

**Application Recommended for Approval with Conditions**

**FUL/2020/0188**

Daneshouse with Stoneyholme Ward

**Variation of Condition**

Continuation of use as a private hire office with revised parking arrangements (Operate 60 vehicles from the 24 spaces proposed).

143 St James's Street, Burnley

**Background:**

The application site has functioned as a taxi booking office since the 1980's with numerous Private Hire firms operating from the premises. Most recently City and Ronnies Private Hire have taken over ownership of the premises and expanded the business.

The application has been brought to Committee as an objection has been received.

**Proposal:**

The application is seeking to vary the previously approved scheme which would see a total of 24 parking spaces made available for 60 private hire vehicles which operate from the premises.

The booking office is operated on a shift rotation basis for drivers and whereby jobs are allocated by an automated booking system for efficiency purposes. The applicant advises that the use of such technology rarely requires vehicles to return to base to await their next job.

**The NPPF states:**

*“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.”*

A pre-app is beneficial as – *“This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.”*

Whilst no formal pre-application discussions took place, the agent (Inspire Planning) was advised to submit a formal pre-application to discuss the key elements of the proposal before an application is submitted. The agent later advised that the applicant would like to submit a variation of condition application which would not require additional engagement prior to submission.

**Relevant Policies:**

Burnley's Local Plan 2018

TC3 – Burnley Town Centre – Primary and Secondary Frontages

TC4 – Development Opportunities in Burnley Town Centre

SP4 – Development Strategy

IC6 – Taxis and Taxi Booking Offices

## National Planning Policy Framework 2019

### **Article 35 Statement**

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application as originally submitted and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

### **Site History:**

APP/2018/0123 - Variation of Condition 1 on planning approval APP/2013/0369 to allow relocation of 3no. car parking spaces in connection with existing taxi office (granted)

APP/2013/0369 - Variation of condition 2,3,5 of planning permission 12/02/0117 to allow use for 15 private hire vehicles with parking for: 6 vehicles at rear of 139,141,143 St James's Street; 3 at rear of Garden Bar (No. 135); 4 adjacent to No. 8 Calder Street parking area; and 2 at rear of No. 8 Calder Street, within a garage (granted)

### **Objections received by adjoining neighbour:**

- *Parking is a massive issue and very problematic at this current time.*
- *Taxis always congregating around 143 St James Street but always transgressing and causing issues around neighbouring properties, especially to our property at 141 St James St.*
- *Extra traffic flow issues*
- *Illegal parking on double yellow Lines*
- *Blocking my direct property at the back*

### **Consultation Responses:**

#### LCC Highways Burnley

*With respect to the proposed application we would not wish to raise an objection to the application. However, there is a concern regarding the parking provision for this application.*

*Following further correspondence from the agent the applicant is suggesting that a reduction to an operation of 65 private hire vehicles could be forthcoming.*

*The planning statement makes reference to a similar application elsewhere within Burnley Town Centre and references the 18 car parking spaces allocated on the Thompson Centre car park as detailed in the decision notice. This was the figure that Burnley Borough Council proposed, a higher figure of 22 was suggested by Lancashire County Council.*

*Using the same vehicle utilisation figure from similar applications, it is suggested that 55% of the licenced vehicles would be in use at one time which equates to 35.75 or 36 private hire vehicles. If Lancashire County Councils Parking Standards were applied at 1 parking space per 1.5 car, 36 (55% of 65) vehicles operating from business this would require 24 car parking spaces. Following from the other application which is being used as a precedent for this site a mid-point of 30 spaces could be requested. Both Burnley and Lancashire's Parking Standards state that the allocated parking spaces should to be located within 100m of the office. It is expected that not all the spaces will be available within 100m of the office reasonable alternative locations could be considered*

*In order to support this application we would look for further plans showing where 26 car parking spaces are to be located. Which is still a reduction on the mid-point proposed in line with the other application, however it is in line with the 40% of the total spaces as stated in my earlier response to this application.*

*Should you wish to support the application we would look for the following condition to be added to the decision notice.*

*1. No private hire vehicle operating from the booking office hereby approved shall be parked on the highway within 100 metres of the office. Reason: In the interests of highway safety having regard to Policy IC6 of Burnley's Local Plan 2018.*

#### **Assessment:**

#### **Planning and Environmental Considerations:**

The main issues are the effect of the proposed development on the vitality and viability of the Burnley Town Centre; highway safety and sustainable economic growth.

