts building to the west, industrial buildings to the south and open land to the east.

- 1.2 To the rear of the building, the land forms a high embankment with trees/bushes. The building is constructed of brick with profiled steel sheeting roof. Access to the site is gained from Burnley Road via Laurel Street.
- 1.3 The application site lies within the Urban Boundary of Bacup.

2. RELEVANT PLANNING HISTORY

1995/068: Construction of new workshop and office as extension to existing building – Approved.

1982/423: Change of use to vehicle repair workshop - Approved

3. THE PROPOSAL

- 3.1 The proposal entails demolition of the existing commercial garage and construction of new commercial garage with a single storey 3 bedroom dwelling above. It is proposed that the new commercial garage (approximately 10.2m x 10.7m) would be located on the same location as the existing garage.
- 3.2 The proposed dwelling comprising two floors (i.e. the lower floor and roof floor) would be located over the new garage, approximately 2.7m above the ground level. The dwelling would provide 3 bedroom accommodation within the roof space and the associated residential facilities at the lower floor. It is proposed that the building would be constructed with a slate pitch roof and the external walls in stone. Access to the dwelling would be via an external staircase to be located along the northerly gable adjacent to the rear garden boundary to dwellings on Lotus Street. It is proposed that the coping to the access steps would be fitted with a 1.8m high tanilised timber fence.
- 3.3 It is proposed that the vehicular access to the new garage and dwelling would be via the existing access from Laurel Street. A parking/turning area to provide 3 car parking spaces on the southerly side of the building has been proposed. It is anticipated that the new garage will open for business between 08.00 hrs to 17.00 hrs, Monday to Friday and 09.00 hrs to 12.00 hrs on Saturdays only. The garage will remain closed for business on Sundays and Bank Holidays.
- 3.4 In support of the application, the applicant points out:
 - The commercial garage would be located in the same location as existing.
 - The new garage would be of similar size and scale as existing.
 - The proposed building, in terms of its scale and massing, would be in keeping with the adjacent development.
- 3.5 The submitted plans have been amended to clarify details concerning the proposed elevations and patio area to the dwelling.

4. POLICY CONTEXT

National

PPS1 Sustainable Development
PPS3 Housing
PPG13 Transport

Development Plan

Regional Spatial Strategy (2008)

DP1-9 Spatial Principles
L 4 Regional Housing Provision
RT4 Management of the Highway Network
EM1 Environmental Assets

Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Criteria
DC4 Materials

Other Material Planning Considerations

RBC Core Strategy
RBC Emerging Bacup, Stacksteads & Britannia AAP
RBC Interim Housing Policy Statement (July 2008)
RBC Rossendale Strategic Housing Market Assessment (October 2008)
DFT Manual for Streets
LCC Parking Standards

5. CONSULTATION RESPONSES

5.1 LCC (Highways) - No highway comments.

5.2 RBC (Environmental Health) - No comments.

5.3 Environment Agency – No objection.

5.4 Notification Responses

5.4.1 A site notice was posted on 15 April 2009 and the relevant neighbours were notified by letter on 25 March 2009 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

5.4.2 Five letters, two from the Rossendale Scout Group, have been received raising objection to the proposal for the following reasons:

- The proposed development would limit the amount of light to the front of the houses on Laurel Street.

- The applicant already monopolises use of the general car parking area as an unofficial trading area for the sale of used cars.
- The garage vehicles are parked on the car park to advertise for business.
- The road and car park are in bad condition and in need of repair.
- If permission is granted, this would result in the garage business running all times of day and night and the noise level increased to the detriment of the residents of the area.
- The proposed dwelling would result in the loss of privacy to our bedrooms.
- The proposed conversion to a residence may give rise to a problem of an occupier of the new dwelling having clear views into the Scout Hall used by young children.
- On some nights the music played/concerts held at the Scout Hall could be audible from the area. The extensive light system both internally and externally could create a problem especially to the living accommodation. The open fire Bar-B- Q's could cause annoyance to people in their homes.
- The Scout Hall is at present being developed for wider community use and this would create extra parking needs around the building. If the garage facility expands to any great degree, this could cause conflict with this issue.

