

COMMITTEE REPORT

Date: 17 September 2020 **Ward:** Osbaldwick And Derwent

Team: East Area **Parish:** Osbaldwick Parish
Council

Reference: 20/00892/FUL

Application at: Hare & Ransome Limited Unit 1 The Joinery Works Heritage
Park Outgang Lane Osbaldwick

For: Change of use of first floor from former builders yard offices to
taxi business

By: Mr Mohammed Iqbal

Application Type: Full Application

Target Date: 21 July 2020

Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the change of use of the first floor offices in the former joinery works to a taxi business. The ground floor of the building is now used for vehicle repairs following the closure of the joinery business. The application proposes no external changes. Five car parking spaces in the car parking area to the front are to be allocated to the taxi business. Eleven parking spaces are shown for the vehicle repair business. The site of the proposed taxi office and the vehicle repair garage are in the same ownership.

1.2 The building is located in an industrial area containing a range of uses including training and manufacturing.

1.3 In respect to the operations of the Taxi business the applicant has stated the following:

- The taxi office would be a call room service not visited by customers and would only be visited by drivers for meetings and training.
- It is proposed that staff training will take place at the site with a maximum of 10 drivers from the company attending training at any one time. Training will generally take place between the hours of 09.00 and 17.00. They would accept a condition that this is restricted to 2 occasions per month.

Application Reference Number: 20/00892/FUL

Item No:

- The current staff levels are 3 management staff in the daytime and 1 – 3 call room staff depending on the time of day/week.
- The taxi firm is currently located at Blossom Street. The Blossom Street office could close in the future as customer walk in offices are no longer considered necessary.
- The intention is for the company's fleet of taxis to be serviced and maintained by the vehicle repair facility that they would share the site with.

1.4 The application has been brought to Committee at the request of Cllr Warters because of concerns regarding the impact the use would have on noise and disturbance during late night and early morning and concerns regarding increased traffic travelling through nearby residential areas. He has raised further concerns regarding taxis being parked on nearby streets.

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

GP1 Design
 GP4a Sustainability
 E3b Existing and Proposed Employment Sites
 T5 Traffic and pedestrian safety.

2.2 The Publication Draft York Local Plan (2018)

D1 Placemaking
 T1 Sustainable Access
 CC2 Sustainable design and Construction of New Development
 EC2 Loss of Employment Land.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections to use as a taxi control centre. Do not consider that occasional training for up to 10 people would cause such harm to highway conditions to justify refusal or revisions.

PUBLIC PROTECTION

Application Reference Number: 20/00892/FUL

Item No:

3.2 Do not consider that the position of mechanised equipment in the vehicle repair business is such to create concerns regarding the working conditions in the Taxi office.

3.3 The applicant has advised that there will be no vehicles attending the site for pickups and the contact with drivers will be via radio link only. This is encouraged to ensure that there is no increase in vehicles within this area and noise levels do not increase. Therefore if planning approval is to be granted the following condition should be attached:

Condition: The mini -cab operation shall be conducted as a control room only and no facilities are to be provided on site for drivers waiting for fares or between shifts, nor shall the premises be used as a pick-up point for customers.

Reason: To safeguard the amenity of the adjoining premises and the area generally

EXTERNAL CONSULTATIONS

OSBALDWICK PARISH COUNCIL

3.4 No comments received

4.0 REPRESENTATIONS

4.1 An objection has been received from Gas Wise (Training and Assessment) Ltd who have recently occupied Utilities House immediately to the north.

The concerns raised are as follows:

- The taxi business and existing garage has inadequate car parking and will put additional pressure on road parking.
- A pedestrian was killed nearby in a road accident.
- The building has no sewer connection to meet needs for toilets etc.
- Taxi use is creating litter problems.
- They have created an opening and balcony overlooking Utilities House which creates concerns re privacy and smoking.
- When changing the use of Utilities House we had to meet strict criteria on car and cycle parking.
- Will increase traffic and noise in Osbaldwick village including during the night.

