

APPLICATION NUMBER: 22/01280/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01280/FUL	Majid Mir	16/01/2023

Address: 77 Church Street Littleborough OL15 8AB

Proposal: Change of use from office (Class E) to taxi booking office (Sui-Generis)

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	Y

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/A
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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: LA

DATE: 01.02.2023

SITE

The application relates to 77 Church Street, A two storey mid-terraced property. The property appears to have been used as an office for a solicitors. The application

property is located within Littleborough Town Centre and Littleborough Town Centre Conservation Area. The property fronts onto the pavement to the front. Church Street is part of the busy A58 and is a part of the strategic highway. Directly to the front are double yellow lines which prevent any vehicles from parking in this busy location. There are parking bays on the opposite side of Church Street which has time restrictions.

The application property is adjoined to a hot food takeaway at number 75 Church Street and a taxi booking office at 79 Church Street.

The plans suggest the first floor of the building is used as storage and a bathroom for the office. Additionally, it is noted that it may have been used as residential flat however, there is no planning history in relation to this.

PROPOSAL

The application seeks permission to change the use of 77 Church Street from an office (Class E) to a taxi booking office (Sui Generis). The submitted planning application states that the proposed taxi booking office will be open 24 hours a day Monday to Sunday (including bank holidays).

In regards to the operation of the proposed taxi booking office, the supporting report states 'the applicant's intension is to run a taxi booking office, which could be better classed as a telephone call centre, with absolute majority of works taking telephone calls with other light office duties. The cars would not be at the site, but would be stationed elsewhere, and they would pick up the nearest booked paid fare to them through the telephone operating system.'

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
- E1/L Establishing Littleborough as a thriving town centre
- 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 S/4	Town Centres Secondary and Central Shopping Areas
BE/17 BE/18	New Development Affecting Conservation Areas Changes of Use to Buildings in Conservation Areas

RELEVANT SITE HISTORY

07/D49589	Change Of Use From Offices To Hot Food Takeaway. Decision: Refuse. Reason for refusal: This application relates to premises which are situated within a vibrant town centre shopping area which provides a variety of local shops and services. There are already a number of hot food takeaways in close proximity to the premises in question, and any further development of such uses is likely to begin to change the character of the area to one which is less mixed and more concentrated on evening rather than daytime trade. This undermining of the character of the centre would be contrary to the provisions of policy S/10 - Food and Drink Outlets - of the Council's adopted Unitary Development Plan.
08/D50583	Change Of Use From Offices To Hot Food Takeaway - Resubmission D49589. Decision: Refuse. Reason for refusal: This application relates to premises which are situated within a vibrant town centre shopping area which provides a variety of local shops and services. There are already a number of hot food takeaways in close proximity to the premises in question, and any further development of such uses is likely to begin to change the character of the area to one which is less mixed and more concentrated on evening rather than daytime trade. This undermining of the character of the centre would be contrary to the provisions of policy S/10 - Food and Drink Outlets - of the Council's adopted Unitary Development Plan.

CONSULTATION RESPONSES

Conservation

The application site is a mid-terrace, two storey property within the Littleborough Conservation Area, and dating from the second half of the 19th century.

It is understood that the proposal is for the use and internal works only and no changes are proposed to the exterior of the building.

As such, the proposal would have a neutral impact on the Conservation Area and the nearby heritage assets.

The applicant should be advised that advertisement consent is likely to be required for any new signs.

Environmental Health (noise and odour)

This section cannot support the proposal in its current form, the 24 hour use will likely give rise to complaints of noise nuisance and general disturbance.

Highways

Highways have concerns regarding this application and its potential impact on road safety and highway capacity. The application site on Church Street which is the A58 is within Littleborough town centre so the surrounding highway network is busy with both pedestrians and vehicles. The premises is also adjacent to an existing taxi booking office and there are existing ongoing problems on this section of Church Street caused by taxis "ranking" outside the existing taxi office.

When considering taxi offices 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 which is demonstrated by the exiting problem with the adjoining taxi office. Any taxis stopping and waiting on Church Street, even briefly, will interrupt the free flow of traffic and have a detrimental impact on road safety as passenger get into taxis.