6. PLANNING ISSUES

6.1 The main issues to be considered in the determination of this application are:

- 1) Principle
- 2) Housing Policy
- 3) Visual Amenity
- 4) Neighbours Amenity
- 5) Access/Parking

6.2 Principle

In the adopted Local Plan the application site lies within the Urban Boundary and is reasonably accessible by public transport. It is therefore considered that the proposed development involving redevelopment of the commercial garage and construction of a dwelling above accords with Policy DS1 of the Rossendale District Local Plan and is acceptable in principle.

6.3 Housing Policy

The application site is located within the Urban Boundary of Bacup and within the Bacup, Stacksteads & Britannia AAP boundary.

The Interim Housing Policy Statement (July 2008) amplifies upon the housing policies of PPS3, the Regional Spatial Strategy and the Council's LDF Core Strategy. It does not preclude residential development within the Urban Boundary of Main Development Locations and the Regeneration Priority Areas so long as the proposal accords with the following criteria:

1. It uses existing buildings/previously developed land or is for replacement dwelling(s); and
2. It makes an essential contribution to the supply of affordable housing; and

3. It is built at a density between 30 and 50 dwellings per hectare (where appropriate the higher density of 50 dwellings per hectare will be expected);
or
 4. It is a proposal is for solely affordable and/or special needs housing.
- 6.4 It is appropriate to consider the application site in relation to these criteria;
1. The proposal relates to a previously developed land.
 2. The IHPS does not require schemes of less than 4 dwellings to contribute to the supply of affordable housing.
 3. The proposal is not considered to be of inappropriate density.
 4. The proposal is not for solely affordable and/or special needs housing, but does not need to be as it accords with the preceding 3 criteria.
- 6.5 It is therefore considered that the application conforms to and is acceptable in terms of the Interim Housing Policy Statement (July 2008).
- 6.6 Design/appearance
The proposed two storey building with attic accommodation comprising a commercial garage and dwelling would be 5.2 m high to the eaves and 9.1m high to the ridge. It would have a slate pitch roof and external walls built in stone. In addition to the windows at the front and rear elevations, five velux windows are proposed in each of the northerly and southerly facing roof plains. The windows and doors would be fitted with an oak effect upvc frames. It is considered that the proposed building, in terms of its scale, design and materials, would be in keeping with the character and appearance of the adjacent buildings and the surrounding area. It is therefore considered that the proposed development, in terms of its design and appearance, is acceptable.
- 6.7 Neighbour Amenity
The proposed garage and dwelling above would be located on the cleared site resulting from the demolition of the existing garage. Although the building would be located approximately 11m from the front of the properties on Laurel Street, however no windows are proposed in its northerly elevation facing them. Whilst it is acknowledged that an external staircase leading to the porch to the dwelling at the first floor level is proposed, due to the separation distance (approximately 11m), the proposed 1.8m high timber fence along the access steps and the existing trees on the northerly boundary, it is considered that the proposed development would have little impact on the privacy/visual amenities of neighbours. Furthermore it is considered that the proposed development would not result in the loss of light to the neighbours. It is therefore considered that the concerns raised by some of the residents with regard to the loss of privacy or light are unjustified.
- 6.8 There are no residential properties located in close proximity of the site to the east, west and south. The nearest building (a Scouts building) would be located approximately 13m opposite the front elevation of the proposed building. As such it is considered that there are no amenity related issues to be considered in this respect.

- 6.9 The proposed dwelling would be located above the new garage. In order to protect the amenities of the residents of the dwelling, a condition requiring sound proofing of the floor of the dwelling would be necessary.
- 6.10 Access/parking
Some of the residents are concerned that the new garage will remain open for business 24 hrs a day and that this would generate noise/disturbance to the detriment of the residents of the area and exacerbate existing access/parking problems in the area.
- 6.11 According to the information provided in the application, the new garage will open for business between 08.00 hrs to 17.00 hrs, Monday to Friday and 09.00 hrs to 12.00 hrs on Saturdays only. No business activities would be carried from the garage on Sundays and Bank Holidays. In view of the restricted opening hours of the garage, it is unlikely that the garage would result in the generation of noise problems during the unsociable hours. Whilst it is likely that the proposed development (the new garage and dwelling) could generate additional vehicular movements in the area, it is considered that this would not be detrimental to highway safety. The Highway Authority is satisfied that the proposal will not materially alter the existing access/parking situation and has raised no objection to the proposal. The Authority is satisfied with the proposed car parking (3 car parking spaces) for the garage and dwelling.

