KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2017/62/94355/W
Site Address:	Distinct Tattoos, 68A, Sheepridge Road, Sheepridge, Huddersfield, HD2 1HG
Description:	Change of use of shop to taxi office
Recommending Officer:	Laura Yeadon

DECISION – conditional full permission (for trial period)

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 05-Mar-2018

Officer Report

Site Description

68A Sheepridge Road is an end terraced two storey property located within an area defined as Unallocated Land within the Kirklees UDP. The property is a shop at ground floor (which is currently vacant) and a flat at first floor. The property is within a parade of 6 units which are set back from the roadside and footpath. Included within the units are a takeaway, hairdressers, taxi office and chemist. There is limited amenity space to the rear of the property. Adjacent to the property is a large car park which is free of charge. The wider area consists of a mixture of both residential and commercial premises.

Description of Proposal

Permission is sought to change the use of the premise from shop to taxi office.

The submitted information states that only the ground floor would change use and the first floor would be unaffected by the proposals. It also states that the office would predominantly be a call centre but will also have a small section for customers who come into the office.

It is proposed that there would be 3 no. full time employees and 2 no. part time employees with 3 no. cars operated by the firm and when not in use, the taxis will be kept at the drivers homes. In addition, informal arrangements for off street parking facilities have been agreed for 3 cars to be parked at Deighton Working Mens Club and the employees operating the call centre will be brought to the office by taxi.

History of negotiations/amendments received

No negotiations have taken place nor have any amendments been sought. Clarification was sought from the Agent in relation to any formal arrangements being in place with the WMC with regards to the parking of vehicles and for what period of time this has been agreed for. A copy of the letter has been provided.

Relevant Planning History

68A Sheepridge Road

2010/91713 Installation of replacement shop fronts and demolition of existing plots to create a 32 space car park and amenity area including new street lighting and CCTV to this area
Conditional Full Permission

1988/04611 Change of use to pizza parlour (take-away)
Granted Conditionally

1988/06261 New shop front and security shutters
Granted Conditionally

Deighton WMC car park area

1994/93140 Erection of extensions to form office and bottle store
Conditional Full Permission

1994/91689 Erection of replacement monopitch roofs
Conditional Full Permission

Representations

Final publicity date expired 29th January 2018 – 5 letters of representation have been received, 4 in support and 1 against. Comments include:

Support:

- Can only have a positive impact on the community
- In desperate need for a reliable taxi firm which can meet the needs of the Ashbrow Ward
- Will open up job opportunities for local people which can only be a good thing
- Most companies are unreliable so to be quite local would be incredibly useful
- Empty premises just attract vandalism and make areas look run down

Object:

- At any one time we (Huddersfield Taxis incorporating Timmy's which is located 2 doors away) and can have up to 200 vehicles working
- Around 30-40% of our work comes from the Birkby/Fartown/Sheepridge/Deighton and Bradley areas which means that between 60-80 drivers are usually working in these areas
- When the peak business quietens down after 9am and after midnight each evening most of these drivers will park in the car park next to the office at Sheepridge Road which only has 25 spaces
- Once full the drivers tend to overflow onto the main road on the side street near the office
- If another office was to open, especially on the same block of shops, these vehicles will be fighting for spaces with our vehicles, especially late at night after midnight which I feel will have a negative effect on the area and houses opposite the office

Parish/Town Council comments – not applicable

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C. Public Rights of Way – will the bays be marked as there is a footpath running at the side of the WMC

K.C. Environmental Services – recommend a temporary permission be granted for one year and limit the use of the office to customer to specific times

K.C. Highways Development Management – Following no objections from the Licensing team, recommend a temporary one year permission and limit the number of taxis

Policy

The statutory development plan comprises:

The Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is Unallocated Land on the UDP Proposals Map and is proposed to be retained as such on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **S15** – Control and administration of private hire vehicles
- **EP4** – Noise sensitive and noise generating development
- **T10** – Highway safety
- **T19** – Parking provision

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway safety and access
- **PLP22** – Parking
- **PLP52** – Protection and improvement of environmental quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 1 – Building a strong, competitive economy
- Chapter 8 – Promoting healthy communities
- Chapter 11 – Conserving and enhancing the natural environment

Assessment

The application site will be assessed having regard to the following Policies with the NPPF:

Building a strong, competitive economy – this advises that significant weight should be placed on the need to secure sustainable economic growth through the planning system

Promoting healthy communities – should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life of social cohesion

Conserving and enhancing the natural environment – advises that planning policies and decision should aim to prevent noise rise to significant adverse impact on health and quality of life whilst not putting unreasonable restrictions on business.

The application is also assessed against Policy S15 of the UDP which relates to planning applications for the use of premises for the control and administration of private hire vehicles. Policy S15 requires that consideration is given to the proximity of the site to a town centre, local centre or major leisure facility; the effect any premises within the vicinity of the site which are used primarily for residential purposes; the ability of the local highway network to accommodate the additional traffic generated; and the availability of off-street parking provision within close proximity to the site for all vehicles to be operated from the base.

Impact on visual amenity:

No physical alterations are proposed. As such, there are minimal concerns regarding visual amenity.

Impact on residential amenity:

In terms of the impact on residential amenity, the Council's Environmental Services team were formally consulted as part of the application process. Neighbouring properties are a mixture of commercial and residential and it is therefore recommended that in order to prevent noise disturbance from customers, no fares shall be picked up or dropped off at the address or the office be open to customers outside the hours of 07:30 and 00:00.

It is therefore considered that subject to the requirements above and upon the advice of Environmental Services, it would be reasonable to approve the application for a 12 month period in order for the Local Planning Authority to monitor the scheme for complaints over this period from both a residential amenity perspective, and also a highway perspective. This is to ensure that the scheme can be operated without undue detriment to the amenities of the occupiers of the flat above and neighbouring properties. This is considered sufficient to accord with the aims of Policies S15, EP4 and T10 of the UDP, PLP21, PLP22 and PLP52 of the Publication Draft Local Plan as well as the aims of the NPPF.

In terms of the noise generated from the parking of vehicles at the existing WMC, no concerns have been raised regarding harm to residential amenity as this is an existing parking area for the Club where parking provision is located for customers.

Impact on highway safety:

The site is located along the C6107 Sheepridge Road which is classified as a C road. To the front of the premise is a lay-by and to the east which has marked out bays and with neither areas having parking restrictions. The submitted details state that the office will be predominantly used as a call centre. Along with the parking provision available in the lay-by and adjacent car park, the applicant has secured an agreement to retain three vehicles, off-street at Deighton WMC. The distance between the property and the WMC is 2 miles which does not accord with the criteria of Policy S15 and is given very limited weight in the consideration of this application. It is only supported by a letter from the WMC rather than any formal lease allowing the parking of vehicles. Therefore it is assumed that the applicant has no formal control over any parking spaces but would rather be reliant upon on-street parking and the public car park proximate the site. Although there is no emerging replacement Policy in the PDLP for S15 the matters it raises, in general, are those that are contained in general Policy PLP21 and PLP24 seeking to retain a good standard of amenity and highway safety issues. The Council's Highways Development Management team were formally consulted and there was some concern regarding the office arrangements, and that the office should be used

for telephone bookings only. However as no objections have been raised by the Licensing team on this specific point it is concluded – at this initial stage – to grant a temporary permission of 12 months to monitor the scheme to assess if it is operated in accordance with the details submitted. The actual impact on highway safety would become evident once the working practices of the taxi business had become established.

Consideration has been given to limiting the permission to 3 vehicles to be operated from the site, however, this is not a condition that can be subjected to enforcement action, should the operator run more than 3 cars. However, following discussions with Enforcement Officer's in the interest of highway safety it is considered reasonable and necessary to attach a condition to the decision notice preventing no more than 3 taxis to be parked along Sheepridge Road, between Bracken Hall Road and Wiggan Road to prevent the over-subscription of on-street parking as a result of the development.

Other matters:

Public Rights of Way HUD/50/10 is sited along the side of the WMC where parking provision has been 'agreed' for the taxis. The Public Rights of Way team has requested that the bays are marked out to ensure that taxis do not block the footpath, however, it is not considered reasonable to request this as part of the granting of permission as the Local Planning Authority have no way monitoring the parking or taking enforcement action on the site, should issues arise. Furthermore, as set out above very limited weight is given to the informal arrangement the applicant has with the WMC. As such, a note shall be added to the decision notice stating that the access to the footpath should be kept clear from obstruction at all times.

Response to representations:

Support:

- Can only have a positive impact on the community
- In desperate need for a reliable taxi firm which can meet the needs of the Ashbrow Ward
- Will open up job opportunities for local people which can only be a good thing
- Most companies are unreliable so to be quite local would be incredibly useful
- Empty premises just attract vandalism and make areas look run down

Response: All noted

Object:

- At any one time we (Huddersfield Taxis incorporating Timmy's which is located 2 doors away) and can have up to 200 vehicles working

Response: Noted

- Around 30-40% of our work comes from the Birkby/Fartown/Sheepridge/Deighton and Bradley areas which means that between 60-80 drivers are usually working in these areas

Response: Noted

- When the peak business quietens down after 9am and after midnight each evening most of these drivers will park in the car park next to the office at Sheepridge Road which only has 25 spaces

Response: Noted

- Once full the drivers tend to overflow onto the main road on the side street near the office

Response: Noted

- If another office was to open, especially on the same block of shops, these vehicles will be fighting for spaces with our vehicles, especially late at night after midnight which I feel will have a negative effect on the area and houses opposite the office

Response: To assess the impact of the office on highway safety and residential amenity issues it is considered necessary to grant only a temporary permission. The reasons for this include the comments of Highways Development Management who, having assessed the scheme, raised no objections subject to conditions, one of which is a temporary permission to assess the impact of the development on highway safety.

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Having regard to the advice in the Planning Practice Guidance (PPG) (ref 21a-
014-20140306), I consider that this is an instance where the use of a trial run is necessary to assess the effect of the development upon both parking/highway safety and the amenity of local residents. I therefore recommend granting a temporary permission for the use for a period of 12 months.

Recommendation **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2017/94355

Officer Recommendation: Approve

Conditions and Reasons

1. The use of herby permitted shall be discontinued 12 months from the date of this permission.
Reason: It is time limited to enable the impact of the proposal to be monitored during this period in the interests of residential amenity to neighbouring properties and to accord with the aims of Policies S15, EP4 and T10 of the Kirklees Unitary Development Plan, Policies PLP21, PLP22 and PLP52 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

2. There shall be no more than 3 taxis operated by the occupiers of the taxi booking office parked on Sheepridge Road between Bracken Hall Road and Wiggan Lane at any one time.
Reason: In the interests of highway safety and to prevent the over-subscription of on-street parking as a result of the development and to accord with the aims of Policies S15, T10 and T19 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP22 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

3. There shall be no picking up or depositing of passengers and no waiting by
passengers at the taxi office outside the hours of 07:30 to 00:00 on any day of the week.
Reason: In the interests of preventing loss of amenity to neighbouring residential properties arising from noise and disturbance, to accord with Policies S15 and EP4 the Kirklees Unitary Development Plan, Policy PLP52 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

NOTE Public footpath HUD/50/10 crosses the site at Deighton Working Mens Club, Deighton Road, Huddersfield, HD2 1JU where it is indicated that the vehicles are to be parked when not carrying fares. The Public Rights of Way must not be interfered with and must be kept clear of obstruction at all times. The Council's Public Rights of Way unit may be contacted by telephone on 01484 221000 and ask for Sharon Huddleston. Public Rights of Way are now based at Flint Street, Fartown, Huddersfield, HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan A and Location Plan B	1773.1		21st December 2017
Design and Access Statement			21st December 2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development

Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No negotiations have taken place nor have any amendments been sought. Clarification was sought from the Agent in relation to any formal arrangements being in place with the WMC with regards to the parking of vehicles and for what period of time this has been agreed for. A copy of the letter has been provided.

Report Dated: 5th March 2018