

DEVELOPMENT CONTROL COMMITTEE

Date: 13th December 2018

PART III

Town and Country Planning Act 1990

Appeal by Mr John Baron

Planning application APP/2018/0127 – 1 The Paddock, Highfield Avenue, Burnley, BB10 2PS

The appeal was made against refusal of planning permission for use of the site as student accommodation.

The appeal was dealt with under the WRITTEN REPRESENTATIONS procedure and was **DISMISSED**.

Estimated cost of Officer time: £350

Officer Recommendation – Refused under the Council's Scheme of Delegation.

Relevant Policy

Burnley's Local Plan (2018) – Policies: IC3, SP5.

National Planning Policy Framework (NPPF)

Reasons for Refusal

1. *The proposal makes inadequate provision for car parking in connection with the proposed use which would lead to additional street parking on Highfield Avenue, which would adversely affect highway safety. This would be contrary to Policies H15 (e) and TM15 of the Burnley Local Plan, Second Review, currently saved.*
2. *The proposed use, by reason of the number of residential units proposed, and the location of the building, set amidst a group of dwellings, and without a separate frontage to a public highway, would adversely affect the amenities of neighbouring residents to an unacceptable degree, in particular by reason of noise and disturbance arising from the coming and going or residents of the building, and general activity within and outside the building. This would be contrary to Policy H15 (a) of the Burnley Local Plan, Second Review, currently saved.*

Inspector's Considerations

Procedural

1. Burnley's Local Plan (2018) was adopted after the refusal of permission. The policies IC3 and SP5 supersede policies of the earlier plan, carry full weight and are relevant to the reasons for refusing planning permission.

Main issues.

2. The main issues were the effect of the proposal on:
 - i. Highway safety on Highfield Avenue, with regards to the proposed parking arrangement; and,
 - ii. The living conditions of neighbouring residential occupants, with regard to noise and disturbance.

Highway safety

3. The site comprises a large detached building, last used as a Care Home for the Elderly and now has planning permission for use as a Care/Nursing Home, restricted by condition to 16 people receiving care.
4. The scheme makes provision for 8 car parking spaces, a motorcycle and 5 cycle spaces. The property has shared access to Highfield Avenue. There are detached and semi-detached dwellings lining both sides of the avenue, with a number of properties having off-street parking provision.
5. In a previous appeal against refusal of permission for key worker accommodation for temporary and training staff working for the NHS Trust, the Inspector held that inadequate off-street parking would have led to an increase in on-street parking to the detriment of Highway safety on Highfield Avenue.
6. The proposed accommodation would be privately run and maintained. It would seek to attract full-time students, including those studying at Burnley General Teaching Hospital. The site is located in an area where there is fair access to public transport and everyday services; and, it is well placed to provide the required accommodation in Burnley.
7. It was logical that the Council considered that the development ought to have a provision of 15 car spaces. The evidence pointed to times when on-street parking [on Highfield Avenue] is very high. Due to the width of the road drivers make use of pavements, causing pedestrians, pushchair and wheelchair users to use the carriageway to negotiate past parked vehicles. The Inspector concluded that the proposal would

have a severe effect on highway safety on Highfield Avenue due to the proposed access and parking arrangements.

Living Conditions

8. The Inspector agreed with the Council that the scheme would result in different comings and goings from the building and in terms of the activity taking place on the site compared to a care home or a dwellinghouse. However, there would potentially be a similar number of vehicle movements and people who come and go throughout the day – differently spaced, but similar in number.

Decision

9. The Inspectors decision was that no harm was found with living conditions, the need for student accommodation was recognised, but these matters were outweighed by the harm in terms of the scheme's impact on highway safety. The appeal was dismissed on that basis.

Application for Costs

10. The Inspector did not find the Council's approach unreasonable in this case and refused the appellants' application for costs.

Background Papers

Planning Application file APP/2018/0127.

The above papers are available for inspection Housing and Development Control, Parker Lane Offices, Burnley. (Telephone 01282 425011 Extension 3289).

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3.12.2018