

Application Recommended for APPROVAL

APP/2016/0475

Ward Daneshouse with Stoneyholme

Full Planning Application

Variation of condition 5 of planning permission APP/2008/0695 to allow the operation of 10 additional vehicles including identification of 10 additional parking spaces adjacent to the canal

UNIT 8, THROSTLE MILL, DANESHOUSE ROAD, BURNLEY

Background

The application is for the variation of condition, to increase the number of private hire vehicles to 20 in total. Adequate parking space has been provided adjacent to the booking office.

Objections have been received from Environmental Health.

Relevant Policies:

Burnley Local Plan Second Review
TM14 – Taxis and Taxi Booking Offices
EW6 – Economic Improvement Areas

Site History:

APP/2012/0432 – Variation of condition 5 of planning permission APP/2008/0695 to allow the operation of 10 further vehicles on the adjacent public car park (in addition to those permitted under planning permission APP/2012/0258) (Re-Submission of planning application APP/2012/0051) (Refused).

APP/2011/0334 – Variation of condition 5 of planning permission APP/2008/0695 to increase the number of vehicles from 5 to 10 private hire vehicles (c/c)

APP/2008/0695 – Proposed change of use part of building as a taxi office to operate 5 taxi cars 24 hours a day 7 days a week (c/c)

Consultation Responses:

LCC Highways Burnley:

Confirms that no objections are raised to the proposal on highway grounds subject to a condition being attached to any permission granted that will terminate the permission should the parking provision be lost.

Environmental Health:

The application does not provide improvements from the previous application app/2012/0432 and the comments are same as previously.

"I am concerned that this proposal is located in a mixed residential / commercial area, such that it is important that future developments balance and compliment uses within the neighbourhood without potentially risking adversely the residential amenity of the local population. Certainly, the proposal to increase incrementally the number of taxis by doubling the numbers (100%) will in my opinion result in a significant increase of vehicular movements in the area throughout the day, evening, nigh time and early morning periods which may materially affect residential amenity due to the noise and disturbance caused by a commercial operation.

In this regard, problems of noise disturbance may be exacerbated due to increased taxi movements, taxi engines starting / stopping, engines revving – acceleration, doors opening / shutting, radios and customer activities that such noise incidents cannot be effectively controlled under the statutory nuisance provisions.

It is for the said reasons and my concern that the proposed increased balance of use is inappropriate, in a location in close proximity to residential properties that I would recommend that this application be refused.”

Planning and Environmental Considerations:

Policy TM14 of the Burnley Local Plan accepts that proposals for taxi offices can provide an alternative mode of transport and sets out proposals for private hire booking offices which will be permitted when;

a) The proposal is located in Secondary Street or District Local Centre

The site does not fall specifically in an area identified where private hire will be permitted by the policy, but this does not preclude the consideration of other areas if the proposal was to cause to harm (taking in account the taxi firm has been operating since 2008 and no issues have risen in regards to planning conditions).

b) One off-street parking space is provided for each taxi operated

The site is an existing mill operating as retail and warehousing. The site is serviced by an adjacent car park which is vacant most of the time. The owner of the car park has given permission for 5 dedicated parking spaces previously and has now increased this to 10. A letter from the owner has been submitted alongside a site plan to confirm this.

c) Parking spaces are located on site or no more than 50 metres from the office

The parking spaces are directly outside the office, with a walking distance ranging between 5-15m. This is considered to be most appropriate and does not cause any concerns.

d) It does not have a detrimental impact on the character and the amenity of the surrounding uses, particularly residential

The application site is surrounded by commercial and industrial uses which are not restricted in opening hours. The site operates an informal one-way system with access from Daneshouse Road and egress on to Elm Street, emerging adjacent to Clegg Street (residential row). Therefore the use is compatible with surrounding uses including residential properties and protects the occupiers amenity, furthermore it would not generate unacceptable impacts in terms of nuisance, odour and fumes.

Within the immediate surrounding area, Elm Street has no access onto Daneshouse Road and the likely route from the premises will be along Elm Street to Old Hall Street, which is more in industrial character. Previously residents raised concerns that vehicles will travel via Clegg Street, Travis Street and emerge on to Daneshouse Road (predominantly residential). However, since 2008 the firm has been operating and the residents have not experienced any excessive noise or disturbance over and above

In this instance, and considering the highway injury accident data for the area, this does not suggest there is a problem in the area.

The taxi firm does not operate 24 hours throughout the week, apart from Friday's and Saturday's. The operator has provided a driver log record from 06.11.2016 – 16.11.2016 and 03.01.2017 – 11.01.2017, this verifies the firms operation.

The vehicles would be increased to 20 which may cause some level of disturbance, however as the surrounding residents have not objected to the proposal and residents of Clegg Street in particular fully support the application; in my opinion given the track record of the firm and on the basis of the above, it would be appropriate to allow a temporary permission for 12 months for the additional 10 cars in order to safeguard the residents from any further nuisance. This can be done by way of condition. Once the temporary period is over and complaints have not been received over and above which is already experienced by the neighbours, then a permanent permission may be considered acceptable.

e) Unacceptable concentration of taxi businesses in the, district or local centre

There are no taxi offices in the immediate surrounding area and this firm already serves the immediate area. No further objections have been received in regards to this.

Conclusion

I consider the proposal would accord with the local plan policies and would not have any detrimental impact on the amenities of surrounding residents or the free flow of traffic and therefore is acceptable and there is no reason to justify a refusal of this application. No objections have been received by residents and the highway engineer does not raise any issues.

It is recommended that the application be approved subject to the attached conditions.

Recommendation:

That the application be approved subject to the following conditions:

Conditions:

1. The use of the additional 10 parking spaces hereby approved shall cease no later than 27th January 2018.
2. The 20 parking spaces shown on the approved plan for private hire vehicles shall be available at all times the booking office is in use. If the spaces become unavailable the use as a booking office shall cease immediately.
3. No private hire vehicles operating from the booking office hereby approved shall be parked on the highway adjacent to the office.
4. No more than 20 private hire vehicles shall operate or be permitted to operate, from the booking office hereby approved.

Reasons:

1. To enable the Local Planning Authority to reconsider the proposal after a period of operation, to assess the highway implications of the use, having regard to Policy TM14 of the Burnley Local Plan Second Review.

2. In the interests of preventing congestion on the highway, in accordance with Policy TM14 of the Burnley District Local Plan Second Review.
3. In the interests of preventing congestion on the highway, in accordance with Policy TM14 of the Burnley District Local Plan Second Review.
4. To ensure there is sufficient off-street parking for private hire vehicles operating from the premises in accordance with Policy TM14 of the Burnley District Local Plan Second Review

A Ahmed
12/01/2017