

Application Number:	2016/0142	Application Type:	Full
Proposal:	Change of Use of the ground floor of the premises from Residential (C3) to Taxi Booking Office (sui generis)	Location:	219 Bacup Road, Rawtenstall, Rossendale, BB4 7PA
Report of:	Planning Manager	Status:	For publication
Report to:	Development Control Committee	Date:	30 th August 2016
Applicant:	Mr Ali	Determination Expiry Date:	06/09/2016
Agent:	Mr D Hancock		

Contact Officer:	James Dalgleish	Telephone:	01706-238643
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In	
Name of Member:	
Reason for Call-In:	
3 or more objections received	✓
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.

1. RECOMMENDATION

Approve full planning permission subject to the conditions.

2. SITE

The application site refers to the ground floor of a two-storey stone built terraced property currently in residential use at all levels. The building has dormers on both sides, and has a shop front (with fascia sign) on the north elevation (onto Bacup Road), owing to the former A1 retail use of the ground floor. Despite the existing site plan stating that the ground floor is in retail use, the applicant's agent has clarified that the ground floor is in residential use.

Access to the building can be taken either through the door on the front elevation, or via an alternative access to the rear of the premises. To the rear of the property is a small private yard, leading on to a narrow street which runs parallel to the terrace.

A small area of car parking is located to the rear of the property, across the back street. It is understood that this is shared between the occupiers of the properties on Bacup Road. To the front of the application site, there are a small number of time-restricted parking bays on the main road.

The properties immediately neighbouring the application site are in use as a retail unit and a hot food takeaway. Both neighbouring properties have residential flats above.

The site lies within the Urban Boundary of Rawtenstall.

3. PROPOSAL

Planning permission is sought for the change of use of the ground floor (only) of the premises from residential (C3) to a taxi booking office (*sui generis*). The first floor (and upper roof-space level) of the building would remain in residential use (a single flat).

The proposed taxi booking office would be operated by staff working on a shift basis, 24 hours per day (it is proposed that there will be between 2 and 3 staff on site at any given time). Enquiries would be received by telephone, and staff would contact taxis based remotely to arrange journeys. The applicant's agent has clarified that the booking office would not be open to visiting members of the public and that taxi drivers and vehicles would not be based at, or dispatched from, the premises.

The application initially proposed 6 parking spaces to the rear of the property for use by taxis and staff, but following discussions with the case officer, the applicant agreed to omit the parking area from the application as there would be no need for such taxi parking if it was not proposed to base taxis at the premises (and it is now understood that the parking area in question may not be in the sole use and ownership of the applicant).

The taxi booking office would occupy the majority of the ground floor, with a kitchen retained at the rear of the property. Access to the taxi booking office would be through an existing door on the front elevation, and access to the flat above would be through another door on the front elevation.

No external changes to the building are proposed.

4. RELEVANT PLANNING HISTORY

2008/0010 – Change of use from a beauty salon to an auto accessories shop (approved)

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

Section 1 Building a Strong Competitive Economy
Section 4 Promoting Sustainable Transport

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
Policy 1 General Development Locations and Principles
Policy 8 Transport
Policy 9 Accessibility
Policy 10 Provision for Employment
Policy 23 Promoting High Quality Design and Spaces
Policy 24 Planning Application Requirements

Other Material Considerations

National Planning Practice Guidance (2014)

6. CONSULTATION RESPONSES

LCC Highways- no objection subject to a condition which restricts taxis being based at and despatched from the premises

RBC Environmental Health- no objection on the basis that taxis will not be based at and despatched from the premises and members of the public will not attend the premises

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order site notices were posted on 23/06/2016 and 11 letters were sent to neighbours on 22/06/2016.

3 letters of objection have been received.

The main points raised have been summarised below:

- Parking in the vicinity is limited, and if taxis are present and take up spaces it will limit space available for customers to local businesses.
- Highway safety concerns if taxis are present and turn around on Bacup Road (which is a busy road with some speeding traffic).
- Highway safety concerns given that the back street is already congested.
- The development would be detrimental to the character of the neighbourhood, as if the business was open late at night it may attract people who have been drinking alcohol, with associated noise and disturbance.
- Provision should be made to keep cars away from the area (or minimise the numbers of them).
- Taxis could attract disturbance and more litter to the area.

8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access / Parking

Principle

The application site is located within the urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development. As such the development is appropriate in principle.

Visual Amenity

The proposed development would not result in any external changes to the building, and as such is considered acceptable in terms of visual amenity.

Neighbour Amenity

Objections and comments have been received from members of the public, raising concerns mainly around the potential for taxis to operate from the premises, with associated impacts on parking and disturbance from members of the public accessing the premises to book taxis at night.

The applicant has confirmed with the case officer that there is no intention for taxis to be based at the premises, and that the premises will not be open for members of the public to visit and book taxi journeys in person. The business would be operated solely by telephone, and the taxis would be based remotely rather than visiting the premises.