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 only increase the potential of taxis picking up passengers from Church Street.

In conclusion the position of the proposed 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.

Pennine Panel

The Pennine Panel objected to the proposal on the same grounds as the highway department.

REPRESENTATIONS

The application has been publicised with neighbour notification letters, site notices and press notice. Seventeen letters objecting to the proposal have been received. One of the objections included a petition with 23 objection signatures.

Highway and parking

- ☐ Will increase traffic.
 - ☐ Parking is already difficult in this area. This would make it worse.
 - ☐ There is not enough parking at present.
 - ☐ Taxis are already parked on streets around train station.
 - ☐ Will cause a problem to the flow of traffic on Church Street.
 - ☐ Will cause congestion.
 - ☐ Taxi base already illegally stop on the double yellow lines to pick fares.
 - ☐ There is not enough parking to support the use.
 - ☐ The space to the rear is privately owned and not owned by the applicant. Neighbouring properties have access rights not for parking. The taxi office will not be accessible and will not be legally allowed to use the car park to the rear.
 - ☐ If cars parked on both sides, traffic can only flow one way.
 - ☐ Parking to the rear will block off users of neighbouring properties.
 - ☐ Very limited parking space behind Church Street.
- Officer comments: Highway and safety concerns are discussed in the 'Access, Highways and Parking' section of the report below.

Principle

- ❑ We don't need any more taxi in Littleborough/ not needed as already a business that provides this service/already have two in Littleborough.
 - ❑ Can't have two taxi bases next to each other.
- Officer comments: Discussed in the 'Principle' section of the report below.

Other concerns

- ❑ Having two taxi bases next to each other will cause confusion.
 - ❑ Disrupt the office of Newline taxis and create a big dispute between taxi ranks, taxi drivers and customers.
 - ❑ Law and licensing restrictions in regards waiting within given distance from private hire office.
- Officer comments: The concerns noted above are not material planning considerations and therefore cannot be considered when determining the application.

ANALYSIS

Principle of Development

The proposed use would be an office with a counter and reception that would provide a taxi booking office for private hire vehicles. The supporting report states 'the applicant's intention is to run a taxi booking office, which could be better classed as a telephone call center, with absolute majority of works taking telephone calls with other light office duties. The cars would not be at the site, but would be stationed elsewhere, and they would pick up the nearest booked paid fare to them through the telephone operating system.' The taxi booking office will not be used as a rank.

The site is located in the Littleborough 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.' The applicant property is located outside the Central Shopping Area in Littleborough Town Centre.

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.'

It is considered that the change of use from an office to a taxi booking office would not harm the vitality and viability of the town centre and as such would be acceptable in principle.

Heritage and Visual Amenity

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.

Paragraph 195 of the NPPF states that local planning authorities 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.

The application property is located within Littleborough Town Centre Conservation Area. The application does not propose any alterations externally to the property and the proposed change of use is considered to have a neutral impact on the Conservation Area.

The application therefore complies with Policies DM1, P2 and P3 of the Core Strategy.

Impact upon Amenity of Neighbouring Uses

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.

There are some properties along this part of Church Street that have residential uses on the upper floors. Additionally, it is noted that there are residential properties to the rear and close to the junction of Queen's Road and Morgan Street. Furthermore, to the east of the junction between Church Street and Morgan Street, are residential properties on both sides of Church Street. The applicant property is located on the busy A58 and within the Littleborough Town Centre. The properties adjoining the property and to the west of Church Street are generally commercial in nature. Therefore it is expected that neighbouring residential properties will experience some level of noise and nuisance. However, the applicant has applied for a 24 hour taxi booking office to be open 7 days a week.

As such, the living conditions of residents of neighbouring properties do need to be safeguarded, particularly during the late night and early hours of the morning. The Council's Environmental Officer raised concerns about the operating hours, noting that 24 hour use will likely give rise to complaints of noise nuisance and general disturbance. During the evening and late night, traffic along Church Street and

existing commercial uses provide a degree of activity but after the closure of the commercial properties (after midnight), the area is expected to be quieter. Local residents are likely to value a degree of peace and quiet during the late night and early morning, after the noise and disturbance that is experienced during the day and night.

The arrival and departure of customers on foot and by car and the congregating of customers outside the premises as bookings are taken all have the potential for generating noise and disturbance. These activities, including the activity of answering the telephones into the early morning, are likely to conflict with the desire of those nearby residents for some peace and quiet during the late night and early morning. Furthermore, it is noted that the neighbouring property is also used as a booking office. Looking at the history of the property, there does not appear to be any restrictions on time. The use of two booking offices, side by side, during the late night and early morning would exacerbate the negative amenity impact on the nearby residential properties.

It should also be noted that the report states that there is parking to the rear. Although there does appear to be parking to the rear, this is not within the red edge and based on the comments received, it appears that this is not within the applicant's control. If taxis were to use the parking spaces to the rear or the road to the rear to pick up customers, this would exacerbate the amenity impact on the residents of the residential properties.

The proposed hours of operation which would be 24 hours a day, every day, would clearly increase the potential for disturbance from noise to the neighbouring residential properties. Additional noise generated associated with the use and from outside the premises from comings and goings, would have a detrimental impact to the amenity of adjoining and nearby residents during the late night and early hours of the morning when residents have a right to enjoy a quieter period. As such, it is considered that the proposed hours of use would have an unacceptable impact on neighbouring properties.

Access, Highways and Parking

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 property is located on Church Street which is part of the A58, and is also located within Littleborough town centre so the surrounding highway network is busy with both pedestrians and vehicles. The supporting report has stated that the 'applicant's intention is to run a taxi booking office, which could be better classed as a telephone call center, with absolute majority of works taking telephone calls with

other light office duties'. Additionally, the report adds that the cars would not be at the site, but would be stationed elsewhere, and they would pick up the nearest booked paid fare to them through the telephone operating system. However, the proposed plans do suggest that members of public would be able to enter the property. 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 'it is inevitable that customers will visit the taxi office for collection which is demonstrated by the exiting problem with the adjoining taxi office.' Furthermore, as noted by the highways department, it is expected 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.' As such, these customers will most likely be picked up from the applicant property.

Furthermore, the report states that there is parking to the rear. Although there does appear to be parking to the rear, this is not within the red edge and based on the comments received, it appears that this is not within the applicant's control. As such, any customers being picked up, will most likely be from the front along Church Street. As noted by the highways department, any taxis stopping and waiting on Church Street, even briefly, will interrupt the free flow of traffic and have a detrimental impact on road safety as passengers get into taxis.

Additionally, the highways department have also raised concerns in regards to the lack of parking provision. Although, the site is located with 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 Church Street.

As noted above, there is an existing taxi booking office adjoining the applicant property. And as noted by the highways department, there is an existing ongoing problems on this section of Church Street caused by taxis ranking outside the existing taxi office. The addition of another taxi booking office would only add to the existing highway safety concerns in relation to road safety and highway capacity.

As such, it is considered that the inclusion of a taxi booking office within the town centre and on the busy Church Street, plus the lack of sufficient 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.

RECOMMENDATION: REFUSE

For the following reasons:-

1. The application site lies in close proximity to a number of residential properties. The activity associated with the proposed opening hours would lead to noise and disturbance late into the night and early morning that would be significantly harmful to the amenity of the nearby residential occupiers. 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. Church Street is a part of the strategic highway and there is limited allocated parking on this part of Church Street. Picking-up and waiting outside the taxi booking office will interrupt the free flow of traffic and have a detrimental impact on road safety. The applicant property is also adjacent to an existing taxi booking office and there are existing highway safety problems

on this section of Church Street caused by taxis parking and waiting outside the existing taxi booking office. The addition of another taxi booking office would exacerbate the existing highway safety concerns and therefore would have a detrimental impact upon the function and safety of the highway on 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.

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

1948/1 – Existing site plan and existing floor plans

1948/2 – Proposed site plan and proposed floor plans

Report Author Majid Mir