7. SUMMARY REASON FOR APPROVAL

- 7.1 The site is located within the Urban Boundary of Bacup and within the Bacup, Stacksteads & Britannia AAP boundary. It is considered that the proposed development would not undermine the Council's Housing Strategy, or result in unacceptable detriment to visual & neighbour amenity or highway safety. It is therefore considered that the proposal accords with the provisions of PPS1/ PPS3/PPG13, Policies DP 1-9 / L4 / RT4 / EM1 of the Regional Spatial Strategy, saved Policies DS1 / DC1 of the Rossendale District Local Plan, and the Council's Interim Housing Policy Statement (July 2008).

8. RECOMMENDATION

That permission be granted, subject to the following 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 plans numbered 09.08.01B, 09.08.02 (Amended), received on 6 May 2009.
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.
3. Prior to the commencement of development samples of the facing materials to be used in the elevations and roof of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved materials and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to accord with the criteria of saved Policy DC1 of the Rossendale District Local Plan (1995).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, or any order amending or revoking and re-enacting that Order, no development contained within Classes A-E of Part One, Schedule Two of that Order shall be carried out without the prior written approval of the Local Planning Authority.
Reason: To avoid additions to the building or the erection of outbuildings that will detract to an unacceptable extent from visual or neighbour amenity, in accordance with the criteria of saved Policy DC1 of the Rossendale District Local Plan.

5. Prior to commencement of development hereby permitted, details of the construction/surface finish/ drainage of the access road, parking and turning facilities shown on the approved drawings shall be provided to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of any of the dwellings hereby permitted unless otherwise first agreed in writing by the Local Planning Authority, and these areas shall thereafter be kept freely available for use for the parking and manoeuvring of vehicles.
Reason: In the interests of highway safety and to accord with the criteria of saved Policy DC1 of the Rossendale District Local Plan (1995).

6. Notwithstanding the details shown on the submitted drawings or the application forms, prior to the commencement of development a scheme of landscaping/boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before development commences. The submitted details shall include the location of all existing trees and hedgerows on the site and shall specify those that are to be retained and the measures to be taken to protect them during construction of the development; the planting proposed; the areas to be hard-surfaced; the fences/walls/gates to be erected and any changes of ground-level proposed.
Reason: In the interests of visual & neighbour amenity, in accordance with the saved Policy DC1 of the Rossendale District Local Plan (1995).

7. All hard landscaping, gates, walls, fences in the approved scheme of landscaping/boundary treatment shall be implemented prior to the first occupation of the dwellings, unless the Local Planning Authority gives written consent to any variation. All planting in the approved scheme of landscaping/boundary treatment shall be implemented in accordance with the approved timetable, and any trees or plants which within a period of five years of planting die, are removed or become diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives consent to any variation.

