Report to Planning and Licensing Committee

Date of Meeting	8 August 2019
Portfolio	Councillor Carol Wardle, Planning, Cabinet Member for Planning, Development & Housing
Report Author	Mubeen Patel
Public/Private Document	Public

Application: 19/00436/FUL	**Township:** Rochdale South	**Ward:** Castleton
Applicant: Mr M Razaq	**Agent:** Mr Stephen Hague	
Site Address: 848 Manchester Road, Castleton, Rochdale, OL11 2SP		
Proposal: Change of use from retail shop (Class A1) to taxi booking office (Sui Generis) - Resubmission of 18/00989/FUL		

SITE LOCATION



DELEGATION

1.1 The application is referred to the Planning and Licensing Committee as it is a resubmission of a similar application refused by the Committee on 1st April 2019.

PROPOSAL SUMMARY

2.1 Planning permission is sought for the change of use from a shop to a taxi booking office. The opening hours are proposed as: 8am - 10pm Monday to Saturday, and 8am – 8pm Sundays and Bank Holidays.

RECOMMENDATION

3.1 It is recommended that the Planning and Licensing Committee resolves to **REFUSE** planning permission.

REASON FOR RECOMMENDATION

4.1 The proposal does not provide off-street car parking facilities over which the applicant has full control and it would therefore be expected that the public parking bays to the front would become monopolised by Private Hire Taxis, which would be detrimental to the businesses in this local centre. Therefore, the proposal is contrary to Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4.2 No off-street car parking facilities over which the applicant has full control are proposed and as such insufficient parking for the taxi booking office has been provided. As a result of the lack of parking, taxis would be likely to stop in inappropriate locations in the vicinity of the premises whilst customers are collected, which would reduce the visibility on a dangerous bend in highway. This would result in a detrimental impact upon the function and safety of the highway on a busy strategic route. The proposal is therefore contrary to Policies DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

SITE

The application site relates to a two storey end terrace property with a single storey extension to its side. The property is within the Castleton (South) Conservation Area and within the Manchester Road/Queensway Local Centre as defined in the Rochdale Unitary Development Plan Proposals Map.

The property is split into two units, the use of the ground floor is retail (Use Class A1) (currently vacant) whilst the first floor use is a flat (Use Class C3). The single storey extension to the side provides access and stairs leading to the first floor. The River Roch is located to the rear of the site whilst neighbouring properties consist mainly of retail uses at ground floor with offices and residential uses at upper floor levels.

PROPOSAL

The application proposes to change the use of the ground floor retail unit (A1) into a taxi booking office (sui generis). The Taxi booking office would be open from 8am - 10pm Monday to Saturday, and 8am – 8pm Sundays and Bank Holidays.

The applicant has stated that the business would mainly be operational through an 'online app' where customers can book a taxi from a computer or smart device. The proposed office would also be available for customers to enter and book a taxi.

The plans show the only external change to the property would be to replace the existing timber front door. Internally a desk and counter area would be provided with a WC located in the basement area. Customers would be able to either walk into the office to order a taxi or order by telephone.

A shopfront has recently been installed in the frontage without planning permission. This does not form part of this application.

In order to overcome the previous reasons for refusal under planning application 18/00989/FUL, the applicant has reduced the operational hours of the taxi booking office from opening 24hrs a day to those stated above and provided information that the booking of taxis would mainly be through an 'online app'.

DEVELOPMENT PLAN

Rochdale Unitary Development Plan (UDP) 2006:

G/D/1 Defined Urban Area
Rochdale Core Strategy (CS) 2016:

SO1 To deliver a more prosperous economy
SO3 To improve design, image and quality of place
SD1 Delivering sustainable development
P3 Improving design of new development
E2 Increasing jobs and prosperity
G9 Reducing the impact of pollution, contamination and land instability
T2 Improving accessibility
DM1 General development requirements

Supplementary Planning Documents (SPD):

Shopfronts and Security Shutters (2015) SPD

NATIONAL PLANNING POLICY AND GUIDANCE

National Planning Policy Framework (NPPF) – February 2019
National Planning Practice Guidance (NPPG)

RELEVANT HISTORY

82/D14048 - Change Of Use From Shop To Taxi Booking Office – Refused.
Reason for refusal:

1) There are no car parking facilities over which the applicant has full control which are in close proximity to the premises. The application states that car parking space is available at a location which is 200 feet from the site. Vehicular access to this land is along a road which is narrow, which has substandard visibility at its junction with Manchester Road and which is in close proximity to a traffic light controlled junction. The proposed use would generate vehicular traffic and such vehicles would park on Manchester Road or on the area defined in the application. In either case this would cause obstruction and danger to other road users and it would be detrimental to road safety.