#### **Location**

- 1) Proposals for taxi booking offices will only be permitted in the following areas as defined on the Policies Map:**
  - a) Within Burnley Town Centre outside of the Primary Shopping Frontages**
  - b) Within Padiham Town Centre; or**
  - c) Within a defined District Centre.**

The property is outside the primary shopping frontages within the town centre area where Policy TC3 applies. It sets out that the development should not result in more than 20% of the length of the ground floor frontage being in non-retail use and not be unduly prominent by location or relationship to the other uses.

In principle the continued use as a private hire office use is acceptable.

- 2) if no appropriate sites can be found within these locations, other sites can be considered. Where this is the case the applicant will be required to demonstrate through a supporting statement why the site being proposed is suitable and how the development accords with other policies in the plan and criteria 3) to 7) below**

The taxi booking office is an existing use in an appropriate location within the Town Centre.

### ***Clustering***

- 3) The proposal should not create an unacceptable concentration of similar uses.**

The taxi booking office does not lead to an unacceptable concentration in the number of private hire uses in the immediate area.

### ***Parking***

- 4) On-site parking should be provided. Where this cannot be achieved, spaces should be located no more than 100 metres from the booking office.**

The policy requirements set out a maximum distance of 100 metres to ensure that the spaces are practical and likely to be properly used to avoid vehicles parking near the booking office or gathering on the highway

The parking arrangements in the private car park are ideal and split in various locations with existing permission (see site plan). These spaces comply with the policy and no issues have been raised since the firm has been in operation, therefore the distance of available spaces is, on balance, considered to be acceptable.

- 5) One parking space should be provided for each taxi licensed. Where less than one space for each taxi licensed is proposed, the applicant must demonstrate how the number of parking spaces would meet operational needs.**

The applicant has amended the proposal to allow the operation of 60 vehicles with a parking provision of 24 vehicles located in the existing parking areas.

Due to advancements in technology, private hire firms are understood to be transitioning to automated systems which allocate incoming jobs to drivers depending on their location, availability, and type of vehicle. This will reduce the need for customers in the town centre to physically be at the booking office and avoid traffic congestion.

In determining the application, officers satisfied that information has provided to demonstrate the number of spaces provided will be sufficient to meet the operational needs of the business, without any detrimental impact to the highway network.

- 6) Applications for new booking offices or alterations to extend existing premises will be required to submit a clear parking layout indicating the precise number of spaces. These parking spaces should be dedicated and be available 24 hours a day.**

The existing parking is located at the following locations and clear parking layout is indicated:

- Two parking spaces – directly to the rear of booking office
- Four parking spaces – on Calder Street
- Three parking spaces – on Calder Street
- Fifteen parking space – at Calder Vale House Car Park



All identified parking spaces are existing spaces that form part of the existing permissions.

## Amenity

- 7) Developments should not have a detrimental impact on the character and amenity of surrounding uses, particularly residential uses, by reason of increased traffic movement, noise, vehicle fumes or other nuisance.**

The application site is located within the defined town centre boundary with no known residential uses close by. The application is not considered to give rise to any increased traffic movement, noise, vehicle fumes or other nuisance and is considered to be compliant with criterion 7.

## Conclusion

In determining the application, it is accepted that during a shift period a number of taxi's in operation are likely to be dispersed throughout the borough and therefore do not require a parking space. As such, officers consider a parking provision of 40% to be adequate to meet the operational needs of the business without giving rise to any additional impacts on the highway network.

On balance, and subject to the recommended conditions, the application is considered to accord with the Council's adopted Local Plan and the NPPF.

## Recommendation:

That planning permission be granted subject to the relevant conditions.

## Conditions

1. The approved 24 parking spaces located at:

- *Two parking spaces – directly to the rear of booking office*
- *Four parking spaces – on Calder Street*
- *Three parking spaces – on Calder Street*
- *Fifteen parking space – at Calder Vale House Car Park*

shall be retained at all times in connection with the applicant's private hire operation for 60 private hire vehicles in total. Should any spaces become unavailable, then the applicant shall provide a revised parking scheme within one month of losing the parking spaces to The Local Planning Authority for further approval.

**Reason:**

To ensure that appropriate parking provision is available for the use, in the interests of preventing congestion on the highway, in accordance with Policy IC6 of Burnley's Local Plan 2018.

2. No private hire vehicles operating from the booking office hereby approved shall be parked on the highway within 100 metres of the office.

**Reason:**

In the interests of highway safety having regard to Policy IC6 of Burnley's Local Plan 2018.

3. No more than 60 private hire vehicles shall operate or be permitted to operate, from the booking office hereby approved.

**Reason:**

To ensure there is sufficient off-street parking for private hire vehicles operating from the premises in accordance with Policy IC6 of Burnley's Local Plan 2018.