



Appeal Decision

Site visit made on 27 August 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2019

Appeal Ref: APP/E2340/W/19/3230997

Public Convenience Building, Colne Road, Brierfield BB9 5HP.

- 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 R Patel against the decision of Pendle Borough Council.
 - The application Ref 19/0028/FUL, dated 11 January 2019, was refused by notice dated 20 March 2019.
 - The development proposed is the change of use of a public convenience building (Sui Generis) to a hot food takeaway (Use Class A5), external alterations and the installation of an extractor flue.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr R Patel against Pendle Borough Council. This application will be the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site is set within a cluster of commercial and community buildings and adjacent to the Town Hall within the local centre. The site fronts Colne Road (A682), a main link road between Burnley to the south and Nelson/Colne to the northeast. The road also provides a local link to the M65 motorway to the north. The junction with Clitheroe Road/Halifax Road (B6248) is about 60 metres to the south.
5. The Council accepts the principle of the re-use of the building, but is concerned that the absence of parking facilities at the site has potential to cause danger to users of the highway in the vicinity. This is as a consequence of anticipated indiscriminate parking of vehicles by customers and delivery vehicles.
6. I saw during my site inspection that parking on Colne Road itself is severely restricted in the immediate vicinity of the site. This arises from a combination of no waiting restrictions/double yellow lines, bus stops and pedestrian crossing markings.

7. At the same time, the site is located in a central location and there is public parking to the rear. In this respect, the site could be considered as accessible to customers and therefore the Council's maximum parking standards can be reduced, as is suggested by the appellant.
8. The Council's parking standards suggest a maximum requirement of one space per 8 m² of gross floor area which equates to about 6 spaces in this instance. The standards allow for some reduction to be applied in accessible town centre locations.
9. Within the vicinity of the site I saw that some opportunity for parking exists on smaller side roads on the opposite side of Colne Road and Tunstill Square Car Park – a free short-stay car park which is set immediately behind and above the level of the appeal site.
10. The car park is accessed via Halifax Road and is signposted from Colne Road. Two pedestrian linkages from the car park to the main road exist; however, these require negotiation of several steps and cobbled surfaces and therefore would not provide fully accessible routes to the appeal site. Furthermore, these paths would be less attractive during darkness hours due to the limited lighting along their routes.
11. Use of the side roads off Colne Road could provide options for the short-stop parking generally associated with hot food takeaways, albeit this would necessitate crossing the main road. The alternative options for convenience parking are likely to see use of a northbound loading area close to the main intersection with Halifax Road or the entry and exit points of the driveway serving the Town Hall. The latter lies almost directly in front of the appeal unit. All have parking restrictions in place.
12. These areas would facilitate traffic pulling off the main carriageway but have potential to impede legitimate access or egress and possibly cause vehicles to wait within the highway, or, pull-up in other restricted locations. This would have potential to impede the free flow of traffic or cause prejudice to highway safety as vehicles attempt to negotiate any such obstruction. This would be particularly unwelcome given the proximity of the site to the crossroads.
13. Parking within the Town Hall splays or pavement parking also has the potential to conflict with other highway users – particularly the mobility impaired, the elderly or those with children.
14. Because of the concerns highlighted, I do not consider the local options would provide suitable provision for servicing. Moving wholesale bulk produce to the site either across the main road or along the stepped footways from the car park is unlikely to offer a practical or safe option. Consequently, given the extent of local controls legitimate service parking is likely to be at an impractical distance. The propensity, therefore, would be to risk informal parking in close proximity to the site. This would likely not be possible without transgressing the local highway restrictions or prejudice to highway user safety. The same would be applicable to any vehicular use associated with prepared meal delivery services.
15. Notwithstanding the town centre location or the potential to enforce against unlawful parking, for the above reasons, I do not consider there is sufficient justification to reduce the parking requirement for the site to a zero provision.

The local restrictions are such that convenient parking and servicing would be extremely difficult to achieve to the extent that indiscriminate parking is highly likely.

16. I therefore conclude, in the absence of suitable parking provision, the development has a high potential to compromise highway safety and interrupt the free flow of traffic on a local strategic route. The development proposals are therefore in conflict with saved Policy 31 of the Replacement Pendle Local Plan and Policy ENV4 of the Pendle Local Plan Part 1: Core Strategy (2011-2030).

Conclusion

17. For the reasons above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR