

DECISION DATE 10 January 2007	APPLICATION NO. 06/01371/CU A14	PLANNING COMMITTEE: 22 January 2007
DEVELOPMENT PROPOSED CHANGE OF USE OF FIRST FLOOR TO DANCE SCHOOL/STUDIO		SITE ADDRESS UNIT 1 THE OLD CO-OP YARD KELLET ROAD CARNFORTH LANCASHIRE LA5 9LR
APPLICANT: Isobel Taylor 13 Whin Drive Bolton Le Sands Carnforth LA5 8DB		AGENT:

REASON FOR DELAY

Discussions with applicants and consultees.

PARISH NOTIFICATION

Support in principle but assume parents will be responsible for escorting children across Kellet Road.

LAND USE ALLOCATION/DEPARTURE

Within a small established commercial/industrial area.

STATUTORY CONSULTATIONS

County Highways - Has expressed doubts over intensification of use, highway safety concerns regarding conflict between pedestrian and vehicular traffic. Recommends refusal.

Environmental Health Officer - Will require a noise assessment procedure to be carried out together with controls over the hours of use.

OTHER OBSERVATIONS RECEIVED

4 letters from nearby residents have been received. 3 raise objections principally on the grounds of safety, increased congestion and existing parking difficulties being exacerbated plus possible noise nuisance. Point out that existing yard is full of parked vehicles and the area is "gridlocked" at school opening and closing times. Cannot cope with an additional business use. One further letter raises no objection to the principle of the use but raises similar issues to those detailed above.

REPORT

Background

This application is to provide new dance school/studio facilities for a local business in Carnforth which lost the use of the local Methodist Church for this purpose when it was sold for development. The dance school have clearly struggled to find replacement premises in the Carnforth area having been unsuccessful with a number of other sites. They have now been offered a secure lease of the first floor of a larger building in the Old Co-op Yard which lies behind some frontage residential development on Kellet Road.

The Site and Surrounding Area

The site comprises a small industrial yard containing a number of small repair type businesses and lock-ups including motor cycle repairs and storage uses. It is served by a substandard unmade road which also gives access to a rear alleyway serving the nearby residential properties. Kellet Road is a busy main road which serves the nearby high school as well as many other local facilities.

Proposed Development

The proposal is to use the upper floor of the largest building in the yard for the dance school. Permission has already been granted to provide a separate access to this floor. It is recognised that the dance school is an important local facility. It caters mainly for school age children so most lessons take place between 3.00 p.m. and 8.00 p.m. week days, 9.00 a.m. - 6.00 p.m. Saturdays and occasional Sundays for exams. Access to the site is restricted by the small substandard road leading to it from Kellet Road, the lack of manoeuvring space within the yard and the fact that Kellet Road is busy, especially at school opening and closing times. It can be seen from above that some neighbours have strong concerns that the proposed use may exacerbate existing congestion problems. In an attempt to overcome this the applicant has arranged for the use of the Carnforth High School car park but this is approximately 175 yards away.

Consideration

This is a local business that the Council would wish to support if possible. However, the County Highways Authority has raised strong concerns regarding the mix of industrial and leisure uses and the highway safety problems this may create, especially for pedestrians. They raise doubts that the car park would be used and that parents would be more inclined to drop children off on Kellet Road thus adding to the congestion at busy times. This view is shared by those residents who have also raised concerns. Despite further negotiations with the applicants and the County Surveyor, his recommendation for refusal remains unchanged and on a matter of highway safety especially where children are involved his concerns must be of paramount concern. For this reason Officers share his concerns and there is no alternative but to recommend that permission be refused.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE REFUSED** for the following reason:-

Incompatible mix of uses which when combined with the existing substandard and congested access arrangements is likely to lead to an unacceptable increase in highway dangers especially for pedestrians.