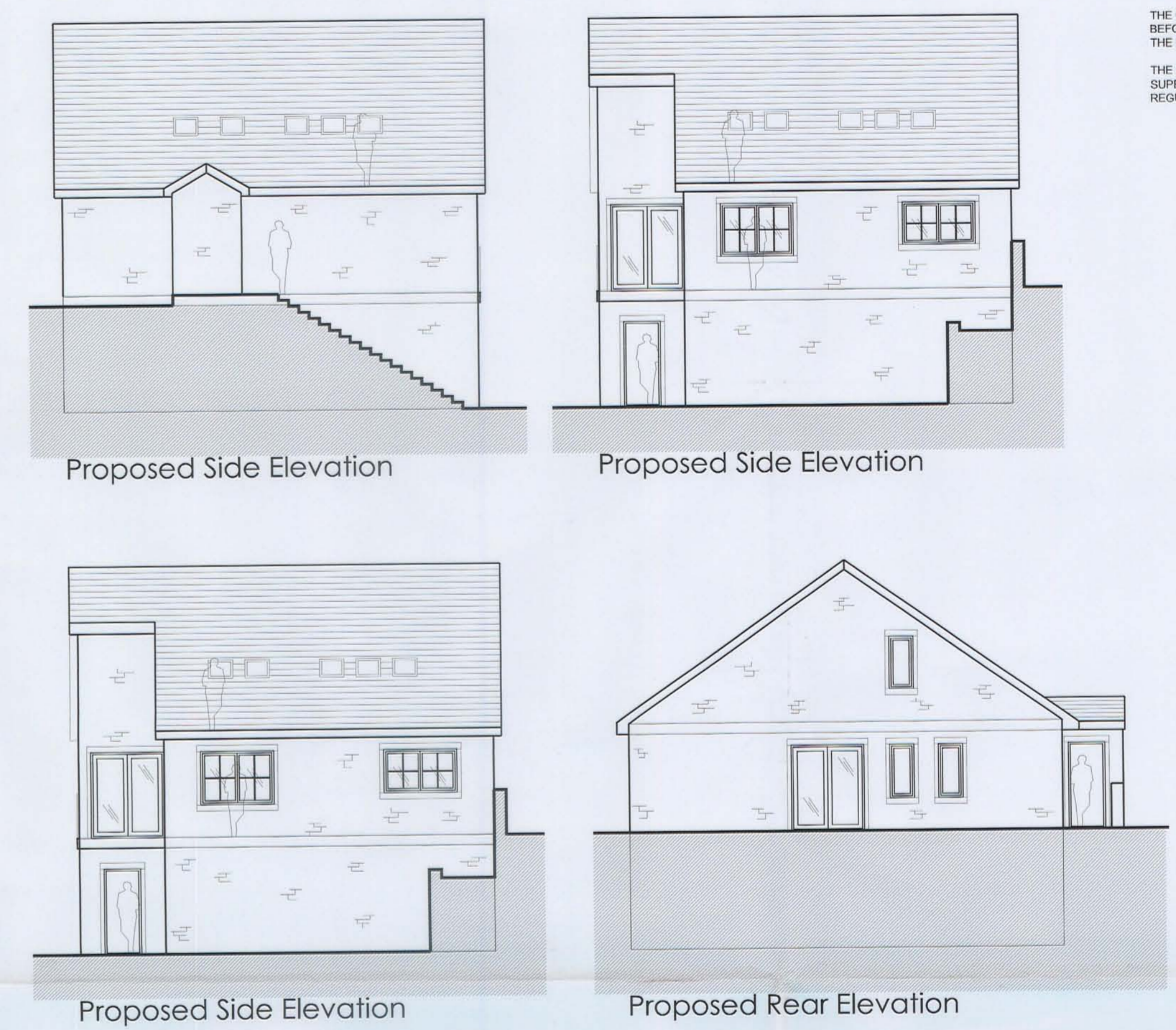
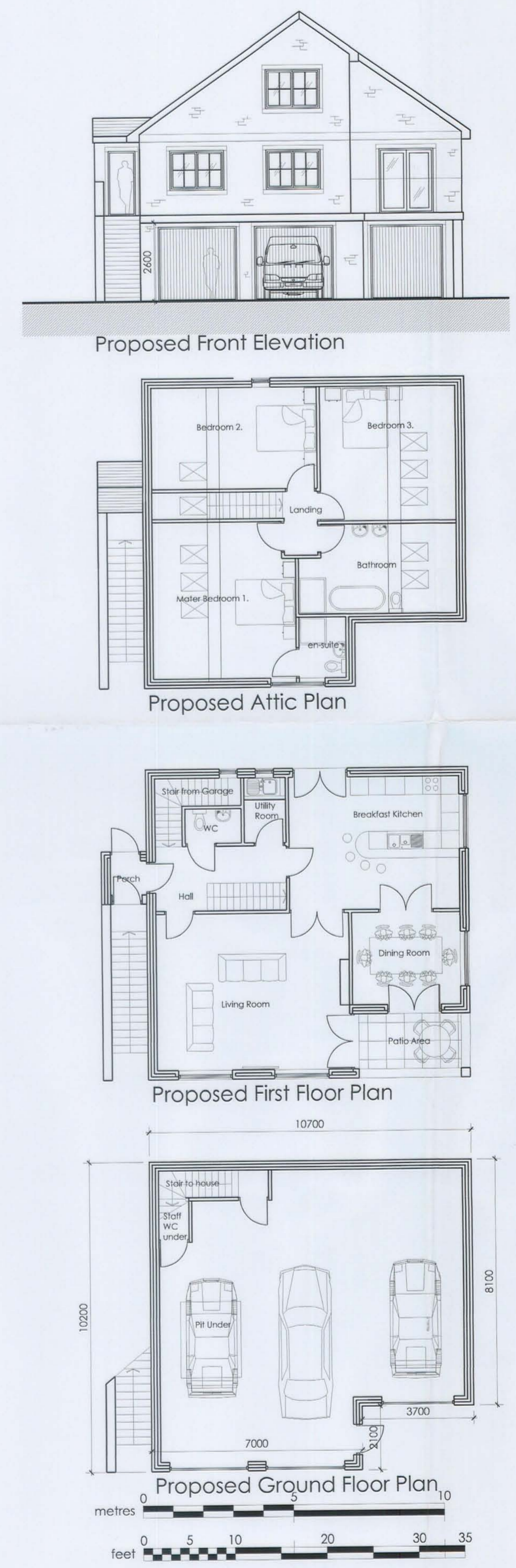
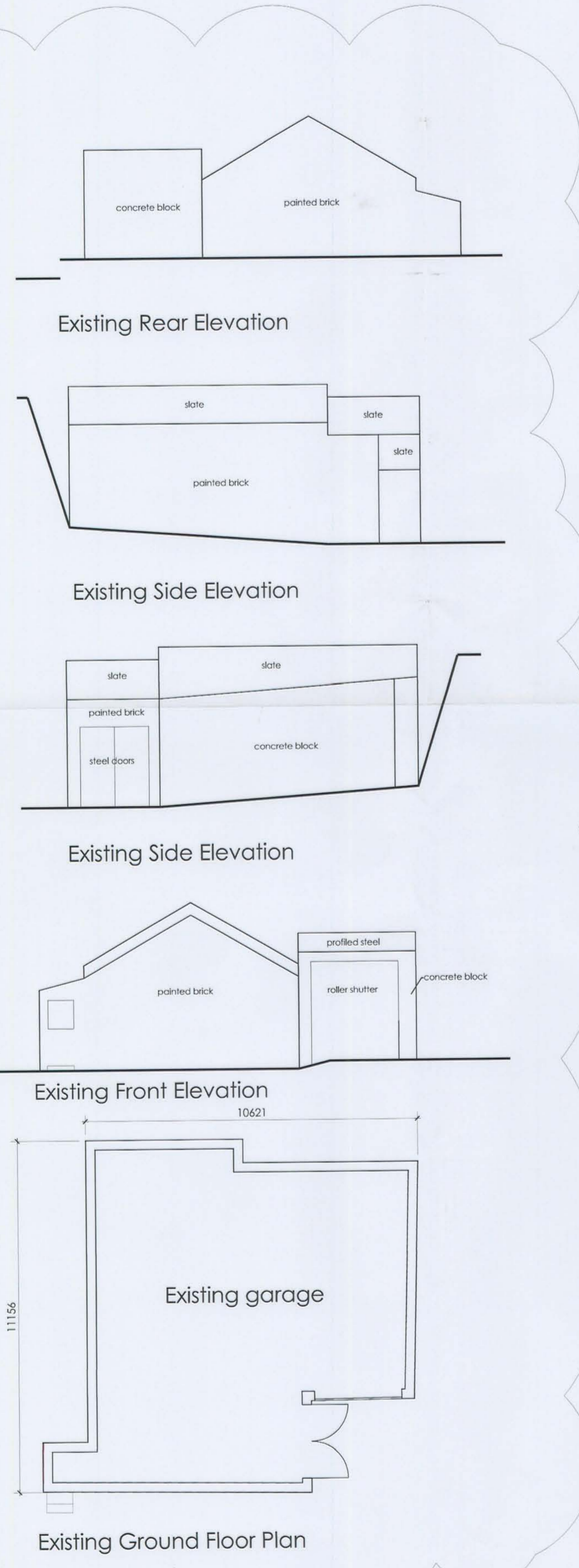
Reason: In the interests of visual amenity, in accordance with the saved Policy DC1 of the Rossendale District Local Plan.

