



**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES MANAGER**

**TO: COLNE & DISTRICT COMMITTEE**

**DATE: 05<sup>th</sup> December, 2019**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## REPORT TO COLNE AND DISTRICT COMMITTEE 05 DECEMBER 2019

**Application Ref:** 19/0604/VAR  
**Proposal:** Full: Variation of Conditions: Condition 3 (Number of Vehicles) of Planning Permission 13/12/0588P.  
**At:** 15 New Market Street, Colne  
**On behalf of:** Mr Feroz  
**Date Registered:** 12/09/2019  
**Expiry Date:** 07/11/2019  
**Case Officer:** Alex Cameron

This application has been brought before Committee as more than two objections have been received.

### **Site Description and Proposal**

The application site is an existing taxi office at No.15 New Market Street and eight spaces within the Stanley street public car park 60m to the west. 15 New Market Street is a terraced building with a shop front located in a row of similar properties within the town centre and Albert Road Conservation Area, the car park lies outside both.

Planning permission was granted in 2012 to operate up to 12 private hire vehicles from the premises with parking on the Stanley Street car park available between the hours of 18:00 and 00:00.

This application is to vary condition 3 of that planning to remove the restriction on the number of taxis that can be operated from the premises.

The applicant intends to operate the taxis via an app, the details submitted with the application state that proposed operation of the taxis would avoid the need for taxis to return to the base between journeys.

### **Relevant Planning History**

13/05/0696P - Full: Use building for the storage of accident damaged motor vehicles (10 in the building and 2 in the yard, plus 4 additional parking spaces in the yard) (resubmission)

### **Consultee Response**

LCC Highways – objections regarding the proposed development at the above location, subject to the following condition being applied to any formal planning approval granted. Condition:

The use hereby approved shall operate solely as a telephone and computerised booking office in association with a taxi/private hire vehicle business. At no time shall drivers employed for the purposes of operating the taxi/private hire vehicle business wait at, collect fares at, or be despatched from the application site/premises. The premises shall not be open to visiting members of the public. Reason: To protect the amenities of residents, and in the interests of access and highway safety.

Taxi Licencing - no objection provided the number of vehicles able to visit the office at any one time is conditioned.

Colne Town Council - Object to the removal of the restriction as these premises are not suitable for running more than 12 vehicles from due to parking for other businesses and the public being very limited in this area. The applicant would need to demonstrate that they have sufficient places to park any additional vehicles without causing issues to other businesses, the public and to be able to park safely and legally, before the removal of Condition 3 can be considered.

## **Public Response**

Nearest properties notified by letter. Objections received raising the following concerns:

- Object to any additional use of the car park. The car park is often full to capacity every working day and alternative parking in the area is limited.
- Concerns about and increase in the number of vehicles parking on New Market Street.
- The original permission was for a maximum of 12 vehicles which were to be parked on Stanley Street but in effect are on New Market Street and the side road to the rear of our premises, thus restricting the access of patrons and volunteers to Pendle Hippodrome Theatre.

## **Officer Comments**

### **Policy**

#### **Local Plan Part 1: Core Strategy**

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

#### **Replacement Pendle Local Plan**

Policy 31 (Parking) states that new parking provision should be in line with the maximum car parking standards unless this would compromise highway safety.

### **Highways**

The parking standards set out the RPLP state that parking at a level of 1 space per 1.5 cars should be provided for a taxi booking office. This parking standards set out the RPLP are maximum standards rather than minimums, determining the minimum level of parking necessary is a matter of planning judgement based on the potential highway impacts of a proposal.

The parking standards were created at a time when taxi business generally operated in a different way to how they operate today, with a fleet of taxis operating from and returning to the premises when not operating and customers often visiting the premises to book and be collected up by taxis.

However, that is not how taxis businesses generally operate now, typically drivers will not return to the base between journeys or to park when not working, taxi firms have systems to monitor the location of their taxis and efficiently the nearest driver to pick up customers. As such drivers will generally wait and pick up from near their last destination and will typically park at their home when not working. The prevalence of smart phones used to book taxis via apps also offers an alternative

to a booking office where customers would visit to book and be collected by a taxi. The use of a premises solely as an office without any taxi operating from it would be classified as a B1 use.

The proposed use would not be operated solely on that basis, it is proposed for the business continue taking bookings and collecting customers from its office. The existing car parking is sufficient to accommodate the impacts of that element of the business.

Other than that element the operation of the taxis would be generally administrative. The additional taxis operated would not generally return to the base between journeys or when not working and therefore would not materially impact upon parking in the vicinity.

Taking this into account the proposed variation of condition 3 to remove the restriction on the total number of private hire vehicles that can be operated from the premises is acceptable.

It is necessary to alter the condition to retain a limit on the number of taxis that can operate the collection of customers from the premises at any one time. Although not specifically applied for it is also necessary for condition 4 to be varied to prevent it from unnecessarily restricting the operation of taxis that would not impact on parking provision in the vicinity of the premises.

The variation of conditions is acceptable in terms of parking and highway safety in accordance with policies 31 and ENV4.

### **Amenity**

The proposed variation of conditions would not materially alter the impacts of the use in the vicinity of the site, the additional taxis would be operated in such a way that they would not be located or wait at the base. With conditions retained to control the operation of customer collection from the base the variation of conditions is acceptable in terms of residential amenity.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed variation of conditions is acceptable in accordance with the Replacement Pendle Local Plan and Local Plan Part 1: Core Strategy. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: ET-01 Rev.A, Stanley St CP /02.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

2. Whilst the eight parking spaces on the Stanley Street car park shown on plan No. Stanley St CP /02, or eight alternative spaces to be agreed by the Local Planning Authority, are available for use no more than 12 private hire vehicles shall be shall be operated for the collection of customers from 15 New Market Street at any one time.

