



Applicant: Mohammed Bablu

Application No:
09/0110/COUWNN

Date Registered:
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Expiry Date: 20.10.09

Grid Ref: 475182/260381

Ward: Castle

Northampton UDA Planning Committee Paper

Report by Interim Director of Planning and Development

Date of Committee Meeting: Tuesday 27th October 2009

Agenda Item: 5

Description: Change of Use Part of the Second Floor from Snooker Centre (Use Class Sui Generis) to Taxi Office (Use Class Sui Generis)

Address: 63 Gold Street, Northampton NN1 1RA

1. Recommendation

- 1.1 That the application be **APPROVED** for a temporary period of 12 months for the following reason:-

The proposal is acceptable in terms of its principle, its impact on the character and appearance of the area, the provision of adequate off street parking to serve the use and impact on the amenity of the locality and is therefore compliant with Policies E26 and T16 of the Northampton Local Plan (1997). However it is deemed appropriate to grant a temporary planning permission having regard to the concerns re traffic generation from the proposed use to assess the impact thereof.

2. Description of Proposal

- 2.1 The application proposes change the use of part of the second floor of the building from a Snooker Centre (Use Class Sui Generis) to a Taxi Operating (Private Hire) Office

(Use Class Sui Generis) with the parking of two taxis within the car parking serving the building.

3. Description of Site

3.1 The premises are located on the corner of Gold Street and Horse Shoe Street which is a dual carriageway. Gold Street has various use classes on it and limited parking within it. Part of the building is within the All Saints Conservation Area.

3.2 The building is 4 storeys in size and includes a nightclub on the ground floor which is in separate ownership. The three upper floors have planning permission consent for use as a snooker hall, although are currently vacant. It is proposed to use a small office located on the 2nd floor to operate the taxi business. This was previously used as the office for the snooker centre. There is a car parking area adjacent to the building which is within the applicant's control. This was previously used as a customer car park for the snooker club.

4. Policy Considerations

WNDC Purpose

4.1 Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory "objective" to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective.

National Planning Policy

4.2 The following Planning Policy Statements/Notes should be taken into consideration in the determination of this application;

PPS1 – Sustainable Development;

PPG 15 - Planning and the Historic Environment

PPS6 – Town Centre

4.3 **Development Plan:**

The Development Plan documents for the area comprise;

The East Midlands Regional Plan (RSS8) (2009);

The Northamptonshire County Structure Plan (NSP) (2001) (One saved policy - SDA1);

The Northampton Borough Council Local Plan (NBLP) (1997) (saved policies).

4.4 **The East Midlands Regional Plan (RSS8) (2009) relevant policies;**

Policy 1 Regional Core Objectives;

Policy 2 Promoting Better Design;

Policy 48 Regional Car Parking Standards

4.5 **The Northampton Borough Council Local Plan (NBLP) (1997) relevant policies;**

E26 Development in Conservation Area

T16 Taxis/Private Hire Vehicles

Supplementary Planning Guidance/Documents

4.6 Parking SPG (2003)

Other non-statutory documents

4.7 WNDC Planning Principles (February 2009)

WNDC corporate objectives are threefold as follows;

1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester.
2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration.
3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

5. Representations

The following representations were received following a full consultation exercise:-

Northampton Borough Council (NBC)

- 5.1 NBC Development Control have no objection in principle to the above proposal, subject to a condition being applied that no more than 2 taxis operate from the site and that they should only park in the designated off-street parking.
- 5.2 NBC Conservation has no objections to make subject to impact of associated taxis on surrounding areas.
- 5.3 NBC Environmental Health made no comments.
- 5.4 NBC Town Centre Manager has no objections to make.
- 5.5 NBC Licensing Officer commented on the location of the office in Northampton Town Centre on the opposite side of the dual carriageway to an official taxi rank would give rise to numerous complaints of illegal plying for hire and would not be acceptable to the hackney trade. There is already a Private Hire Office within 100yds where problems are ongoing. Reassurances from the operator that there would be no activity outside the office with regard to picking up passengers would not be enforceable. Following the redevelopment of Gold Street there is no access for vehicles to stop, even to pick up passengers and although there is parking at the rear of the premises this is not an area that passengers would go to. The movement of these vehicles in an already congested area can only add to the problems and these are worse at night.