8. No development shall be commenced until details of the finished floor levels of the garage/dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete and full accordance with the approved details.
Reason : To ensure the satisfactory development of the site and in the interests of visual and neighbour amenity, in accordance with the criteria of saved Policy DC1 of the Rossendale District Local Plan (1995).
9. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am to 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
Reason: To safeguard the amenities of nearby residential properties in accordance with saved policy DC1 of the Rossendale District Local Plan.
10. The commercial garage hereby permitted shall not be open for business or any associated activities outside opening hours 0800 hrs to 1700 hrs, Monday to Friday and 0900 hrs to 1200 hrs on Saturdays. No work or other activity shall take place on the garage site on Sundays or Bank Holidays.
Reason: To safeguard the amenities of nearby residential properties in accordance with saved policy DC1 of the Rossendale District Local Plan.
11. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the garage and dwelling, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.
Reason: To protect the residential amenities of the occupiers of the permitted dwelling, in accordance with saved policy DC1 of the Rossendale District Local Plan.
12. Details of a bin storage area in association with the dwelling hereby approved shall be submitted to and first approved in writing by the Local Planning Authority prior to the dwelling being first occupied.
Reason: In the interests of residential amenity of the area, in accordance with saved policy DC1 of the Rossendale District Local Plan.

Contact Officer	
Name	M. Sadiq
Position	Planning Officer
Service / Team	Development Control
Telephone	01706 238641
Email address	planning@rossendalebc.gov.uk

**existing and proposed plans and elevations-
garage alterations @ 1:100**

ALL DIMENSIONS ARE TO BE CHECKED ON SITE
ANY DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT BEFORE ANY WORK COMMENCES
THIS DRAWING SHALL NOT BE SCALED TO ASCERTAIN ANY DIMENSIONS WORK TO FIGURED DIMS ONLY
THIS DRAWING HAS BEEN PRODUCED FOR THE PURPOSES OF OBTAINING PLANNING AND BUILDING CONTROL APPROVAL ONLY. NO OTHER LICENSES ARE IMPLIED OR GRANTED. THIS IS NOT A FULL WORKING DRAWING.
THIS DRAWING MUST NOT BE REPRODUCED WITHOUT EXPRESS WRITTEN PERMISSION FROM WALSH ARCHITECTS LTD.
THE CLIENT IS REQUIRED TO NOTIFY ALL NEIGHBORS 21 DAYS BEFORE COMMENCEMENT OF WORKS IN ACCORDANCE WITH THE PARTY WALL ACT 1996.
THE CLIENT IS REMINDED APPOINTMENT OF A PLANNING SUPERVISOR MAY BE NECESSARY UNDER THE C.D.M. REGULATIONS.



0 1 2 3 4 5
Rossendale Valley CM

This copy has been made by or with the authority of
Responsible Design Council
Pursuant to section 47 of the Copyright, Design and Patents Act 1988.
Unless that and provides a relevant exception to copyright, this copy must
not be copied without the prior permission of the copyright owner

A 12.03.09 Existing Plans and Elevations Clarified.

rev.	date	status

the waterhouse
covey road
rossendale
lan 750
01792 22113
01797 7171440
e.shotton@walsh@
walsh-architects.com

purpose: planning only
client: Stuart Ashworth
Demolition of Garage and Erection of New Garage and Dwelling

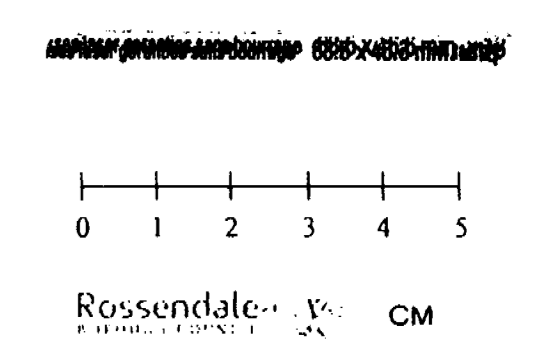
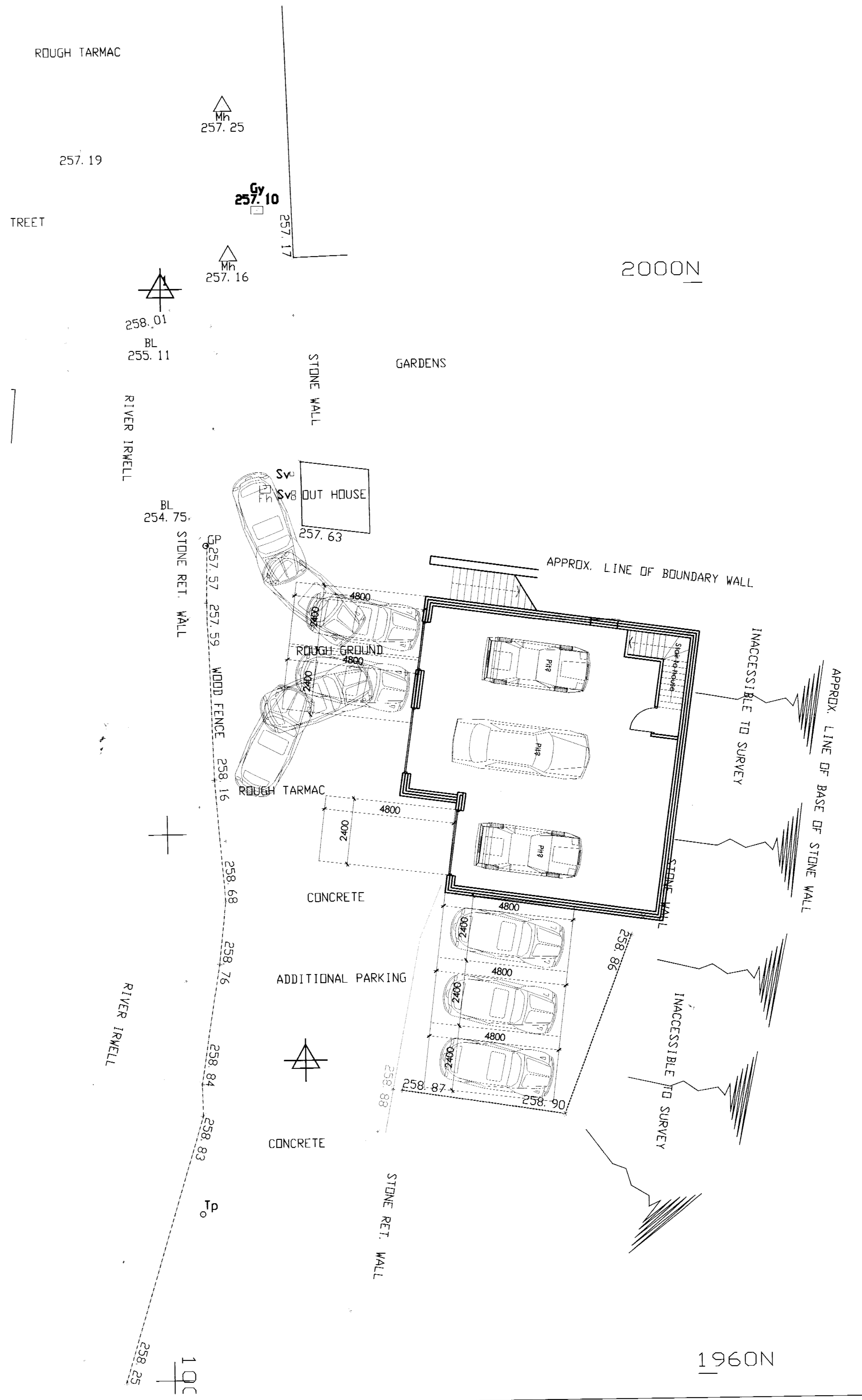
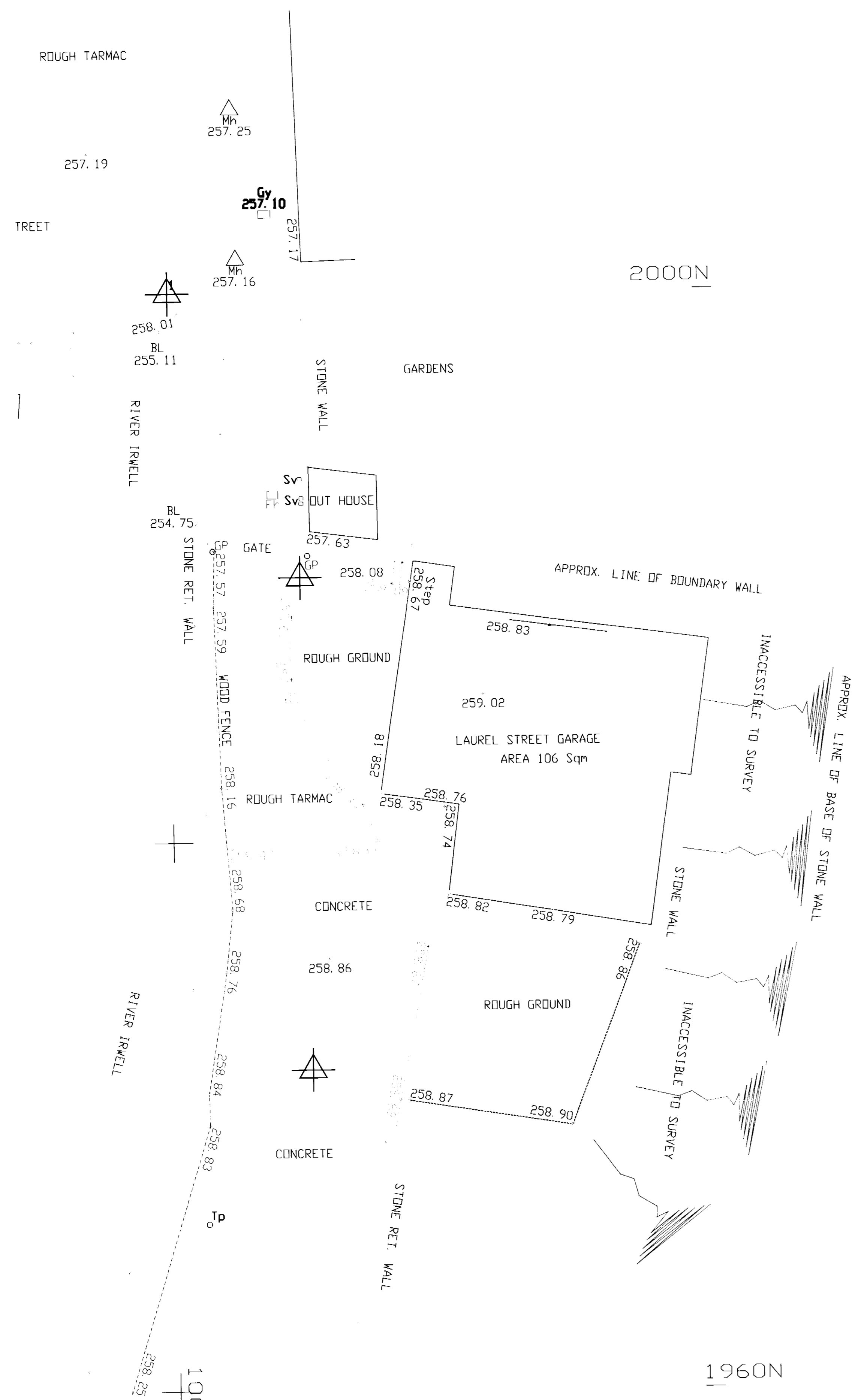
drawing title: Proposed Plans and Elevations