The business would operate 24 hours a day, 7 days a week. The Council's Environmental Health Department have no objection to the scheme, and have clarified that there would be no cause for concern with telephones from the booking office ringing in the night time and disturbing residents of adjacent flats, given that the taxi booking office would be on the ground floor and adjacent flats are at first floor level, given also that floor insulation would be to Building Regulations standards, and also given that if such disturbance did occur it could be tackled under other legislation by Environmental Health Officers.

It is not considered that the proposed working arrangements would cause any detriment to neighbour amenity, over and above what could be expected with the existing residential use.

It is considered appropriate to impose conditions to prevent the business being open to visiting members of the public and to prevent taxis from physically operating from the premises, in order to protect neighbouring residents from excess noise and disturbance during hours of night time and to prevent taxis from taking up the limited number of available parking spaces in the vicinity. It is considered that the imposition of the above conditions will address the neighbours' concerns.

Subject to the above conditions, the scheme is considered acceptable in terms of neighbour amenity.

Access / Parking

The applicant initially submitted plans showing that six parking spaces would be available to the rear of the premises. However, following discussions with the case officer (given that the proposed spaces may not be in the sole ownership of the applicant, and given that the applicant has confirmed that taxis would not be based at the premises) the parking area has been omitted from the proposed scheme.

Traffic generated by staff is not likely to differ from the existing residential use. The Local Highway Authority has no objection to the scheme subject to the imposition of a condition that no taxis operate from the premises. It is considered that the imposition of the above condition will address the neighbours' concerns.

The applicant has confirmed that taxis will not be physically based at the premises and the imposition of the condition referred to above will ensure this.

Subject to the above, the scheme is considered acceptable in terms of access / parking.

9. RECOMMENDATION

That Committee grant planning permission subject to the conditions set out below.

10. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate within the urban boundary and it is considered that the scheme would not unduly detract from visual and neighbour amenity or highway safety. It is considered that the development is in accordance with sections 1 and 4 of the National Planning Policy Framework and Policies 1, 8, 9, 10, 23, 24 and AVP4 of the adopted Core Strategy DPD.

11. 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 the following plans unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority:

- Proposed Layout (Drawing No. 7016/02) date stamped 21st June 2016 by the Local Planning Authority.

- Site Location Plan date stamped 27th July 2016 by the Local Planning Authority.

Reason: To ensure the development complies with the approved plans and submitted details.

3. The use hereby approved shall operate solely as a booking office in association with a taxi / private hire business. At no time shall drivers or taxi / private hire vehicles employed for the purposes of operating the taxi / private hire business wait at, collect fares or be dispatched from the application site/premises. The premises shall not be open to visiting members of the public.

Reason: To protect the amenities of neighbours, and in the interests of parking, access and highway safety.

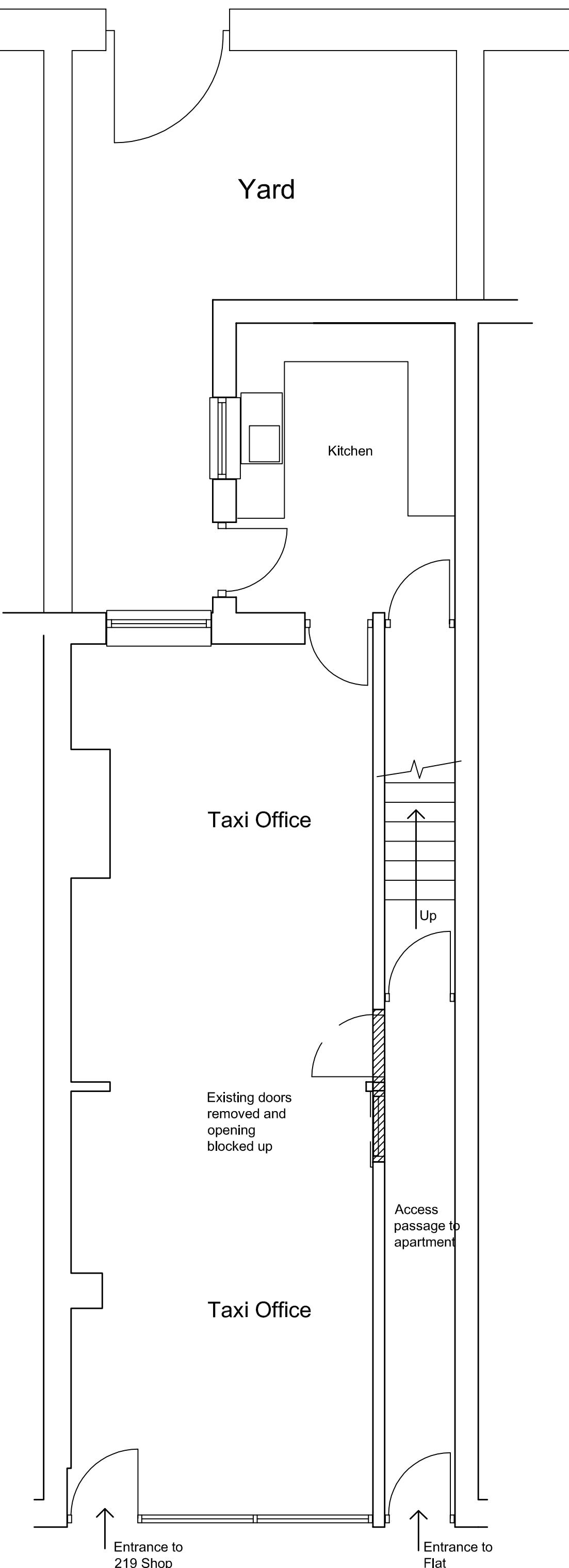
12. **INFORMATIVES**

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at http://www.rossendale.gov.uk/a_to_z/service/309/core_strategy, and operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage.

