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:	2018/62/91724/W
Site Address:	Unit and Yard off Miln Road, Birkby, Huddersfield, HD1 5EH
Description:	Change of use of existing unit(s) from storage and distribution (B8) to taxi booking office (Sui Generis) with associated operational changes
Recommending Officer:	Francis Davies

DECISION – Full Conditional Permission

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 20-Aug-2018

Officer Report

Reference: 2018/91724

Proposal: Change of use of existing unit(s) from storage and distribution (B8) to taxi booking office (Sui Generis) with associated operational changes

Location: Unit and Yard off Miln Road, Birkby, Huddersfield, HD1 5EH

Site Description

The application relates to a yard area off Miln road, boarded by a number of small buildings. As existing the yard consists of two detached buildings associated with the application, built up from the northern boundary and south-eastern boundary. To the southwest is a row of terrace buildings with commercial uses, not associated with the application.

Buildings on site are small in scale, with those associated with the application being only single storey. The buildings are of a traditional design, being constructed from natural stone and designed with a dual pitched gable roof, finished in slate tiles.

Description of Proposal

The application seeks planning permission for a change of use from Storage and distribution units (B8) to a taxi booking officer (Sui Generis). It is noted that the yard would offer a total of 9 parking spaces for related taxis.

History of negotiations

Negotiations were held with the applicant regarding the proposed use of the site building located in the southeast corner being converted to a workshop to service the taxi booking office. It was advised that such a use was different from the one being applied for and other consideration would need to be made.

As such revise plans were submitted to planning officers, removing this element from the application.

Relevant Planning History

2017/92962 – Works to Tree(s) within a conservation area (Granted)

Representations

Final publicity date Expires: 18/07/2018

A total of 7 formal representation were received in relation to this application. It is noted that one of the received representations was signed by 7 members of the public. A summary of the comments received is set out below:

- Concerns of health and safety in relation to local residents who have small children and access to the road. An increase in vehicle traffic would heighten health and safety concerns. This would be particularly concerning during school hours and the fact that a tuition centre is located in close proximity
- The proposed would have a direct impact on parking. Local residents have experienced difficulties in the past, not being able to park during school hours and at weekends during times the tuition centre is operational.
- Our overriding concern is the personal impact of the development on local residents. It is feared that the approval of a taxi booking office would cause harm to the local community, disrupting each and all's livelihoods and routines.
- The taxi office will generate more noise and traffic and be generally busier at all hours causing a nuisance.

Consultation Responses

The following is a brief summary of Consultee advice:

- KC Highways – No objection subject to conditions

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 on the UDP Proposals Map and remains unallocated on Kirklees Publication Draft Local Plan.

- Access considerations - None

Kirklees Unitary Development Plan:

- D2 – Unallocated Land
- S15 – Control and administration of private hire vehicles
- EP4 – Noise sensitive and noise generating development
- T10 – Highway Safety

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 – Achieving Sustainable Development
- PLP21 – Highway safety and Access
- PLP24 - Design
- 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 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 2 – Achieving Sustainable development
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment of this application:

- Principle of Development
- Impact on Visual Amenity
- Impact on Residential Amenity
- Impact on Highway Safety
- Other Matters
- Representations

<u>Principle of Development</u>

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states;

'Planning permission for the development … of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]'

All these considerations are addressed later in this assessment.

The building to be changed is currently used for B8 storage and the change of use to a taxi booking office would represent a sui generis use. The loss of a small amount of B8 storage (98 square metres) is considered to have a minimal impact on provision in the local area and as set out on the application the proposed use would lead to an increase of jobs of 1.5 full time equivalent positions.

The key consideration for a taxi booking office are set out in Policy S15 of the UDP which sets out 4 criteria which need to be considered, which include the proximity of the site to a town or local centre, residential amenity and highway safety impact along with sufficient parking provision.

In terms of proximity to a town or local centre, the site is in a small cluster of commercial uses which is located within the Birkby Local Centre as set out on the Local Plan and UDP proposals map and is slightly away from residential uses. The other matters for consideration under Policy S15 are set out below along with an assessment of visual amenity and all other material planning considerations including any representations received.

Impact on Visual Amenity

The application does not propose any changes to the external appearance of the application property. It is also noted that the application does not seek advertisement consent. Should the applicant wish to erect signs to advertise the use of the property as a taxi booking office a separate planning application would be required.

Given that the application does not propose any changes which would materially affect the appearance of the property it is considered to be acceptable, complying with Policy D2 of the Unitary Development Plan (UDP), Policies PLP1 and 24 of the publication draft Local Plan (PDLP) and guidance contained within Chapter 2 and Chapter 12 of the National Planning Policy Framework (NPPF).

Impact on Residential Amenity

In respect of residential amenity it is advised within the application form that operating hours would be 24hrs a day, 7 days a week. Given that the application relates to a self-contained yard, flanked by commercial properties to the west such hours of operation are considered to be acceptable. The proposed change of use would not directly impact the residential amenity currently enjoyed by occupiers of proximal residential units.

In addition to the above it is noted that the yard and associated buildings currently benefit from an unrestricted B8 use class, storage and distribution. As such it is advised that the principle of regular comings and goings of vehicles is well established. Given the above the application is not considered to materially harm existing levels of amenity, thereby complying with Policies D2, S15 and EP4 of the UDP, Policies PLP1, PLP24 and PLP52 of the PDLP

and guidance contained within Chapter 2, Chapter 9 and Chapter 12 of the National Planning Policy Framework (NPPF).

Impact on Highway Safety

The application relates to a self-contained yard and associated units off Miln road. The site currently benefits from an existing access and a B8 use class. The proposed application does not propose any changes to the access arrangements of the site. Rather the application proposes to formalise the number of parking spaces offered in site to a maximum of 9. This is considered to remove the temptation of taxis to park informally along the nearby highway network.

Notwithstanding the above an informal consultation was held with KC Highway services. Following an assessment of the application highway services offered no objection to the proposed, subject to a condition limiting the number of taxi vehicles operating from the site to 10. Consequently, should permission be granted it is advised that the above restriction would be conditioned.

Given the above and subject to a condition it is advised that the application complies with Policy T10 and Policy PLP21 of the publication draft Local Plan (PDLP).

Other Matters

No other matters for consideration.

Representations

A total of 7 public representations were received in relation to this application. One of the 7 representations received has been signed by 7 members of the local community. The objections to the proposed development are individually considered below:

- Health and safety concerns for local residents, particularly for residents who have small children. This is of special concern during school times and times a nearby tutoring centre is in operation.

Comment: The application relates to a self-contained yard with designated parking spaces. Equally, as per the consultation with KC Highway services it is suggested to limit the number of taxis operating from the considered premises. The above is considered sufficient mitigation so as to overcome the health and safety concerns highlighted.

- A direct problem with parking spaces. Along Miln road a number of local residents have already experienced difficulty in parking.

Comment: The application relates to a self-contained unit with identified parking spaces. It is also advised that should planning permission be granted that the number of vehicles operating from this yard would be limited. As such the proposed is not considered to exacerbate issues of parking difficulty.

- The application will have a direct impact on local residents, harming the local community and disrupting livelihoods and routines.

Comment: Given that the proposed is in a self-contained unit with no direct relationship with residential properties it is not anticipated that the scheme would have such an impact as to disrupt the routines or livelihoods of surrounding residents.

- There will be a build-up of traffic and the objector is certain the number of taxis operating from the premises will spill out onto main road causing congestion and obstruction.

Comment: The application relates to a self-contained unit with provision of 9 parking spaces. Following consultation with Highway services it is advised that a condition should be added restricting the number of vehicles which operate from the site, thereby preventing issue of potential overflow.

- The application will create more traffic, noise and busy at all hours, causing a nuisance.

Comment: While it is advised that the proposed will intensify uses in the immediate area it is noted that the application relates to a self-contained unit with no direct relationship with any residential properties. Consequently, the impact on proximal residential units is considered sufficiently mitigated.

- How will it affect parking for residents of 23, 25 and 27 Bayhouse student accommodation and the continental store customers? People who use the Café, florist and hairdressers on St. Johns rd also park on Miln road

Comment: The application relates to a self-contained unit with provision of parking for 9 vehicles. It is advised that should planning permission be granted a condition would be added restricting the number of vehicles operating from the site. The impact on the above addresses is therefore considered to be minimal.

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.

Recommendation – Approve

Decision Authorisation - Delegated Powers

Application Number: 2018/91724

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance and operation of the development on completion, and to accord with Policies D2, S15, EP4 and T10 of the Kirklees Unitary Development Plan, Policies PLP1, PLP24 and PLP21 of the publication draft Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework.

3. The hereby approved taxi booking office shall not be brought into use until all areas to be used for parking as set out on the hereby approved Site Plan Dwg. No. 02 have been marked out. These areas shall be so retained, free of obstructions and available for the use specified on the approved plan thereafter.
Reason: In the interests of amenity and traffic safety. To ensure adequate space within the site for vehicle movements and parking and in accordance with Kirklees Unitary Development Plan Policy T10 and Policy PLP21 of the publication draft Local Plan and guidance contained within the National Planning Policy Framework (NPPF).

4. The hereby permitted taxi booking office shall be limited to operate a maximum of 10 taxi / mini-cab vehicles, belonging to the applicant or belonging to freelance drivers operating through the premise, calling at the site for the purposes relating to the operation of the hereby approved taxi booking office.
Reason: In the interests of residential amenity and highway safety. To ensure that the taxi booking office does not cause unacceptable levels of congestion and nuisance and to accord with Kirklees Development Plan Policies D2 and T10, Policies PLP1 and PLP21 of the publication draft Local Plan and guidance contained within the National Planning Policy Framework (NPPF).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Site Plan	02	A	16th July 2018

Plan Type	Reference	Version	Date Received
Location Plan	01	-	29TH May 2018

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.

The agent was contacted by planning officers regarding the proposed use of an associated building as a workshop to service the taxi booking office as this element of the application is not covered under the proposed use class nor is it detailed in the description of development. As such the agent omitted this proposed used and the application was resolved.

Report Dated: 09/08/218