drawing no.: 09.08.01A
scale(s): 1:100@A1

24 MAR 2009

2009/078

ALL DIMENSIONS ARE TO BE CHECKED ON SITE
 ANY DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT BEFORE ANY WORK COMMENCES
 THIS DRAWING SHALL NOT BE SCALED TO ASCERTAIN ANY DIMENSIONS WORK TO FIGURED DIMS ONLY
 THIS DRAWING HAS BEEN PRODUCED FOR THE PURPOSES OF OBTAINING PLANNING AND BUILDING CONTROL APPROVAL ONLY. NO OTHER LICENSES ARE IMPLIED OR GRANTED. THIS IS NOT A FULL WORKING DRAWING.
 THIS DRAWING MUST NOT BE REPRODUCED WITHOUT EXPRESS WRITTEN PERMISSION FROM WALSH ARCHITECTS LTD.
 THE CLIENT IS REQUIRED TO NOTIFY ALL NEIGHBORS 21 DAYS BEFORE COMMENCEMENT OF WORKS IN ACCORDANCE WITH THE PARTY WALL ACT 1996.
 THE CLIENT IS REMINDED APPOINTMENT OF A PLANNING SUPERVISOR MAY BE NECESSARY UNDER THE C.D.M. REGULATIONS.



This copy is the property of Walsh Architects Ltd.
 It is to be used only for the project for which it is issued.
 It is not to be used for any other purpose without the written consent of Walsh Architects Ltd.

rev.	date	
status		
the waterhouse corner road rosendale 01706 212113 m020771717 445 w@warchitects.com www.warchitects.com		
purpose	planning only	
client	Stuart Ashworth	
Demolition of Garage and Erection of New Garage and Dwelling		
drawing title	Existing and Proposed Sitelans	
drawing no.	09.08.02	date March 09
scale(s)	1:100@A1	

2009/078