



Appeal Decision

Site visit made on 8 July 2019 by Hilary Senior BA(Hons) MCD MRTPI

by Susan Ashworth BA(Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2019

Appeal Ref: APP/T4210/W/19/3228016

Local cars, 8 Bolton Street, Bury, BL8 0LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sohail Afsar against the decision of Bury Metropolitan Borough Council.
 - The application Ref 63294, dated 17 September 2018, was refused by notice dated 20 November 2018.
 - The development proposed is change of use from A2 Estate Agents to Sui-Generis Private hire taxi booking office.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The original proposal submitted to the Council included a plan showing a passenger pick up point from outside the premises. This part of the proposal has been withdrawn from the appeal through the issuing of a revised plan with the appeal documentation. The Council is aware of this change and the appeal has been determined with reference to this revised plan.
4. The appeal site is in the Town Centre Conservation Area (CA). I have not been provided with any relevant development plan policies relating the conservation area. Nonetheless I have had special regard to the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In this respect as the proposal seeks only a change of use and does not involve external alterations, I am satisfied that it would preserve those interests.
5. Since this application was refused a subsequent application for a private hire booking office without a customer waiting area has been approved and has been implemented.¹ The appellant contends that a waiting area is necessary as operating without it is not in the best interests of the business or local area.

¹ Planning Application reference 63589 Granted subject to conditions 20 February 2019

Main Issue

6. The main issue is the effect of proposed change of use on highway safety.

Reasons for the Recommendation

7. The site is on the north side of Bolton Street, within the secondary shopping area and frontage of Bury town centre as defined in the Bury Unitary Development Plan (1997). The street includes a mix of commercial and leisure uses, and it lies within the Town Centre Conservation Area. It is between the White Lion public house and an estate agent's office. There are double yellow lines with 24 hour waiting restrictions on the north side of Bolton Street. Although Bolton Street is an unclassified road, it is an important and busy bus route into and out of the town centre. The site is close to the junction of Silver Street which forms part of the one-way system around the town centre meaning that buses and other traffic use the junction of Bolton Street and Silver Street when leaving the town centre.
8. The proposal, which will attract customers who will wait to be picked up, is likely to generate more vehicular activity outside the premises than an estate agent, or indeed the current use as a private hire office. Whilst vehicles may not park outside the premises because of the parking restrictions, additional vehicle manoeuvres would adversely affect the safe and efficient operation of the highway network in the vicinity of the appeal site because of the prevailing highway conditions.
9. Reference is made to the presence of parking and loading areas within the vicinity of the premises including land at rear off Cooper Street. These areas do not form part of the appeal proposal as they are not within the red edge plan, and there is no evidence to indicate the level of control the appellant would have on these areas for the parking of vehicles and pick up of passengers. It is unlikely that the rear of the premises would be convenient for the picking up of passengers as there is no rear access through the building for waiting customers to this area. As the pay and display parking bays, shown on the plans, are for use by the general public, they would not be within the control of the appellant, and so could not be reserved for the use of the taxi business, even if the drivers wished to use them.
10. I acknowledge the Council's concerns that the proposal could lead to illegal parking and conflict with the hackney cab rank. However, there is no evidence to indicate this would happen, and in any event, there are other mechanisms available to enforce against this should it occur.
11. Nevertheless, for the above reasons the inclusion of a customer waiting area at the premises would be detrimental to highway safety. As such, the proposal would be in conflict with Policy HT2/8 Taxi and Private Hire Businesses in the Bury Unitary Development Plan (1997) along with Policy EC4/1 Small Businesses, Policy HT2/4 Car Parking and New Development and Policy HT6/2 Pedestrian/Vehicular Conflict which seek to allow business uses unless they have an unacceptable adverse effect on the local highway network. The National Planning Policy Framework in paragraph 108 seeks to ensure that there is safe and suitable access for all users.
12. The benefits of allowing customers to wait inside in a safe space and the potential to reduce possible anti-social behaviour attract limited weight in

favour of the proposal but do not outweigh the significant risk to highway safety.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR