



**TITLE: Planning Appeal Result – Application 2004/585 – 956 Burnley Road, Loveclough, Rossendale, BB4 8QL**

**TO/ON: Development Control Committee – 10<sup>th</sup> October 2005**

**BY: Bryan Beardsworth**

**LEAD MEMBER: Cllr Challinor**

**STATUS: For Publication**

**1. PURPOSE OF THE REPORT**

1.1. To inform the committee members of the result of the appeal.

**2. RECOMMENDATIONS**

2.1. That the report be noted.

**3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION**

3.1 2004/585 – This planning application was received on 04 August 2004 and related to the Retrospective Change of use from a dwelling house to use as dwelling house and motorcycle riding training school and the Erection of a detached garage for motorcycle storage.

3.2 The application was refused on the 21 October 2004 for the following reasons:-

- (i) The lack of space within the application site to accommodate vehicles associated with the existing residential use and proposed use is contrary to Policy T.4 of the Rossendale District Local Plan.
- (ii) The proposed use would be likely to increase the number of vehicles parked on Burnley Road (given the lack of on-site parking space) and to involve motor-cycles leaving the site between parked vehicles which would be detrimental to highway safety given the existing demands on motorists' attention and contrary to policy DC.1 of the Rossendale District Local Plan.
- (iii) The noise associated with motorcycles entering and leaving the site would be detrimental to the amenity of nearby residential properties and contrary to policies DC.1 and E.12 of the Rossendale District Local Plan.

This resulted in an appeal being lodged and dealt with under the written representations method.

The Planning inspectorate found in favour of the Council and the **appeal was dismissed**.

#### **4. CORPORATE IMPROVEMENT PRIORITIES**

##### **4.1. FINANCE AND RISK MANAGEMENT**

4.1.1. N/A

##### **4.2. MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS**

4.2.1. N/A

##### **4.3. HUMAN RESOURCES**

4.3.1. N/A

#### **5. ANY OTHER RELEVANT CORPORATE PRIORITIES**

5.1. N/A

#### **6. RISK**

6.1. N/A

#### **7. LEGAL IMPLICATIONS ARISING FROM THE REPORT**

7.1. N/A

#### **8. EQUALITIES ISSUES ARISING FROM THE REPORT**

8.1 N/A

#### **9. WARDS AFFECTED**

9.1 Goodshaw

#### **10. CONSULTATIONS**

**10.1** The appeal was advertised by individual letters to all parties who made representations on the planning application.

#### **11. Background documents:**

11.1 N/A

For further information on the details of this report, please contact: Bryan Beardsworth ext 167



# Appeal Decision

Site visit made on 25 April 2005

by **Trevor J Hobday DipTP MRTPI**

an Inspector appointed by the First Secretary of State

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Date

08 JUN 2005

**Appeal Ref: APP/B2355/A/04/1170804**

**Rings House, 956 Burnley Road, Loveclough, Rossendale BB4 8QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Vaiders against the decision of Rossendale Borough Council.
- The application (Ref 2004/585), dated 3 April 2004, was refused by notice dated 21 October 2004.
- The development proposed is "change of use to use dwelling dining room for training room."

**Summary of Decision: The appeal is dismissed.**

## Procedural Matter

1. The planning application form states that permission is sought for the change of use of the dining room to use as a training room. The appellant has made it clear in his submissions and on plan (05/108/G1) that it is also proposed to replace the existing garage with a new one in the rear garden to be used for the storage of motor cycles and equipment in connection with the training school. I shall determine the appeal accordingly.

## Main Issues

2. There are two main issues in this case. Firstly, the effect of the proposed motor cycle training school on the living conditions of the occupiers of 958 Burnley Road, 1 and 2 Rings Nook, Burnley Road and 3 and 5 Goodshaw Fold Close, with particular reference to noise and disturbance. Secondly, the effect upon highway safety with particular reference to parking.

## Planning Policy

3. The development plan includes the Rossendale District Local Plan (LP) 1995. I consider the most relevant policies to be DC1, T4, and E12. LP policy DC1 makes reference to environmental pollution including noise nuisance and the creation of risk and hazard to surrounding land uses. LP policy T4 requires the provision of sufficient operational and non-operational parking space within the curtilage of the site. LP policy E12 states that no development will be permitted which would lead to unacceptable levels of noise in nearby noise sensitive areas.

## Reason – effect upon living conditions

4. Rings House is a semi-detached dwelling located on the main A682 Burnley Road. It is opposite the junction with Rings Street. It is situated within a predominantly residential area. There is a detached garage to the side of the dwelling. The rear garden has an overall depth of approximately 30m and a width of approximately 7m. There is a small garden area

to the side of the dwelling that has a frontage to Burnley Road. It is set approximately 1m below road level.

5. There are dwellings on either side of the appeal site. Dwellings on Goodshaw Fold Close, to the rear, also have a boundary with the site. The motor cycle riding school would provide two types of training; direct access training and compulsory basic training. For direct access training the proposed hours would be Monday-Friday 0900hours – 2000hours, Saturday and Sunday 12noon – 1800hours. For compulsory basic training the hours would be 1000hours – 1600hours Saturday and Sunday. Theoretical training would take place from within the appeal premises. Practical training would take place on the surrounding road network.
6. It appears to me that the very intensive level of training proposed would generate a significant degree of activity in and around the appeal site. This would, in my opinion, centre upon a number of factors. The frequency of visits made to the site by clients attending the training courses, the banging of car doors and the revving of engines, the manoeuvring of vehicles on Burnley Road outside dwellings and the general level of noise and disturbance associated with such activities. Whilst this would be apparent during the day to those residents living adjacent to the site it would, in my opinion, be particularly noticeable in the evenings and at weekends. This would be further exacerbated by the fact that it is proposed to replace the existing garage with a new one in the rear garden some 12m away from the dwelling. The garage would be used to store motor cycles and equipment in connection with the training school. It is not unreasonable, in my view, for local residents to expect some degree of protection from commercial activities especially during the evening and at weekends. Indeed, the LP policy seeks to safeguard such circumstances.
7. In view of the foregoing, I conclude on this issue that the proposed use would cause harm to the living conditions of the occupiers 958 Burnley Road, 1 and 2 Rings Nook, Burnley Road and 3 and 5 Goodshaw Fold Close, contrary to LP policies DC1 and E12.

#### **Reason – effect upon highway safety**

8. The appeal proposal makes no provision for any off-street operational and non-operational parking. I noted on my visit that Burnley Road carried a steady flow of traffic in both directions. There is a 40mph limit in place accompanied by a speed camera close to the appeal site access. Whilst I accept that there was unrestricted parking on the main road in the vicinity of the site that does not, in my view, overcome the need to meet the requirements of LP policy. As a consequence it would be necessary for clients attending the training courses to carry out vehicle manoeuvres on Burnley Road, a busy stretch of highway with a bus stop close to the site and a post box opposite. This concentration of traffic congregating in an around the appeal site at the beginning and end of training sessions would conflict with other road users to the detriment of highway safety. I conclude on this issue that the proposal would adversely affect highway safety with particular reference to parking contrary to LP policy T4.

#### **Conditions**

9. I have considered the conditions put forward by the Council in the light of the advice in Circular 11/95. They do not address the harm I have identified.

**Conclusions**

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

**Formal Decision**

11. I dismiss the appeal.

A handwritten signature in black ink, appearing to read "M. J. O'Leary".

INSPECTOR