5.0 APPRAISAL

Application Reference Number: 20/00892/FUL

Item No:

PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The site is not considered to be within the general extent of the greenbelt.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF as revised in February 2019, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.3 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.4 The Development Control Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in February 2019, although the weight that can be afforded to them is very limited.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.5 The revised National Planning Policy Framework was published February 2019 (NPPF) and its planning policies are a material consideration in the determination of planning applications.

EMPLOYMENT POLICY

5.6 Policy E3b of the 2005 DCLP states sites in employment use shall be retained in their current use class unless there is a sufficient supply of employment land to meet both immediate and longer term requirements in both qualitative and quantitative terms or the development for other appropriate uses will lead to significant benefits to the local economy.

5.7 Policy EC2 'Loss of Employment Land' of the 2018 Draft Plan expects proposals which involve the loss of land and/or buildings which are either identified, currently used or were last used for employment uses, to be accompanied by a statement to the satisfaction of the Council demonstrating that the site is not viable and that the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period.

5.8 The proposed control office is in terms of the employment provided almost identical to a typical B1 office (such as a call-centre), however, for planning purposes a taxi control room is generally considered to be sui-generis (meaning – of its own kind). The office space being utilised by the facility is small in size. The workshop on the ground floor retains an office on the ground floor. It is not considered that there is any justification to oppose the proposal in respect to the loss of employment uses.

5.9 Public protection are satisfied that the use can co-exist with other employment uses in the locality.

HIGHWAY IMPLICATIONS

5.10 The NPPF encourages development that is sustainably located and accessible. Paragraph 108 requires that all development achieves safe and suitable access for all users. It advises at paragraph 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.11 Further, paragraph 110 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Policy T1 of the 2018 emerging Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.12 The proposed control room is a low key use. Drivers will not need to visit the site in relation to their daily work and will be discouraged from visiting to socialise.

Application Reference Number: 20/00892/FUL

Item No:

Five car parking spaces are indicated for staff use. This is adequate for the number of staff normally present at the office (around 1 to 6). Providing the taxi-office is not a pick up point and drivers do not congregate there, it would not have a significant impact on the local road network. Planning conditions can control this. The applicant has stated that as the location is remote from the city centre it would not generally be convenient for drivers to congregate at or near the site between jobs.

5.13 Any facilities should be easily accessible by foot, bike and public transport in line with policy T1 'Sustainable Access'. Osbaldwick Link Road is served by a frequent bus route that runs from Clifton Moor to York University via the city centre (number 6).

5.14 The key consideration is the acceptability of having driver training at the office. The applicant has requested that this be allowed on up to 2 occasions per month. The applicant has stated that people attending the training will be encouraged to car share and use alternative modes of transport to the car. It is not considered that the frequency of training and numbers involved would be such to cause significant concern regarding the ability of the area to accommodate additional parking. It has been noted that cars do sometimes park partly on the footpath on parts of the industrial estate. Traffic enforcement regulations are in place to control such activity where deemed necessary.

5.15 The rest of the building above which the taxi office is located is used for vehicle repairs. Eleven parking spaces are shown as being reserved for the garage. The area of the garage is approximately 570sqm. In addition, there is an attached two storey building in fairly poor condition at the end of the site that is not currently in use. The floor area is around 200 sqm. The parking standard in Appendix E of the 2005 Local Plan for B2 (general Industrial) uses is 1 space per 75 sqm. The area of the site used by the garage and the associated unused building equates to 770sqm. Based on the 2005 Plan parking standards this would need 10 car parking spaces. Accordingly, the 11 parking spaces for the garage to utilise would meet appropriate parking standards.

5.16 The only secure cycle parking available at the site is a basic uncovered rack for 3 cycles near the entrance. As the building is seeking to undertake an element of training it is considered reasonable to condition that this is upgraded.

