

Application Recommended for Approval
Daneshouse with Stoneyholme Ward

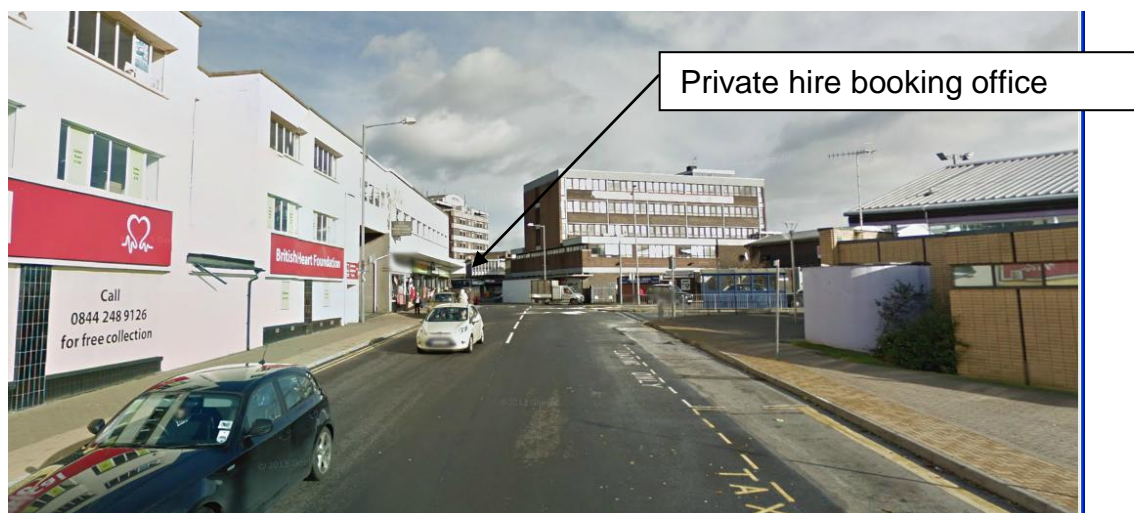
APP/2013/0421

Full Planning Application

Removal of condition 1 on planning permission APP/2012/0473 to enable the continued use of the premises as a private hire booking office
11 CROFT STREET BURNLEY

Background:

Planning permission was granted by Committee in November 2012 for the use of the premises as a private hire booking office operating 6 vehicles. A temporary permission was given to allow a period of monitoring to assess whether or not the use has given rise to highway safety issues because of the distance of the parking spaces from the booking office.



The private hire company had been operating for many years from Gunsmith Place with allocated parking space on the Keirby Hotel car park. The company was given notice to quit to make way for the refurbishment of the Calico building and sought alternative premises to continue the business.

The use has been operating for a year from the Croft Street premises and a full planning permission is now sought. Government guidance indicates that a series of temporary permissions would not be appropriate. After the period of operation, planning permission should be granted on a permanent basis or refused.

Objections to the application have been received.

Relevant Policies:

Burnley Local Plan Second Review

BTC1 -Main shopping area of Burnley Town Centre

BTC4 - Office, business, civic and cultural quarter of Burnley Town Centre

GP1 - Development within the Urban Boundary

TM14 - Taxis and taxi booking offices

Site History:

APP/2012/0473 - Use of premises as private hire booking office operating 6 vehicles with parking at the rear of the building and 6 contract spaces on William Thompson car park – granted for temporary period of one year.

Consultation Responses:

1 Lancashire County Council (Highways) -

The Highway Authority reiterate their comments on the 2012 application as follows:

The County parking requirements state that the operational parking for a private hire office should be located within 100 metres of the office and Burnley Borough Council requirements are that this parking should be within 50 metres. Whilst the application form states that there is parking to the rear, it is understood from previous discussions that the landlord is unwilling to dedicate spaces at the rear of the application premises for the sole use of the applicant and consequently the spaces will be available on a first come /first serve basis. When I visited the site previously, there were no spaces available in the rear car park. The likelihood therefore is that the operation parking required by the business will take place on the Thompson car park. Assuming that the private hire vehicles will find a parking space centrally within the car park (the parking spaces do not appear to be allocated) then the distance from the application premises to the car park is approximately 185 metres. The proposed parking provision does not therefore comply with either the County or Borough Council standards.

With increasing distance between the application site and the car park there will be a corresponding increase in the likelihood that parking, however temporary, will on the highway outside the office. In addition, the distance also has implications on the operation of the business since any car parked on the car park will have to drive around via Centenary Way and result in any front seat passengers having to enter the vehicle from the live carriageway.