As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. The applicant's attention is drawn to the fact that Advertisement Consent may be required if it is proposed to attach any advertisements to the premises.



Drawing
Proposed Layout

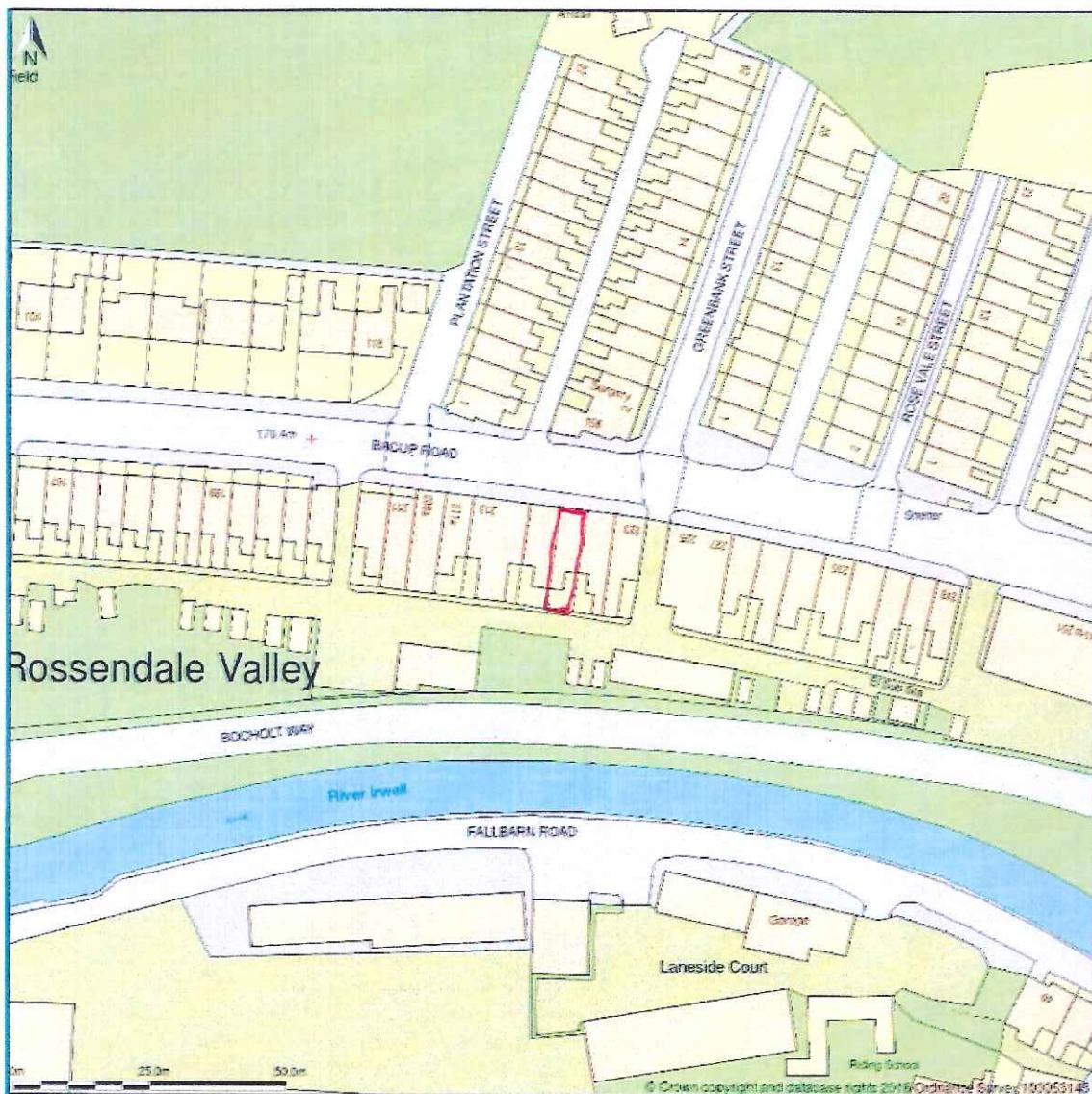
Address
219 Bacup Road
Rawtenstall

Client

Dwg No 7016/02 **Scale** 1.50

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219 Bacup Road



This Plan shows area bounded by: 381670.31, 422635.06 381870.31, 422835.06 (at a scale of 1:1250). The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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