Northamptonshire Police Crime Prevention Design Advisor (CPDA)

- 5.6 The CPDA object to the location of the taxi office because of the siting of this taxi office will in their view have issues for traffic flow in this area. Gold Street has recently been developed under the Public realm works; there is now a restriction on vehicles in Gold Street. Private hire vehicles are allowed access to Gold Street (only from Marefare), but they are not permitted to wait in Gold Street although they are permitted to stop for the purpose of a fare alighting or boarding the cab. There is no place for private hires to pick up fares in Horseshoe Street, or Broad Street as these are controlled by double yellow lines. This junction was recently a cause for concern for the casualty reduction partnership, which funded road safety improvements outside Fever nightclub (the nightclub below the proposed taxi office). It is conceded the junction has had considerable improvement in the Public Realm works, but it is too early to say if this has had an impact upon road safety. To have a fleet of taxis working this area would, in their view, exacerbate an already fraught situation - especially as during the early hours of the morning when revellers from local bars and nightclubs are drawn to this area for fast food outlets. The applicant also states he only has 2 vehicles. This is the situation at present, what happens if his fleet increases in numbers? There are aware that the operator has stated they would use car parking at the rear of the premises. If fares are to be collected from the parking bays at the rear of the premises then this would also cause me concern as there is no natural surveillance to this area, it is completely surrounded by high walls and loading bays, and would create a crime and disorder issue, with the propensity for offences against the person being committed in this 'out of the way area', so I would also ask that a condition is added to prevent fares being collected from that area too.

NCC Sustainable Transport

- 5.7 The Highway Authority have commented that as it appears to be a small scale proposal it may be acceptable. However the site location in highway terms is surrounded by double yellow lines and there is the potential for the applicant to request an increase in the number of taxis. Any consent should therefore be restricted within the description and conditions etc, to a maximum of 2no. taxis. This is for reasons of highway safety in general as there is the potential for illegal parking on the

highway and within the service road, which must be kept clear at all times for emergency services access, for not only the whole site but also adjacent properties.

Town Centre CAAC

5.7 The Town Centre CAAC has no objections to make.

6. Notifications and Responses

6.1 The application was advertised in the local press and a site notice was displayed. 22 immediate neighbours were notified by letter – 7 letters of objection have been received showing concerns on the following:-

- Traffic congestion;
- Serious road traffic accidents within this area already;
- Public safety;
- Another Taxi Business within the area.

These have been received from the Northampton Private Hire Association, other private hire taxi drivers within the area and 4 other individuals.

7. Site History

7.1 85/0530 – The change of use of upper floors to licensed snooker club – (Approved).

7.2 87/1201– Change of use of part of ground floor for additional snooker tables (assoc. with snooker club – upper floor) (Approved).

7.3 89/1348 – Extension and alterations to existing service core at exclusive snooker Club (Approved).

7.4 90/0158 – Extensions and alterations at exclusive snooker club (Approved).

7.5 93/0440 – Change of use of second floors offices to taxi/car hire control office with up to six parking spaces in rear car park (Refused).

7.6 94/0569 – Internal alterations (Approved).

8. Considerations

The following considerations are relevant to the determination of this application:

Planning Policy; Conclusion

8.1 Planning Policy

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations under the Act are in accordance with the development plan unless material considerations indicate otherwise.

8.3 Policy T16 of the Northampton Local Plan is the key relevant policy against which to assess the proposal. This relates specifically to taxi uses. It states :

Planning permission for the use of premises to operate taxis/private hire cars will only be granted where there is adequate on site parking facilities and there would be no detriment to the amenity of the locality.

8.4 The key consideration in the determination of this application is the impact of the proposed use on highway safety. The consultation process has highlighted a number of concerns and objections in this respect, particularly an increase in illegal on street parking and the potential for the public to access the office to hire vehicles.

8.5 The comments from the NCC Highways have been taken into account with regards to the presence of double yellow lines and the potential for the applicant to request an increase in the number of taxis. Therefore a condition is suggested to safeguard any potential increase being put into practice without an application for planning permission.

8.6 The comments from the NBC Development Control Section on restricting the parking of the taxis to designated off-street parking can also be secured by condition.

- 8.7 The Northamptonshire Police have objected to the application on the basis of the potential for the taxis to wait on the double yellow lines to collect/drop off fares within the vicinity of the site. The Police have advised that private hire vehicles are permitted to enter Gold Street and drop off/pick up fares, but not wait on the highway. Due to parking/highways problems the police have requested that any planning permission be conditioned to prevent fares from being picked up in Gold Street, Horse Shoe Street and Broad Street. However, it is considered unreasonable and unenforceable to do this, such a restriction would not have applied to the business when it provisions operated from the applicants home. The business would in effect only be permitted to operate as an operating centre for private hire vehicles with the necessary off street parking, conditions are recommended to prevent any additional activities at the site and to prevent the site from effectively being used as a taxi rank. Beyond this concerns have been expressed regarding fares being picked up from the highway are not issues that will be exacerbated by this proposal.
- 8.8 A similar objection has been raised by Northampton Borough Council Licensing Department who are responsible for issuing licenses for such uses. The fundamental concern appears to be that the use would give rise to vehicles attending the office to pick up fares and that the location of the two parking spaces would not be convenient for fare paying customers and would therefore lead to illegal parking on the adjacent public highway where there is already traffic congestion particularly at night when more vehicles are working.
- 8.9 In response such a use should not readily give rise to taxi's having to visit the site and indeed suggested condition no.2 seeks to address this. If there are any more than two taxi's operating from this office then it is expected they will have to look to park up legally within the town centre. It is acknowledged however that this is not always the case and issues of congestion and illegal parking can arise with such uses.
- 8.10 Local Plan Policy E26 requires that development in conservation areas either preserves or enhances the character of such areas.

8.11 The proposed site lies on the edge of the All Saints Conservation Area that adjoins a major thoroughfare – Horse Market. The entrance to the proposed taxi office lies within the All Saints Conservation Area, but the actual office itself is located in a large 4 storey building to the rear which is adjacent to the Conservation Area.

8.12 However as there are no physical alterations to the building the proposed change of use will not have any impact on the character and appearance of the All Saints Conservation.

9. Conclusion

9.1 Notwithstanding the planning history for this site reveals that a planning permission for a change of use to taxi/hire control office for up to 6 cars was refused in July 1993 following members concerns on highway safety, it is felt that due to the relatively minor nature of this current proposal for a maximum of 2 cars only the proposal will not have a detrimental effect on highway safety if it is operated in this manner.

9.2 However in response to the legitimate objections and concerns expressed from some of the agencies and other persons consulted, particularly if the operation were to expand in terms of vehicle numbers or if the public were permitted access to the office. officers consider that the use can be controlled with conditions relating to the use of the car park, a restriction to the use of the office for the online and telephone booking at taxis only with no public access permitted and a restriction of the number of taxis. However, in recognition of the objections raised it is considered appropriate in this circumstance to grant a temporary planning permission of 12 months to enable the use to be assessed to ensure it does not give rise to any traffic problems.

10. **Conditions**

1. The use hereby approved shall be for a temporary period only expiring on the 29th October 2010 after which it shall cease in its entirety.

Reason: To enable the Local Planning Authority to assess the impact of the proposed development having specific regard to traffic generation from the use and any impact on highway safety.

2. The use of part of the second floor of 63 Gold Street as a control office for the operation of 2 private hire vehicles shall be restricted to the area edged in red on the approved plan ref WNDC 09/0110-02. The taxi control office hereby permitted shall be used to take telephone and internet booking only, no members of the public shall visit the application site or adjacent parking area of the purposes or either booking, waiting for or entering a taxi.

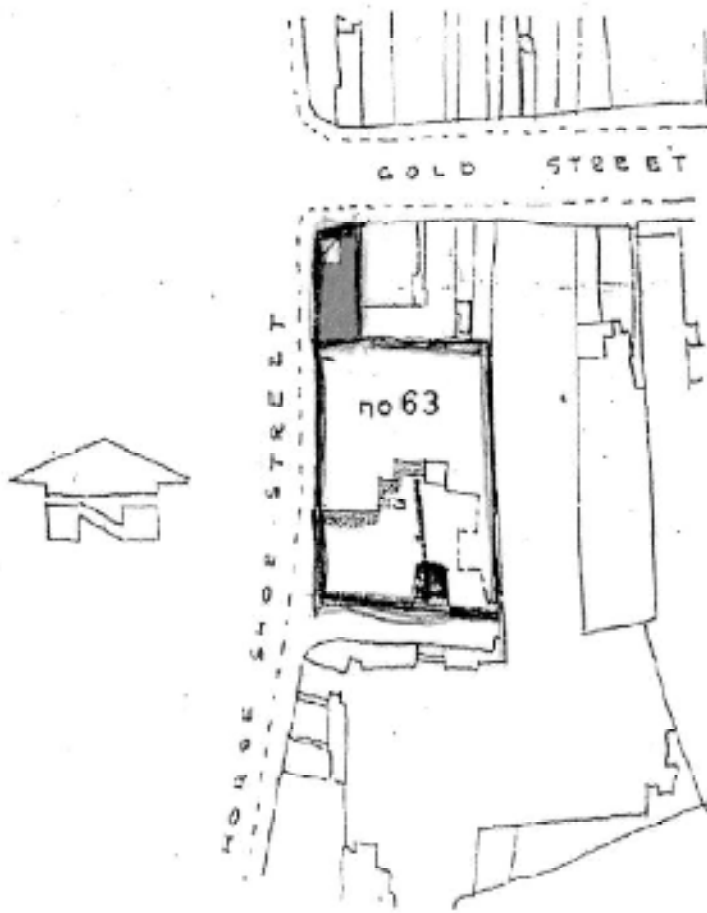
Reason: To ensure that the business operates as a control office for private hire vehicles only in the interests of highway safety.

3. No more than 2 taxis shall operate from the application site and adjacent car parking area.

Reason: To prevent the intensification of the business in the interests of highway safety.

4. Prior to the commencement of the use hereby approved a plan shall be submitted to the Local Planning Authority for written approval which shall detail the precise location of the two off street car parking spaces which shall be provided in the adjacent car parking area. Thereafter the spaces shall be laid out in accordance with the approved details and retained thereafter and be available for use by taxis only associated with the use hereby approved. . .

Reason: To ensure that the necessary spaces are retained for the use at all times in the interests of highway safety.



Proposed office position is shaded-in.