

APPLICATION NUMBER: 23/00468/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00468/FUL	Aimee Bovaird	10 July 2023

Address: 7 Market Street Heywood OL10 1HT

Proposal: Change of use from a retail shop to chauffeur service with travel agency

PUBLICITY	Weekly list expired?	y	Site notice expired?	n/a
	Neighbour letters expired?	y	Press Notice expired?	n/a

DELEGATION	Significant departure from local plan?	n	Contrary to national policy?	n
	Applicant a Council Member or officer?	n	Contrary to previous decision?	n
	Major with 10 or more objections and recommending approval?	n	Called in or Planning Panel objection?	n

COMMENTS	Planning Panel comments received?	n
	Neighbour comments received?	n

EIA	Screening opinion completed and saved to Onbase?	n
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CONDITIONS	Pre-commencement conditions proposed?	n
	Pre-commencement conditions agreed (or notification period expired)?	n

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: M Lewis DATE: 14.09.23

SITE

This application relates to 7 Market Street. This is a two storey terraced property. The property has been used for retail. The site is located within Heywood Town centre and the Defined Urban Area.

The property fronts onto the pavement and Market Street and this is a classified road and makes up part of the A58. Directly to the front are double yellow lines which prevent any vehicles from parking in this busy location.

PROPOSAL

The application seeks permission to change the use of 7 Market Street, Heywood from a retail shop (Class E) to a chauffeur service with travel agency (Sui Generis). No external alterations are proposed.

On the ground floor an office and store is proposed.

The applicant has not provided times hours of opening.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

- SO1 To deliver a more prosperous economy
- SO2 To create successful and healthy communities
- SO3 To improve design, image and quality of place
- SO5 To improve accessibility and deliver sustainable transport

- SD1 Delivering sustainable development

- E2 Increasing jobs and prosperity
- P1 Improving image
- P2 Protecting and enhancing character, landscape and heritage
- P3 Improving design of new development

- T2 Improving accessibility

- DM1 General Development requirements

Unitary Development Plan (UDP):

- | | |
|-------|--------------------------------------|
| G/D/1 | Defined Urban Area |
| G/S/1 | Town Centres |
| S/4 | Secondary and Central Shopping Areas |

RELEVANT SITE HISTORY

10/D53883 - Change Of Use Of Ground Floor Premises To Hot Food Takeaway (Use Class A5) Including New Shop Front And Installation Of Flue To Rear Elevation Of Building - Refuse

CONSULTATION RESPONSES

Highways And Engineering

The following comments were received:

'The application site is within Heywood Town centre and the proposed travel agent use is an expected use within that area and we would raise no objection to it. As stated it is unclear how the chauffeur business would operate in terms of parking of vehicles as the application does not include any parking provision for vehicles and no details of where customers will be picked up from. If this element of the use was to operate similar to a private hire taxi business with the customers being regularly picked up at the building similar to a taxi rank we would not support this application.'

Further comments were received:

'The description provided resembles a taxi booking office and therefore it should be expected that some amount of ranking will take place especially when those offices are in town centres and are in easy walking distance of local amenities, bars and restaurants. Although the applicant may say that most calls will come from mobile phones it is inevitable that customers will visit the taxi office for collection. Any taxis stopping and waiting on Market Street which is classified (A58), even briefly, will interrupt the free flow of traffic and have a detrimental impact on road safety as passenger get into taxis. Highways have been consistent in their approach to applications for taxi booking offices along this section of the A58 through Heywood.

We would have also expected some parking provision to be included as part of the application and any additional on street parking in and around the proposed office will impact on the safe operation of the classified road.

In conclusion the position of what appears to be a taxi booking office on the strategic highway would increase accident potential and have a detrimental impact on highway capacity, therefore Highways cannot support this application.'

Environmental Health

The following comments were received:

'Given the town centre location and associated night time economy we would have no concerns regarding the effects of noise on neighbours'

REPRESENTATIONS

The application has been publicised with neighbour notification letters. No representations have been received.

ANALYSIS

Principle of Development

The proposed use combined travel agent and chauffeur service would occupy an office and a store room on the ground floor only. No supporting statement has been provided with the application to explain how the chauffeur service will operate. This includes where the vehicles will be parked overnight and how and where they may pick up customers. There is no evidence or information to assist in differentiating the chauffeur service from a taxi office. After seeking clarification the applicant has stated in an email no cars will be on site and clients will not be picked up from the

office. However, it is considered that insufficient evidence has been provided to explain how the proposed service will work and what mitigation is in place to prevent vehicles creating a highway safety issue due to parking/waiting outside the premises.

The site is located in Heywood Town Centre; as such saved UDP Policy S/4 is relevant to any development on the site. Policy S/4 states that 'at ground floor level fronting the street within the Secondary Shopping Areas in Rochdale, Middleton and Heywood town centres, and the Central Shopping Area in Littleborough town centre, only development of, or change of use to, shops, food and drink outlets and financial and professional services will be permitted. The development of other uses at ground floor level fronting the street will not be permitted.'

Further to this, UDP Policy S/4 should be read in conjunction with Core Strategy Policy E1, which sets out the types of uses appropriate for each centre where development should promote the viability and vitality of the centre. Policy E1 stated that retail, leisure, cultural, office, residential and other development to promote the viability and vitality of all the borough's town centres will be focussed in the town centres. Although policy E1 seeks to maintain a high proportion of Class E retail, non-Class E uses are permitted.

Additionally, paragraph 81 of the NPPF states that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

The proposed use of the travel agent does not conflict with the aims of saved Policy S/4 as this would be a professional service which should contribute to the maintenance of an active ground floor shop front. However, the chauffeur service is not considered to be a use which would promote the viability or vitality of the centre, as it is likely to create highway safety issues which would only be of detriment to this location.

Highways

With any application for new development it is important to assess the impact on highway safety and under policy T2 of the adopted Core Strategy it is established that 'In all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority, while providing reliable journey times for those travelling through'. Policy T2 of the Core Strategy acknowledges that development that offers greater access for all forms of travel will assist the borough's continuous improvement to becoming more sustainable, healthier, greener and prosperous. Development proposals are required to satisfy the Council's accessibility hierarchy and in all circumstances, the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location.

Paragraph 111 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The application site is located on Market Street which is part of the A58, and is also located within Heywood Town Centre so the surrounding highway network is busy with both pedestrians and vehicles. The application states the proposal will be chauffeur service with travel agency. There is no supporting report detailing how the

business will operate but the applicant has provided further details in an email stating telephone calls will be taken on site and cars will not be stationed on site. The site could be better classed as a telephone call centre, with absolute majority of works taking telephone calls with other light office duties'. However, the proposed plans do suggest that members of public would be able to enter the property as the travel agent business is present and it is entirely unclear how customers could be differentiated. Considering that the applicant property is located within a town centre, it is expected that members of the public would visit the taxi booking office. The highways department noted that *'is inevitable that customers will visit the taxi office for collection. Any taxis stopping and waiting on Market Street which is classified (A58), even briefly, will interrupt the free flow of traffic and have a detrimental impact on road safety as passengers get into taxis.'* If people are picked up at the site this will have a detrimental impact on highways safety.

Additionally, the highways department have also raised concerns in regards to the lack of parking provision. Although, the site is located within the town centre, with good public transport links, the nature of the business would mean that vehicles would be used in relation to the use of the property. Again, the lack of parking will mean that customers booking a taxi from the booking office would be picked up from Market Street.

Character and Appearance

Policy P3 of the Core Strategy requires all new developments, including associated landscaping, to adhere to high standards of design. Policy DM1 requires that all development proposals, including extensions and alterations, demonstrate that they are of a high quality design and take the opportunity to enhance the quality of the area.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments 'are visually attractive as a result of good architecture, layout and appropriate and effective landscaping' and 'create places that are safe, inclusive and accessible'.

The application does not propose any external alterations to the property, this will have a neutral impact on appearance of the area. However the likelihood of the chauffeur business giving rise to highway safety issues due to on-street parking is likely to have a detrimental impact on the area, creating an environment which does not feel safe.

Therefore I consider the application does not comply with Policies DM1, P2 and P3 of the Core Strategy.

Impact on Surrounding Occupiers.

Paragraph 185 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 130 states that planning policies and decisions should ensure that developments 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. Policies DM1 and G9 of the adopted Rochdale Core Strategy seek to ensure that new development is compatible with surrounding land uses, both in terms of its

impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users, also requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

The surrounding properties are commercial in use and it is expected that the surrounding occupiers will experience some increase in noise. As part of the application process the Council's Environmental Officer has been consulted and raised no objections regarding increased noise from the application.

The applicant has not provided details of opening hours, or any specific details on how the chauffeur service would operate apart from saying customers will not be picked up from site. However, there is insufficient evidence of how this part of the business will be operated and as highway officers has sustained objection due to the potential impact on highway safety the proposal cannot be considered to have a positive impact on the living conditions of neighbouring business owners, employees and their customers.

On balance it is considered that the proposed development conflicts with policies DM1 and P3 of the adopted Core Strategy and the NPPF

Conclusion

On balance, it is considered that the inclusion of a chauffeur booking office, in the absence of any evidence to allow the Council to consider otherwise, the proposal use is considered to be directly comparable to a taxi booking office. As such this part of the proposal, within the town centre and on the busy Market Street, with the lack of sufficient parking to service the drop-off, pick-up and waiting of vehicles, would result in a significant negative impact created upon the busy strategic highway, which would be harmful to highway safety and the living conditions of neighbouring occupiers and users. The proposal would therefore conflict with Policies DM1 and T2 of the adopted Core Strategy and the NPPF.

RECOMMENDATION

1. The potential uncontrolled pick-up, drop-off and waiting of vehicles outside the chauffeur office on the busy A58 would interrupt the free flow of traffic and have a detrimental impact on road safety. This would have a detrimental impact upon the function and safety of a busy strategic highway. The proposal is therefore contrary to Policies DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.
2. The proposal does not provide a high quality design as no changes are proposed to improve the building. As the proposal does not take the opportunity to enhance the quality of the area this conflicts with DM1, P2 and P3 of the Core Strategy.
3. Due to the proposal's negative impact on highway safety the proposal cannot be considered to have a positive impact on the living conditions of neighbouring business owners, employees and their customers. The proposal therefore conflicts with policies DM1 and P3 of the adopted Core Strategy and the NPPF

Procedure Statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Notes for Applicant:

INFORMATIVE:

For the avoidance of doubt, this Decision Notice relates to the following drawings :-

Location Plan

Report Author Aimee Bovaird