

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **2nd SEPTEMBER 2014**

ADDRESS/LOCATION : **107 EASTGATE STREET**

APPLICATION NO. & WARD : **14/00785/FUL
WESTGATE**

EXPIRY DATE : **5TH SEPTEMBER 2014**

APPLICANT : **MR AZAM CHOUDHRY**

PROPOSAL : **CHANGE OF USE OF PREMISES FROM
HAIRDRESSER TO TAXI OFFICE WITH TAXI
PARKING AT JULIAN ROGERS
AUTOSERVICES**

REPORT BY : **FIONA RISTIC**

**NO. OF APPENDICES/
OBJECTIONS** : **SITE LOCATION PLAN
14 LETTERS OF REPRESENTATION**

The application has been called in to planning committee by Cllr Toleman for the reason that there is an ongoing misuse of parking/picking up of passengers on Wellington Street/Kings Barton Street on weekends which proves the capacity at Julian Rogers Autoservices is not sufficient. Misuse will cause longer term issues for enforcement and residents will be affected.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the north-eastern side of Eastgate Street. The property was a hairdressers and has recently been converted to a taxi office with parking for the taxis at Julian Rogers Autoservices. The applicant has stated that there are 1 full time and 2 part time taxi drivers working for the company. The applicant has stated that the hours of operation are 0900 to 2400 Mondays to Fridays, Saturdays, Sundays and Bank Holidays.
- 1.2 The company has a contract with Julian Rogers Autoservices to park their taxis there when they are not in use. The applicant has shown four spaces with hinged lockable parking security posts. The applicant has also shown a plan showing the pick up route from the car park at Julian Rogers Autoservices to the junction of Wellington Street and Eastgate Street where the customers are picked up. The site is in flood zones 2 and 3 and the Eastgate Street and St. Michaels Conservation Area. The licence was issued on 28th May 2014.

2.0 RELEVANT PLANNING HISTORY

- 2.1 14/00786/ADV-Externally illuminated flat fascia sign (re-used upvc sign) – pending

08/00187/COU - Change of use from A1 to A2- granted – 27/03/08

07/01378/COU-Conversion of second floor flat into 2 self-contained flats – granted – 01/02/08

07/00209/COU- Change of use of ground floor unit to restaurant/cafe (Class A3) – refused – 31/05/07

06/01160/COU-Change of use of ground floor shop (Class A1) to restaurant/cafe (Class A3)- withdrawn -17/11/06

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework is also a material consideration.

- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.

- 3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

- 3.4 From the Second Stage Deposit Plan the following policies are relevant:

BE. 21 – Safeguarding of amenity

FRP.10 - Noise

TR.9 - Parking Standards

TR.31 – Road Safety

BE.5 – Community Safety

S.15 – Shopping parades and single shops

FRP.1a – Development and flood risk

Development of sensitive uses such as schools, hospitals, houses and offices will not be permitted where they would be adversely affected by existing polluting uses.

- 3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Pre-Submission Document which will be submitted to the Planning Inspectorate in autumn 2014. Policies in the Pre-Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and do not have 'development plan status'. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.
- 3.6 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to
- The stage of preparation of the emerging plan
 - The extent to which there are unresolved objections to relevant policies; and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Civic Trust – No objection to the change of use

4.2 Conservation – No comments to make on the change of use

4.3 Highways- Eastgate Street and the surrounding streets are located within an area subject to a controlled parking zone, with a night time closure order for vehicles along Eastgate Street between its junctions with Bruton Way (A 430) and Clarence Street. I have attached a copy of the controlled parking zone and details relating to the night time closure order. These restrictions include the provision of a night time taxi rank adjacent GL1 Leisure Centre (excluding the Night Time Closure Order) together with pay and display, shared resident permit holder parking and designated loading and unloading provision within the remainder of the area. I have been advised that the night time closure order prohibits access to vehicles which takes effect and is managed by Gloucestershire Constabulary every Friday/Saturday night and Bank Holidays between the hours of 10.30 PM and 5 AM. The exception to this will be access for emergency vehicles and the need to carryout emergency maintenance etc. Temporary Taxi Rank facilities are provided during the Night Time Closure at GL1 Leisure Centre off Brurton Way (A 430).

This proposal seeks consent for a change of Use of the premises from Hairdresser to Taxi Office with taxi parking being provided at Julian Rogers Auto services, Kings Barton Street. The location of the proposed taxi office fronts Eastgate Street at a point where the above local traffic restrictions apply restricting parking/loading and unloading activities (see attached copy of the

controlled parking zone). The location of the proposed off-street parking is felt to be within a walking distance of approximately 60 M from the location of the proposed office. The temporary Taxi rank at GL1 is in excess of 300 m of the proposed office, which is not felt to be excessive.

I refer to the above planning application received on 16 th July 2014, with Plan Nos:14303/01-04, application form and supporting documentation to which no Highway objection is raised.

4.3 Environmental Health- no comments. There have been no neighbour complaints about the use registered by Environmental Health.

4.4 Licensing Enforcement -I have conducted out of hours enforcement patrols for the last two months mainly on Friday and Saturday nights between 21:00 and 05:00, the times vary to ensure that different issues can be looked at.

When I started with the council (May 27th) I was tasked to spend some time focusing on the new booking office for City Cars (Eastgate St) I was made aware of the operator and his drivers parking illegally on Wellington Street and Kings Barton Street.

On 17th June I witnessed one of City Cars vehicle parked illegally on Wellington Street, the driver was warned on three occasions on that particular night and on the fourth occasion details were taken and subsequently 4 penalty points were issued.

On the back of this the operator was spoken to about allowing his cars to park on double yellow lines and advised that any further instances would be dealt with positively with penalty points.

A letter was sent in by Azam Choudhry which showed that he had now obtained permission from Julian Rogers Auto Services to park his vehicles in the car park.

Across my patrols I often see private hire vehicles parked in Kings Barton Street awaiting passenger collection from the In-house booking at TNT. These vehicle are not from City Cars but are from Three-Two-One who is the In - house operator for TNT. I recently had a conversation with the proprietor of Three-Two-One and advised him that any of his vehicles whilst waiting for booked passengers should be waiting with engines off to prevent any nuisance noise from neighbouring residents.

Mr Choudhry's own vehicle may well be found parking on double yellow lines around the city, Mr Choudhry is disabled and utilises his blue badge accordingly.

4.4 Environment Agency- Use Standing advice

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The occupiers of fifty-one neighbouring properties were notified of the application by letter. The application was also advertised by site notice.

5.2 At the time of writing two representations have been received. The comments raised are summarised below:

The below comments are from Andy Cars-
Access – City cars customers would be required to navigate across an extremely busy street over 75m. For the disabled this request is untenable.

Behaviour – City Cars have a history of disobeying the rules and will collect from either outside 107 Eastgate Street or Wellington Street

Licence – City Cars did not ensure that planning permission for change of use was granted before commencing trading

Speed Limit – We have seen them driving well beyond the speed limit

Kings Barton – If City Cars expand the residents of Kings Barton Street will be affected by noise, pollution and safety.

Consultation – According to the residents of Kings Barton Street they have not been alerted to this application.

Comments from another neighbour –

Traffic – the use of Julian Autoservices to park the cars will increase traffic use in Kings Barton Street, cause disruption late at night and into the early hours. The garage forecourt is small and can only accommodate a small amount of taxis, would this mean that on-street would be used by the taxi company. Where will they all park if the theatre is open.

We also received 12 identical letters from residents in Kings Barton Street with the following comments –

Object to City Cars using Julian Rogers Car parking space in support of their planning application. Exceedingly concerned that the activities of these taxis will disturb our environment and safety. Engine noise, slamming of doors and general conduct of inebriated passengers allied to the volume of cars anticipated will affect our well-being

5.3 The full content of all correspondence on this application can be inspected at the Herbert Warehouse reception, The Docks, Gloucester, prior to the Committee meeting.

6.0 OFFICER OPINION

6.1 The main issues for consideration with this application relate to the change of use of 107 Eastgate Street, highway issues, flooding issues and impact on the amenity of residents regarding the parking at Julian Rogers Autoservices.

6.2 Change of use

The property is located in the Conservation Area but is outside the Primary Shopping Area. Given this the relevant policy is S.15. However the last use of the property was not a shop it was a hairdressers and an application was approved to change the use of the property to A2 use in 2008. Given this it is considered that the principle of a non A1 use has been established and there are no objections to the change of use in terms of retail policy.

6.3 Highways issues

The County Highways Engineer has submitted detailed comments regarding the application. They explain the controlled parking zone and the night time closure order. The night time closure order includes the provision of a night time taxi rank adjacent to GL1. The location of the proposed off-street parking at Julian Rogers Autoservices is within a walking distance of 60m from the location of the office and 300m from the GL1 taxi rank to the office. These distances are not considered excessive and there is therefore no highway objection to the proposal.

6.4 Flooding issues

The site is located within flood zones 2 and 3. The applicant has submitted a Flood Risk Assessment in accordance with the Environment Agency's requirements. This concludes that the potential for flooding is considered to be extremely small and the proposed change of use involves no development. There is no work that will have a direct and adverse effect on a watercourse or its flood defences, would impede access to flood defence and management facilities or have any cumulative impact on flood storage capacity or flood flows. There is therefore no objection to the proposal in terms of flooding.