Any parking/waiting in the vicinity of the application premises because of its location will be detrimental to the operation of the bus station and the existing hackney carriage stand.

On the basis of the above concerns and the lack of dedicated parking to the rear it is recommended that the application be refused.

2. The Bus Station Manager has commented that he has had some complaints from drivers about vehicles parking almost opposite the exit for the bus station. This stretch of Croft Street is two-way and buses have had near misses with drivers coming round the corner thinking the street is one way (this applies to other drivers – not only the private hire vehicles drivers). Parking in front of the office causes problems with traffic flow. In discussions, the Manager has commented that there are several problems around the bus station, not necessarily as a result of the private hire office.

3. *A letter on behalf of the Burnley Hackney Carriage Association* has been received objecting to the application on the basis that vehicles are regularly parked both sides of Croft Street causing disruption to buses and that planning conditions are not being met.

Planning and Environmental Considerations:

It was considered by your Committee in November 2012, that the private hire office was acceptable and that the use met the criteria of Policy TM14 of the Local Plan in most respects except that the 6 parking spaces likely to be most used for day time parking would be located more than 50 metres from the office.

The car parking area at the back of the premises is available for the parking of the private hire vehicles, but the owner of the land will not allow the operator to have designated spaces. The spaces are allocated on a first come first served basis and during the day there is strong competition for them. The private hire vehicles are not guaranteed parking spaces during working hours but there is the opportunity to utilise the space in the evenings when many of the shops and businesses are closed.

During the day the operator uses 6 contract spaces on the William Thompson car park as a fall back position if the space behind the shops is full. Again the spaces are not allocated as they will be on a first come first serve basis.

The William Thompson car park is approximately 185 metres from the office. The policy requirement sets out a maximum distance of 50 metres and this is to ensure that the spaces are practical and likely to be properly used to avoid vehicles parking near the office or gathering on the highways around the town.

Committee granted the use for 12 months to allow a temporary period of operation so that the use could be monitored to ensure that the parking arrangements worked satisfactorily and did not raise highway safety concerns.

After the period of operation the Highway Authority remains concerned that vehicles picking up customers may cause congestion and problems for the taxi rank and the buses on Croft Street although accepts that there have been no complaints received.

The Manager of the bus station also expresses concern about the congestion on Croft Street generally and the difficulties bus drivers face because of this. He does accept that this situation is not solely because of the private hire office and that generally the private hire drivers pick passengers up and move away quite quickly with no long term parking on Croft Street, also commenting that the position now is better than it was when the use operated from Gunsmith Place.

The Hackney Carriage Association also express concern about the operation but it must be acknowledged that the hackney carriages are competitors to the private hire company and there has been conflict between the uses historically.

The use has been monitored regularly by officers and there has been no evidence of breaches of planning control where cars remain parked outside the office. The cars stop outside, pick up their passengers and move away, which is acceptable, within the law and within the terms of the planning permission. Also it is clear that the spaces on

the Thompson car park are utilised between fares for the parking of the private hire vehicles.

It is apparent that there are existing problems of congestion on Croft Street, but this is not directly attributable to the private hire office. It has been a long standing situation caused by several factors, including the operation of the private hire operator and the hackney carriage operators.

A scheme has been worked up by the Council to improve circulation generally on Croft Street and this is included in the Capital Programme, now awaiting confirmation of the funds becoming available. If it is delivered the scheme will help to alleviate the congestion on Croft Street for all users.

The applicant appears to have complied with the conditions attached to the 2012 permission and it would be unfair to attribute the problems experienced on the street to the private hire business alone, especially as the position has improved overall over the last year since the relocation of the use from Gunsmith Place.

Hopefully, the Croft Street improvement scheme will go ahead to the benefit of all users. In the meantime, although the use of the booking office does contribute to some congestion as is also the case with other users of the highway, there is no evidence that it has resulted in direct harm which would warrant refusal of the application.

On this basis, the application to continue the use on a permanent basis is acceptable

Recommendation:

That planning permission be granted for the removal of Condition 1 relating to the temporary period of use, subject to the variation of Condition 2 to ensure that there is a written contract in respect of the car parking spaces for the period of the use as follows. All other conditions on APP/2012/0473 are still applicable.

Amended Condition 2

2. A written contract shall be entered into for the use of 6 spaces on the William Thompson car park for the parking of private hire vehicles in connection with the booking office operating from 11 Croft Street, Burnley and this contract shall remain in place at all times the private hire booking office is in operation.

Reason:

2. To ensure that appropriate parking provision is available for the use, in the interests of preventing congestion on the highway, in accordance with Policy TM14 of the Burnley District Local Plan Second Review.