18/00989/FUL - Proposed change of use from retail shop (A1) to taxi booking office (Sui Generis) – Refused (as per officer recommendation by planning committee 01/04/2019).
Reasons for refusal;

1) The application site lies in close proximity to a number of residential properties, including a residential flat on the upper floor. The activity associated with the proposed opening hours would lead to noise and disturbance late into the night/early morning that would be significantly harmful to the amenity of the nearby residential occupiers. In addition, no off-street car parking facilities over which the applicant has full control are proposed and it would therefore be expected that the public parking bays to the front would become monopolised by Private Hire Taxis and which would be detrimental to the businesses in this local centre and incompatible with the surrounding land uses. Therefore, the proposal is contrary to Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

2) No off-street car parking facilities over which the applicant has full control are proposed and as such insufficient parking for the taxi booking office has been provided. As such taxis would be likely to stop in inappropriate locations and park in illegal and dangerous positions which would reduce the visibility on a bend on a busy highway. This would result in a detrimental impact upon the function and safety of the highway on a busy strategic route. The proposal is therefore contrary to Policies DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

CONSULTATION RESPONSES

Conservation and Design - The terrace, which runs from 848-856 (Evens only) is constructed of brick beneath slate rooves. Whilst the design of the properties has been largely overhauled by the installation of modern shop fronts at ground floor level, at first floor level they include attractive strings courses and sandstone keystones in the centre of the segmental arch above the windows. The name and date stone found upon the terrace is difficult to read due to weathering and pollutant build up however, it is thought these date the properties at 1892.
848 Manchester Roads shop front has been considerably altered in more recent years which has included the blocking up of the opening which now presents us with an awkwardly designed frontage. It is considered that the design of the shop front is not making a positive contribution to the wider conservation area. This being said it is noted that the existing window and door within the unit are of timber, which are incorrectly noted to be uPVC within the planning permission application form. The replacement of a traditional material with a synthetic alternative is inappropriate within the conservation area and the replacement door should be constructed of timber.
The change of use of the premises will have a neutral impact upon the non-designated and designated heritage assets (NPPF, paragraph 192).
The following pre-commenced conditions should be included on any permission granted:

1. Doors – product specification (including elevational and cross sectional drawings) to be provided and agreed.

Highways and Engineering – I maintain the position of highways regarding the application at this location. This usage is unsuitable at this premises.

We object to this application. In assessing applications of this type the main consideration is how the business is due to operate. It is clear from the documents submitted that the Taxi Booking Office will have a customer counter. Vehicles are expected to pick up from this location.

If vehicles are expected to 'rank' on site then ample parking should be provided. Without ample parking drivers can then be tempted to stop in inappropriate locations. As the vehicle remains occupied by the driver it is very difficult to enforce against this activity.

The highway area fronting the site has limited waiting formalised parking to support local business. If this application is permitted then I would expect the parking area to become monopolised by Private Hire Taxis which could be detrimental to the surrounding businesses. In the event the formalised parking was not monopolised by the taxi rank I would expect illegal and dangerous parking to take place on the Double Yellow Lines. This is a dangerous activity reducing visibility on a bend on a busy highway.

Adjacent to the premises is a wide footway and the temptation could also be to mount the footway and park.

I would expect that illegal parking closer to the premises such as on the footway or waiting restrictions is more likely to take place than parking remotely at nearby locations such as Railway Brow or Maltings Lane. This is a safety issue to which I see no obvious solution.

We object to this proposal as I believe insufficient parking provision has been made and the proposals could as a result have a detrimental impact upon the function of the local centre and Highways Safety on a busy Strategic Highway.

Ranking associated with private hire Booking office at this location would be detrimental to highways function and safety.

Public Protection (Noise) - The hours of operation have been amended to those recommended, as such this section has no objection to the proposal.

TOWNSHIP PLANNING PANEL

Rochdale Township Planning Panel comments from previous application: Concerns regarding parking issues as this would be in already overcrowded streets. Office could be on another site.

MEMBER REPRESENTATIONS

No representations have been received from Members.

PUBLIC REPRESENTATIONS

No representations have been received.

ANALYSIS

Principle of Development

1. The proposed use would be an office with a counter and telephone that would provide a taxi booking office for private hire vehicles. The operation of the private hire company would be from the application property with members of the public able to visit the premises to book a taxi, and also via an 'online app' based system. The use of the office amongst other things would typically also include, record keeping, marketing and general administration.

2. The site is located in the Manchester Road/Queensway local centre; as such saved UDP Policy S/6 is relevant to any development on the site. The policy supports the change of use to, shops, financial and professional services, food and drink outlets, offices, community and cultural facilities and other uses appropriate to a district or local centre.

3. The Core Strategy Policy E1 sets out the types of uses appropriate for each centre where development should promote the viability and vitality of the centre. Although policy E1 seeks to maintain a high proportion of A1 retail, non-A1 uses are permitted.

4. Nevertheless, it is still important to consider whether the loss of a retail unit would have a negative impact on the viability and vitality of the Manchester road/Queensway Local Centre. The majority of the units within this local centre are in active use except the proposed site which has been vacant for approximately eight months. The change of use of the retail unit to a non-retail

use would in principle not harm the vitality and viability of the local centre given the remaining number of A1 units.

Access, Highways and Parking

5. 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 will have priority. Policy DM1 requires all development to provide satisfactory vehicular access with adequate parking and manoeuvring arrangements provided.

6. Paragraphs 109 and 110 of the revised NPPF state that applications for development should create places that are safe, secure and attractive and 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.

7. The Council's Highways officer states that the taxi vehicles are expected to 'rank' on site and as such ample parking should be provided. No parking is proposed by the applicant that is fully within their control. The highways officer has objected to the proposal on the grounds that without ample parking drivers can then be tempted to stop in inappropriate locations and as these taxi vehicles remain occupied by the driver it is very difficult to enforce against this activity.

8. The applicant has provided details which express that customers would mainly use the 'online app' to book taxis and the reliance on customers to book a taxi from the proposed office would be minimal. Nevertheless customers would still be able to enter the office and book a taxi where they would be picked up from outside the site.

9. The highways officer also states that 'The highway area fronting the site has limited waiting formalised parking to support local business. In the event the formalised parking was not monopolised by the taxi rank I would expect illegal and dangerous parking to take place on the Double Yellow Lines. This is a dangerous activity reducing visibility on a bend on a busy highway. Adjacent to the premises is a wide footway and the temptation could also be to mount the footway and park'.

10. Given the lack of parking provided the highways officer expects that illegal parking closer to the premises such as on the footway or waiting restrictions is more likely to take place than parking remotely at nearby locations such as Railway Brow or Maltings Lane. The parking would give rise to highway safety issues.

11. Therefore the Highways officer objects to this proposal and believes the insufficient parking provision would result in a detrimental impact upon the function of the local centre and Highways Safety on a busy Strategic Highway.

12. As such, it is considered that the inclusion of a taxi booking office within the local centre with insufficient parking would result in a significant negative impact

created upon the busy strategic highway, which would be harmful to highway safety. The proposal would therefore conflict with Policies DM1 and T2 of the adopted Core Strategy and the NPPF.

Impact upon neighbouring uses

13. The applicant has applied for the taxi booking office to be open 7 days a week between the hours of 8am - 10pm Monday to Saturday, and 8am – 8pm Sundays and Bank Holidays.

14. A number of residential properties lie close to the site including a flat above at first floor level and at 852 Manchester Road. Manchester Road is a busy vehicular and pedestrian route and that this section of highway is generally in commercial use at ground floor level, the living conditions of residents of neighbouring dwellings and first floor flats need to be safeguarded, particularly during the early hours of the morning. Manchester Road and existing commercial uses provide a degree of activity but during the hours after midnight, the area will be quieter. Local residents are likely to value a degree of peace and quiet at night after the noise and disturbance that is experienced during the day and up to midnight.

15. The Council's Public Protection Officer has raised no objection to the hours of operation now proposed. At the opening times proposed, it is considered the taxi booking office would not result in the potential for significant disturbance from noise associated with its use and from outside the premises from comings and goings, shutting of car doors and the talks of customers. As such the hours proposed would not result in a detrimental impact on the amenity of adjoining and nearby residents subject to a condition relating to these hours.

16. However, the highway area fronting the site has limited waiting formalised parking which provides parking for customers using the local businesses, including the other shops and premises within this row. Although the applicant has stated the taxis could park in a nearby business car park and that an 'online app' would be used where taxis would not need to rank outside the premises, there are no car parking facilities over which the applicant has full control which are in close proximity to the premises. In addition, the taxi booking office regardless of the 'online app' would also be available for customers to enter and book a taxi. Therefore it would be expected that the public parking bays to the front would become monopolised by Private Hire Taxis, which would be detrimental to the surrounding businesses in this local centre.

17. As a result, it is considered that the development would have an undue adverse impact where the insufficient parking provided would result in the public parking bays to the front of the site monopolised by Private Hire Taxis which would be detrimental to the businesses in this local centre and incompatible with the surrounding retail uses which rely on the car parking spaces in the vicinity. Therefore, the proposal is contrary to Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Visual Amenity and Impact upon conservation area

18. Policies DM1 and P3 of the adopted Core Strategy require all new developments to adhere to high standards of design and take the opportunity to enhance the

quality of the area. Policy P2 of the adopted Core Strategy states that the Council will protect the borough's heritage by conserving, enhancing and promoting key heritage assets, both statutory and non-statutory, including consideration of their wider settings.

19. Paragraph 190 of the NPPF states that LPAs 'should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

20. The change of use of the premises will have a neutral impact upon the non-designated and designated heritage assets. The application proposes the replacement of the existing timber front door. 848 Manchester Road shop front has been considerably altered in more recent years which have included the blocking up of the opening which now presents us with an awkwardly designed frontage. The design of the current shop front does not make a positive contribution to the wider conservation area. This being said it is noted that the existing window and door within the unit are of timber, which are incorrectly noted to be uPVC within the submitted application form.

21. The Conservation officer has been consulted and has stated that the replacement of a traditional material with a synthetic alternative is inappropriate within the conservation area and the replacement door should be constructed of timber. Therefore, notwithstanding the details submitted, given the building is located within a Conservation Area, a condition should be attached to any approval for the door to be of timber material to adhere to high standards of design and which would not result in a negative impact on the visual amenity of the area.

22. In light of the above, the proposal would result in no undue harm to visual amenity or the heritage assets subject to conditions. The application would therefore accord in this regard with policies DM1, P2 and P3 of the adopted Core Strategy and the NPPF.

Conclusion

23. The development would have an undue adverse impact where the insufficient parking provided would result in the public parking bays to the front of the site monopolised by Private Hire Taxis which would be detrimental to the businesses in this local centre. In addition it is considered that the inclusion of a taxi booking office within the local centre with insufficient parking would result in a significant negative impact created upon the busy strategic highway, which would be harmful to highway safety.

RECOMMENDATION

It is recommended that the Planning and Licensing Committee resolves it is minded to **REFUSE planning permission** for the following reasons:-

1 The proposal does not provide off-street car parking facilities over which the applicant has full control and it would therefore be expected that the public parking bays to the front would become monopolised by Private Hire Taxis, which would be detrimental to the businesses in this local centre. Therefore, the proposal is contrary to Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

2 No off-street car parking facilities over which the applicant has full control are proposed and as such insufficient parking for the taxi booking office has been provided. As such taxis would be likely to stop in inappropriate locations and park in illegal and dangerous positions, which would reduce the visibility on a bend on a busy highway. This would result in a detrimental impact upon the function and safety of the highway on a busy strategic route. The proposal is therefore contrary to Policies DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

Report Author Mubeen Patel