If the eight parking spaces cease to be available for use by the taxi business no more than 5 private hire vehicles shall be operated for the collection of customers from 15 New Market Street at any one time.

No hackney carriage shall be operated from the premises at any time and the operator shall notify the Local Planning Authority in writing of the registration numbers of the vehicles to operate from the premises no later than 14 days after the commencement of the use hereby permitted and within 14 days of any change of the vehicles operated.

**Reason:** In order that the Local Planning Authority can control the number of vehicles operated from the site to limit parking congestion in the locality.

3. Not more than 5 private hire vehicles shall be operated for the collection of customers from 15 New Market Street outside the following hours: 18:00 and 00:00 on any day.

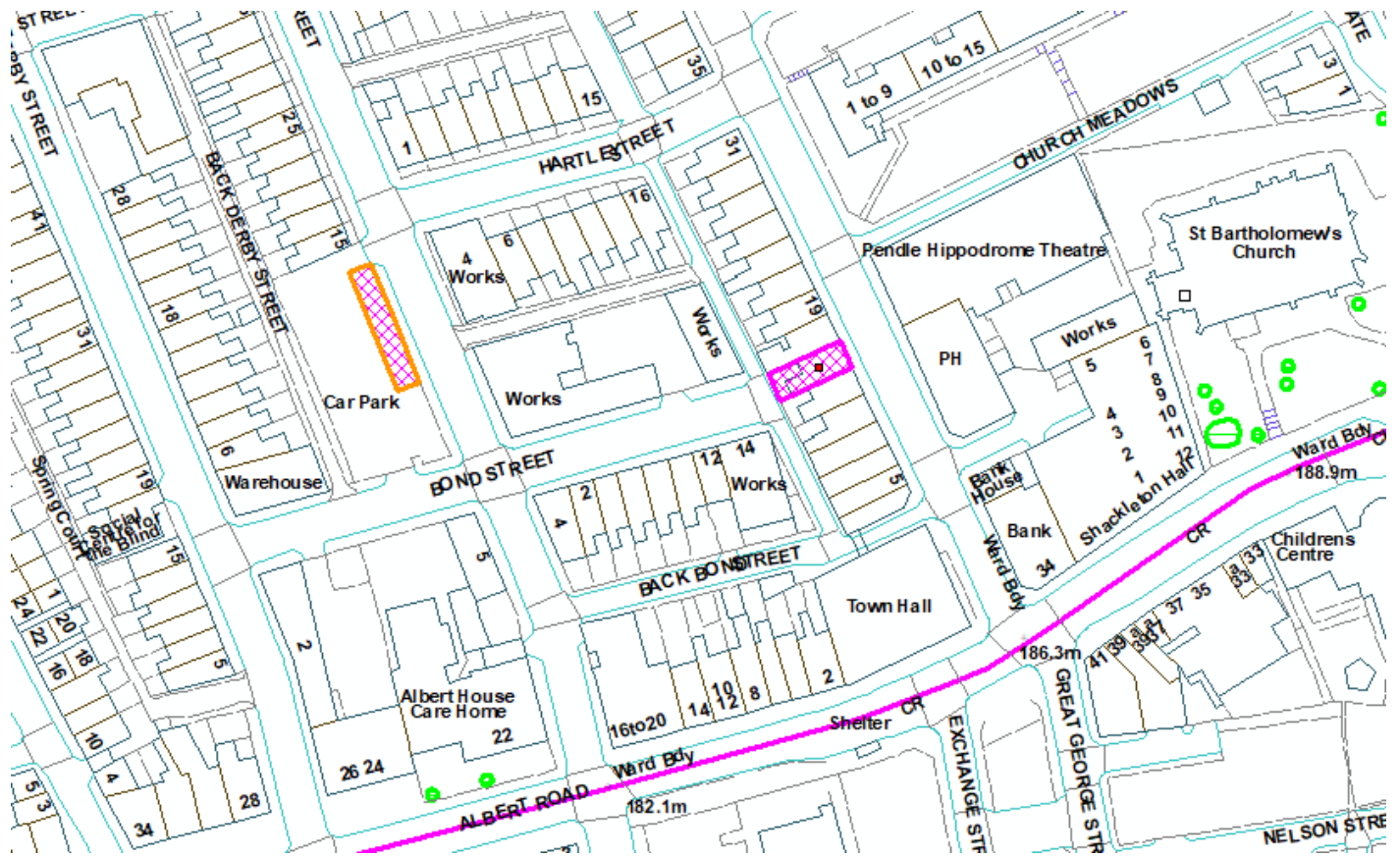
**Reason:** To restrict the hours of operation of the private hire vehicles departing from the premises to when off-street car parking is available to limit parking congestion in the locality.

4. Not more than 8 private hire vehicles associated with the taxi business shall be parked on the Stanley Street car park at any one time.

**Reason:** To limit parking congestion in the locality.

5. There shall be no embarking or disembarking of passengers at the Stanley Street car park at any time.

**Reason:** In the interest of residential amenity.



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**At:** 15 New Market Street, Colne

**On behalf of:** Mr Feroz

## LIST OF BACKGROUND PAPERS

Planning Applications

**NPW/CPB**

**Date: 21<sup>st</sup> November 2019**