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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **EP** | **Date:** | **15/12/2023** | **Manager:** | **SK** | **Date:** | **18.12.23** |
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| **Application Ref:** | 2023/0771 |  |
| **Date Inspected:** | 17/11/2023 | **Site Notice:** | 17/11/2023 |
| **Officer:** | EP |
| **DELEGATED ITEM FILE REPORT:**  | **REFUSAL** |
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| **Development Description:** | Change of use from booking office to taxi office at first floor level. Access to first floor reception/sitting area via entrance hall and staircase to ground floor.  |
| **Site Address/Location:** | First Floor Unit 6A Abbey Works Back King Street Whalley Lancashire BB7 9SP.  |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| Whalley Parish Council object to the proposal on the following grounds.* Access is unsafe and unmarked with no footpaths.
* Roadside traffic congestion and parking would be exacerbated.
* Unsuitable for increased pedestrian access.
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **LCC Highways:** | Object on the grounds of Highway Safety.  |
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| **CONSULTATIONS:**  | **Additional Representations.** |
| No comments received |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1: Development StrategyKey Statement DS2: Sustainable DevelopmentKey Statement EC2: Development of Retail, Shops and Community FacilitiesPolicy DMG1: General ConsiderationsPolicy DMG2: Strategic ConsiderationsPlanning (Listed Buildings and Conservation Areas) ActNational Planning Policy Framework (NPPF) |
| **Relevant Planning History:****2020/0030:**Confirmation of lawful change of use of first floor office (previously used by Building Contractor) to use as taxi booking office, manager's office, prayer room and drivers' rest room since 16 November 2009. (approved). **2012/0824:**Proposed change of use from booking office to walk in booking office. Change of parking to add more additional parking spaces. (refused). **2009/0127:**Change of use of ground floor office (previously used by Building Contractor's secretary) to use as taxi booking office. (approved with conditions).  |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application relates to an industrial unit on Back King Street, Whalley. The surrounding area is a combination of commercial and residential properties with the application site falling within the Whalley Conservation Area.  |
| **Proposed Development for which consent is sought:**Consent is sought for the change of use of the existing booking office to become a taxi office capable of accepting customers within the site to wait for taxis and make bookings. The existing use is restricted for administration and the making of calls/bookings.  |
| **Principle of Development:**Key Statement EC2 of the Ribble Valley Core Strategy states that *development that supports and enhances the vibrancy, consumer choice and vitality and unique character of the area’s important retail and service centres of Clitheroe, Longridge and Whalley will be supported in principle. Proposals that have an adverse impact on existing community facilities would only be permitted as an exception where the proposed development would bring defined and demonstrable benefits.*The proposed change of use is therefore acceptable in principle subject to other material planning considerations.  |
| **Impact upon Character/appearance of Conservations Area (Where Applicable):**Policy DME4 of the Ribble Valley Core Strategy states that *Proposals within, or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance. This should include considerations as to whether it conserves and enhances the special architectural and historic character of the area as set out in the relevant conservation area appraisal. Development which makes a positive contribution and conserves and enhances the character, appearance and significance of the area in terms of its location, scale, size, design and materials and existing buildings, structures, trees and open spaces will be supported.*The proposed development does not involve the introduction of any new built form, nor does it seek to alter the external appearance of the unit in any way. It is therefore not considered that there would be any adverse visual impact on the Whalley Conservation Area as a result of the proposal.  |
| **Impact Upon Residential Amenity:**There are a number of residential properties in the vicinity of the application site comprising of a number of residential flats above the commercial premises along King Street as well as properties at Abbey Mews. The access to Back King Street, which would be used by pedestrians attending the office, is via King Street itself. Paragraph 185 of the National Planning Policy Framework states:*‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative 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…in doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.’*Furthermore, Policy DMG1 of the Core Strategy requires all proposals for development to consider the effects of development upon existing amenities.Conditional planning permission was granted in 2009 for a taxi booking office on Back King Street, Whalley, planning application 3/2009/0127. Condition 2 of that application restricted the use of the building to an operators base only and specifically stated the building shall not be available for the general public to book a taxi from the building or wait outside the office. In order to safeguard neighbouring residential amenity. An application was made in 2012 for the same change of use as is proposed in this application, application number 3/2012/0824, and was subsequently refused on the grounds of highway safety and residential amenity. A further application for a Certificate of Lawfulness to regularise the use of the First Floor of the unit as the booking office was submitted in 2020, application 3/2020/0030. It was concluded that the First Floor had been used continuously for 10 years as a booking office following the applicant requiring a larger space and as such the use was confirmed as lawful. This application seeks approval for the change of use of the booking office to a taxi office where customers can visit/wait rather than just a base for taking calls and bookings. The concerns highlighted in the original consent for the taxi office in 2009 which were reiterated in the 2012 refusal still remain. There are a number of residential properties in the vicinity of the taxi office that seek to be affected should the application be approved. The proposed change of use will result in an increase in activity to the site, both pedestrian and vehicular, which consequently will result in an increase in noise. Given the proposed hours of operation (Monday – Saturday 8am – 1am and Sundays 8am – 11pm) it is considered that the proposed change of use would result in unacceptable adverse harm in respect of noise disturbance, particularly at night, for the residential properties in the vicinity. Therefore, by virtue of the increase in activity and subsequent increase in noise, the proposed change of use would be contrary to Policies DMG1 of the Core Strategy and Paragraphs 185 of the NPPF due to unacceptable increase in noise disturbance for neighbouring receptors.  |
| **Highways and Parking:**Policy DMG1 states that development must *ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated.*LCC Highways have been consulted in relation to the proposal and object due to pedestrian safety concerns. Their comments remain the same as for previous application 3/2012/0824. The development of this site will introduce pedestrians (Customer waiting area proposed) into an area where there are no footways and vehicles manoeuvring to a number of locations within a relatively confined area. The previous successful application for this location, 3/2009/0127, recognised that, "the development provides for the creation of a single office unit specifically for the administration of a taxi booking service, involving the taking and relaying of calls." It specified that there, "must be no access to the office for members of the public or for its use as a meeting place for either passengers or drivers." Taking account of the above, LCC Highways are recommending refusal of this application on highway safety grounds and are satisfied that the previous highway safety justifications for prohibiting pedestrian access to the site remain relevant and that providing access for pedestrians to the taxi booking office would be detrimental to highway safety. |
| **Landscape/Ecology:**No ecological constraints identified relevant to the proposal.  |
| **Observations/Consideration of Matters Raised/Conclusion:**As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal. |
| **RECOMMENDATION**: |  |
| That planning consent be refused for the following reason(s). |
| **01:** | The proposed change of use would result in an increase in activity, both vehicular and pedestrian, subsequently increasing noise disturbance in the area which as a result of the proposed opening times would cause unacceptable harm to the living conditions of the neighbouring receptors in the vicinity contrary to Policy DMG1 of the Ribble Valley Core Strategy and Paragraph 185 of the NPPF.  |
| **02:** | The proposed change of use would result in the need for increased pedestrian access to the site in an area where there are no footways and with vehicles manoeuvring in a confined area which would be of significant detriment to highway safety contrary to Policy DMG1 of the Ribble Valley Core Strategy.  |