



TITLE: 2005/394 – CHANGE OF USE FROM SHOP WITH LIVING ACCOMMODATION ABOVE TO TAXI BOOKING OFFICE WITH LIVING ACCOMMODATION ABOVE 2 CHURCH STREET, HASLINGDEN

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 6 SEPTEMBER 2005

BY: TEAM MANAGER - DEVELOPMENT CONTROL

APPLICANT: MR S S HUSSAIN SHAH

DETERMINATION EXPIRY DATE: 23 AUGUST 2005

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

Site

This application relates to a terraced property situated on Church Street close to its junction with Regent Street. The authorised use of this property is as a shop, with living accommodation above. To one side of it is a social club and to the other a vacant shop.

Proposal

Permission is sought to use the ground floor as a taxi booking office, from which cars would be controlled. The applicant advises that members of the public would not be admitted to the premises.

Consultation Responses

LCC (Highways) – No objection

RBC Licensing – No comment

Notification Responses

Letters have been received from the occupiers of 3 nearby properties objecting to the proposal on the grounds that use of Church Street to park taxis/pick-up customers will obstruct and inconvenience residents wishing to park here/cause accidents/give rise to noise disturbance late at night

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

The application site lies within Haslingden Town Centre, wherein Policy S3 applies. It states that “*In shopping streets, ground floor offices will normally be restricted to existing levels of provision. Use of upper floors for office purposes may however be appropriate*”.

Policy DC1 states that “*...all applications for planning permission will be considered on the basis of : a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d)relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h)arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.*”

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Policy 7 - Parking

Other material considerations

PPS6 - Town Centres

LCC Parking Standards

Planning Issues

The principal issue for consideration are :

1) Principle; 2) Highway Safety; & 3) Neighbour Amenity.

PRINCIPLE

The proposal does not accord with Policy S3 of the Local Plan, which seeks to retain retail usage of ground floors in town centre locations. However, this policy does not fully accord with the more recent advice issued by Central Government in respect of Town Centre uses. Whilst it is appropriate to retain such a stance in relation to primary shopping frontages, this is a secondary shopping frontage, wherein a wider mix of uses

can be expected/is appropriate. Accordingly, the proposed use is not, in my view, to be resisted.

HIGHWAY SAFETY

So long as a condition precludes use of the premises as a waiting room/picking-up of customers I have no reason to doubt the conclusion of the Highway Authority that this proposal is acceptable in terms of highway safety.

NEIGHBOUR AMENITY

Subject to the condition referred to above I do not consider the proposal likely to give rise to significant conflict with neighbours by reason of competition for on-street parking or noise disturbance at unsocial hours. In this regard it must be mentioned that the attached building is occupied by a social club.

Summary of reasons for conditions to appear on the decision notice

The use of the premises as a taxi booking office is not inappropriate within this secondary shopping area and, subject to a condition precluding use as a waiting room/pick-up point by customers, should not be unduly detrimental to the amenities of neighbours or highway safety.

Recommendation

That permission be granted subject to the following conditions :

Conditions

1. The development permitted shall be begun before the expiration of five years from the date of this permission. *Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.*
2. Public access to the premises shall not be permitted at any time. Reason: Use of the premises as a waiting room/pick-up point by customers is likely to be detrimental to highway safety and cause unacceptable inconvenience and noise disturbance to neighbours in the late evening/at night, contrary to the criteria of Policy DC1 of the adopted Rossendale District Local Plan.