SUSTAINABILITY

5.17 Policy CC2 'Sustainable Design and Construction of New Development' states that Developments which demonstrate high standards of sustainable design and construction will be encouraged. Development proposals will be required to demonstrate energy and carbon dioxide savings in accordance with the energy

hierarchy and water efficiency. The policy requires that non-residential change of use will be required to achieve BREEAM 'Excellent'. The Local Plan policy CC2 "Sustainable Design and Construction of New Development" is considered to have moderate weight given the evidence base that supports it.

5.18 The taxi business is utilising an existing office space and the application does not propose any external alterations. In the context it is not considered that the inclusion of a BREAM condition would meet the planning condition requirement of being proportionate or reasonable.

IMPACT ON ADJACENT LIVING AND WORKING CONDITIONS

5.19 The use is a relatively low key use and despite the 24 hour operation it would not be expected to cause disturbance. The nearest dwelling is around 80 metres way. Conditions can be included to stop the taxi office functioning as a pick up point.

FLOOD RISK

5.20 The site is in flood zone 3 (High risk). The proposal will not increase flood risk. The use is taking place in an existing first floor office and is not considered to raise any new flood risk concerns.

OTHER ISSUES

5.21 It has been brought to the attention of the Local Planning Authority that a fire escape door and unenclosed raised platform has been inserted in the rear of the first floor without permission. The planning application only relates to a change of use and does not indicate any external changes. It is not considered that the provision of the fire escape has a bearing on the assessment of the issues relating to the change of use. An informative has been included stating that any planning permission for a change of use to a taxi business does not grant or infer permission for installation of the door and that it does not override the need to comply with any separation legislation relating to the proposals.

6.0 CONCLUSION

6. 1 The taxi office is proposed in an area of existing office space no longer needed in relation to the current B2 (General Industrial) use of the building.

6.2 The main planning concerns relating to taxi offices normally relate to vehicle movements and noise from staff and customers congregating, particularly late in the evening. The taxi office would be a control room and customers would not visit.

Application Reference Number: 20/00892/FUL

Item No:

The location on an industrial site would limit this in any case. Taxi drivers would also not be based at the office and its location away from the city centre would make it unlikely that taxi drivers would wish to congregate there between jobs.

6.3 The applicant has stated that they wish to undertake training for drivers related to taxi work at the site. This would take place around twice a month for up to 10 people working for the taxi business. It is considered that the relatively infrequent and small scale nature of such training would limit any local parking impacts.

6.4 It is considered that subject to the suggested conditions controlling and restricting the nature of the use and improving cycle parking provision, the proposal is acceptable.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Proposed ground floor plan received by the Local Planning Authority on 1 September 2020.

Proposed first floor plan received by the Local Planning Authority on 1 September 2020.

Proposed site plan received by the Local Planning Authority on 1 September 2020.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The taxi office shall be conducted as a control room only and no facilities are to be provided on site for drivers waiting for fares or between shifts, nor shall the premises and car park be used to pick-up or drop-off customers or be used as a waiting area for customers.

Reason: To safeguard the amenity of the adjoining premises and the area generally.

4 Training for staff working for the taxi business shall only take place at the site on a maximum of two days per month and shall be attended by a maximum of 10 staff at any one time.

Reason: Any proposal to increase the intensity of training activities would need to

Application Reference Number: 20/00892/FUL

Item No:

be considered in the light of local highway and parking conditions.

5 The area on the approved plans for the parking and manoeuvring of 5 vehicles for the taxi use shall be retained solely for such purposes at all times that the Taxi Office is operational.

Reason: In the interests of highway safety.

6 Prior to the occupation of the development commencing details of new secure cycle parking area shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

8.0 INFORMATIVES:

Notes to Applicant

1. Statement of the Council's Positive and Proactive Approach

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome:

Conditions included limiting the site to a call-centre and occasional staff training area.

2. For Information - Fire escape and sanitation

This planning permission for a change of use to a taxi business does not grant or infer permission for the recent installation of the fire escape and planning permission for a change of use of the business does not override the need to comply with any separation legislation as appropriate.

Contact details:

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Application Reference Number: 20/00892/FUL

Item No: