



Appeal Decision

Site visit made on 2 July 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Appeal Ref: APP/W4705/W/24/3342786

32-34 Church Street, Keighley, West Yorkshire BD21 5HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Nigel Brett (Lakeside Travel Services Ltd) against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 23/04693/FUL.
 - The development proposed is described on the application form as *"change of use for 32 Church Street, 32 & 34 Church Street are currently open plan with the dividing wall removed, we operate patient transport services through out West & North Yorkshire, being CQC registered some of the patient/passenger movements require a private hire operator licence to be compliant with Bradford Council licensing & NHS/social services, a change of use to require a private hire operator licence for 32 Church Street is required. This is for booking office only for contact work - no walk ins"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address given on the planning application form is 32 Church Street. However, it is clear that the proposal relates to Nos 32 & 34, so this is reflected in the banner heading above.

Main Issues

3. The main issues are the effect of the development on:
 - the safe and efficient operation of the highway in the vicinity of the site;
 - the living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

Highway effects

4. Church Street is a single lane one-way road in the Keighley town centre. The buildings are generally three-stories in height with the majority of ground floor units being in commercial use, while the upper floors appear to be a mix of offices and residential flats. Among the existing ground floor commercial uses are two separate private hire taxi offices and various food and drink establishments. The current use of the appeal site is described as a patient transfer booking office for the NHS, Social services, care homes etc. The proposal is seeking a change of use to private hire operator.

5. The Council's parking standards require a minimum of 5 off street spaces or one space for every four cars operating from the site. However, in common with other premises on Church Street, there is no off-street parking at the appeal site, nor any ability to make such provision. On-street parking is controlled, and at the time of my site visit, the bays appeared to be heavily used, particularly by the existing taxi businesses. There were also some vehicles mounted on the pavement making it difficult for both vehicles and pedestrians to pass. While my observations can only represent a snapshot in time, I have nothing else before me to suggest this is untypical during much of the day.
6. Although the appellant's business may differ from other taxi/private hire operations, planning permission runs with the land and operators can change at any time. There would be no guarantee or sufficient mechanisms, including planning conditions, that could be put in place to prevent private hire drivers congregating outside the premises to await fares or to collect passengers. Additional vehicles waiting or collecting passengers in an already busy location would only exacerbate parking congestion and, in turn, would likely lead to increased obstruction and disruption to vehicle and pedestrian traffic along Church Street, which would not be in the best interests of highway safety.
7. I therefore find that the proposal would be detrimental to the safe and efficient operation of the highway in the vicinity of the site. This is contrary to the highway safety and convenience aims of Policies DS4 and TR2 of Bradford's Core Strategy Development Plan Document 2017 (the CS).

Living conditions

8. As noted above, the site is in a busy town centre location with two existing taxi offices and various food and drink establishments which are likely to operate well into the evening. As a result, there is a pre-existing level of noise and disturbance which already has an effect on the living conditions of occupiers of the upper floor flats.
9. While the proposal would potentially increase the number of taxi/private hire offices on the street, any noise associated with comings and goings would not be materially different from the noise and disturbance already generated by other nearby uses, and so, would be difficult to discern above background levels. Consequently, I am not persuaded that any impact on living conditions would be so significant as to be unacceptable within this town centre location.
10. As such, I find no conflict with Policy DS5 of the CS, which amongst other things, requires that development does not harm the amenity of existing residents.

Other Matters

11. I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Keithley Town Centre Conservation Area (the CA) in which the appeal site lies. However, the effect of the development on the CA has not been raised as a concern by the Council, and with no external alterations proposed, I am satisfied that the development would not adversely affect the character or appearance of the CA.

12. A number of concerns have been expressed over the potential effect on the existing taxi trade in the area due to increased competition, but this is not a matter controlled by planning legislation.
13. I have noted the planning background of the site and reasons which have led to the proposal. However, these are not matters which outweigh the harm I have identified and the resultant conflict with the development plan read as a whole.

Conclusion

14. I have found conflict with relevant policies of the CS in relation to highway matters and consider that the appeal proposal through the identified conflict does not accord with the development plan as a whole. There are no material considerations which indicate that the appeal should be decided other than in accordance with the development plan. Therefore, the appeal is dismissed.

A Caines

INSPECTOR