

Application Recommended for Approval

Daneshouse with Stoneyholme Ward

APP/2008/0225

Full Planning Application

Renewal of permission (APP/2007/0118) for proposed mix use of existing retail & operation of 3 private hire vehicles, opening hours Monday - Friday 6am –12 midnight and Saturday - Sunday 7.30am – 12 midnight.

10 HURTLEY STREET BURNLEY

Background:

No objections have been received to this proposal for the use of an existing shop as a shop and private hire booking office operating 3 private hire vehicles. It is proposed to park the vehicles on the Elm Street car park, which is owned by the Council. Property Services have issued a licence to the applicant for the parking of three vehicles.

Permission was granted in March 2007 for this use, subject to conditions, one of which required the use to cease by the end of March this year unless a further permission was granted. However, the use has not yet begun.

The application falls to be determined by the Development Control Committee as the applicant is a Council employee.

Summary of Reason for Recommendation:

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review

H9 - Regenerating urban areas and neighbourhoods

TM14 - Taxis and taxi booking offices

Site History:

APP/2001/0013 – Change of use of ground floor to a shop – Approved with conditions

APP/2006/0209 – Change of use of first floor to taxi booking office operating 5 vehicles – Withdrawn

APP/2007/0118 – Proposed mix use of existing retail and operating of 3 private hire vehicles, opening hours Monday-Friday 6am-12am and Saturday –Sunday 7.30am – 12am – Approved with conditions.

Consultation Responses:

1. Environmental Health – No objections, but recommend conditions restricting the hours of operation to those proposed and requiring equipment to be located in such a way as to ensure neighbours are not disturbed.
2. Highway Authority (Lancashire County Council) – No objections.

Planning and Environmental Considerations:

The main planning considerations are the effect of the proposal on neighbouring residents, and on the area in general, including future plans for the area. The premises are within the **Daneshouse and Stoneyholme Action Area** where the preferred option for this site is for use as an extension to the adjacent industrial area. The intention is that the buildings will be demolished and the land used to improve industrial traffic access, servicing and parking. Approval of this use would not prejudice any future plans for the area as it is an additional use within an existing building. If the preferred option is implemented as proposed, the site is planned to come forward in the short to medium term (2006-2016) when this building will be demolished.

Policy TM14 of the local plan aims to locate taxi booking offices in town or district centres. Although the site is not within one of those areas, it is immediately adjacent to the employment area around Elm Street, including the Northbridge Centre, and will provide a sustainable form of transport for the area, being a form of public transport and an alternative to the private car.

Policy TM14 also requires an off-street parking space to be provided for each taxi operating and these spaces should be no more than 50 metres from the office. The public car park immediately across the road is used by visitors to the Northbridge Centre. However, it is important to note that it is intended to serve all businesses in the area and is not exclusively for the Northbridge Centre. Property Services have issued a licence to the applicant for use by three private hire vehicles. Access to the car park is from Elm Street only, with exit only to Hurtle Street. Although the car park is well used, it should be able to accommodate the taxis most of the time. In the event that it was full, there are no parking restrictions outside the shop/office and it would be possible for the vehicles to be parked there instead without causing obstruction.

The proposed hours of operation are 6am (7.30am at weekends) to 12 midnight. These hours would not be acceptable if the area was entirely residential. However, the area is a mixed use area which contains several industrial uses operating on shift systems, which means that during the week the use for only three vehicles would not significantly increase disturbance to residents over and above the level which already exists. At weekends, the area will tend to be quieter during the early morning hours, but 7.30am is an acceptable starting time. No objections to the hours have been raised by Environmental Health.



Adjacent car park

The building is the end property on a terraced row of dwellings. Although the adjacent property is currently empty, possible noise disturbance to this dwelling must be considered. The application property was only converted from a shop to a dwelling a couple of years ago and sound insulation measures were carried out in accordance with the Building Regulations at the time. No further measures are therefore needed. Environmental Health have recommended a condition requiring all equipment to be located in such a way as to avoid any disturbance to the occupiers of the dwelling.

In view of the proximity to residential properties, and to allow the Council to assess whether any parking problems would result if the car park was full, it would be advisable to grant a permission initially for a one-year period.

Recommendation: That the application be approved, subject to the following conditions:

1. The use hereby approved shall cease by 31st May 2009, unless a further planning permission has been sought and granted.
2. No more than three private hire vehicles shall operate, or be permitted to operate, from the booking office hereby approved.
3. If the public car park across the road from the booking office becomes unavailable, the use as a booking office shall cease immediately, unless alternative parking arrangements have been approved in writing by the local planning authority.

4. The use hereby permitted shall not operate outside the hours of 6am to 12 midnight, Mondays to Fridays, and 7.30am to 12 midnight on Saturdays and Sundays.
5. The internal location of any equipment to be used for the use hereby approved (e.g. phones or radio equipment) shall be positioned and located in such a way as to ensure occupiers of neighbouring properties are not disturbed by reason of noise.

Reasons:

1. To enable the local planning authority to assess the impact of the use on nearby residents and surrounding streets.
2. To keep disturbance to residents to a minimum and to ensure there is sufficient off-street parking space available, in accordance with policy TM14 of the Burnley Local Plan, Second Review.
3. In order to prevent congestion on the highway, in accordance with policy TM14 of the Burnley Local Plan, Second Review.
4. To protect the amenities of nearby residents, in accordance with policy TM14 of the Burnley Local Plan, Second Review.
5. To protect the amenities of nearby residents, in accordance with policy TM14 of the Burnley Local Plan, Second Review.

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