6.5 Impact on neighbouring amenity

The application has been called in to planning committee by the ward councillor for the reason that there is an ongoing misuse of parking/picking up of passengers on Wellington Street/Kings Barton Street on weekends which proves the capacity at Julian Rogers Autoservices is not sufficient. Misuse will cause longer term issues for enforcement and residents will be affected. There have also been 12 letters received from residents in Kings Barton Street objecting to the parking at Julian Rogers Autoservices as this would lead to noises that would disturb their environment and potentially safety.

In response to complaints from Councillors Licensing Enforcement have been monitoring the business since May. They have confirmed in writing that across their patrols they often see private hire vehicles parked in Kings Barton Street awaiting passenger collection from the In-house booking at TNT. These vehicle are not from City Cars but are from Three-Two-One who is the In-house operator for TNT. They recently had a conversation with the proprietor of Three-Two-One and advised him that any of his vehicles whilst waiting for booked passengers should be waiting with engines off to prevent any nuisance noise from neighbouring residents. Licensing therefore do not have any current issues with the applicant. Furthermore, Environmental Health have received no complaints from residents in Kings Barton Street or about 107 Eastgate Street. Given this background and that there are no highway

objections to the proposal given the parking at Julian Rogers Autoservices there is no objection to the proposal on amenity grounds.

7.0 CONCLUSION/REASON FOR APPROVAL

- 7.1 This application has come before planning committee to try and establish the facts about whether the proposal would harm the amenity of local residents. There are no objections to the proposal regarding flood risk issues, retail policy, impact on the Conservation Area or highway issues. It has been confirmed that there are 3 cars on the books for City Cars. The applicant has shown that parking at Julian Rogers Autoservices can accommodate 4 cars. Given the background information obtained from Environmental Health and Licensing there is no reason to refuse permission for the application on grounds of harm to residential amenity or highways safety reasons. For these reasons the proposal is considered to be in accordance with Policies BE.21, BE.5, FRP.10, TR.9, S.15, FRP.1a and TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Compliance with NPPF

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That planning permission is granted subject to the following conditions:

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, approved drawing numbers 14/303/01, 14/303/03 rev A, 14/303/04 received by the Local Planning Authority on 11th July 2014 and drawing number 14/303/05 received by the Local Planning Authority on 13th August 2014 and any other conditions attached to this permission.

Reason

To ensure that the use is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Condition3

The parking provision shown on drawing number 14/303/04 at Julian Rogers Autoservices shall remain for the duration of the use. If at anytime the parking provision agreement ceases the applicant must reapply for planning permission

Reason

To ensure adequate off street parking provision in terms of highway safety and residential amenity in accordance with policy TR31 and BE21 of the Second Deposit City of Gloucester Local Plan (2002).

Decision:

Notes:

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Person to contact: Fiona Ristic (Tel: 01452 396716)

14/00785/FUL

107 Eastgate Street
Gloucester
GL1 1PY

Planning Committee 02.09.2014





To Ms Ristic
Gloucester City Council
Planning Department
North Warehouse
Gloucester

Date – 01.08.14

Dear Ms Rustic

Re:- Application reference 14/00785/FUL

The content to follow represents a formal attached letter of objection.

107 Eastgate Street currently occupied by 'City cars'(CC). A private Hire company with three cars on their fleet

The application includes for CC using, Julian Rogers Auto Services, as a pickup point for their base passengers on Kings Barton Street.

Our objections are as follows and no particular order of importance –

1. Setting aside The Eastgate road closure from: 10.00Pm – 5.00Am Friday and Saturday respectively, CC customers will be required to navigate across an extremely busy street over 75metres. For the disabled this request is untenable.
2. CC have a history of disobeying the rules (refer to licensing) and will collect either outside 107 Eastgate Street, or Wellington Street.
3. Bear in mind that when CC approached and subsequently were granted permission by licensing, that they had a mandatory obligation to ensure planning permission/change of use was granted before they commenced trading. They failed to do so. Only until it was flagged and your department subsequently applied enforcement notices did the applicant file with two days before dead-line. Ignorance is no longer a form of defence!!!!
4. Supporting their waiting room with three cars has seen evidence of CC driving well beyond the speed limits to and from each job.
5. Reverting back to Julian Rogers Auto Services on Kings Barton Street, if City Cars expand clearly, the residence of said street will be affected with noise pollution and safety; we assume that Highways and Environmental health are being consulted in-line with this application?

6. According to the residents of Kings Barton Street, they have not been alerted towards this application.

The above represents one of the many key pertinent points in support of refusing this highly ambiguous application.


We can provide supportive photographic evidence and if needs be avid davits from drivers within Andy Cars of a company who has and will manipulate the rules and any confidence that you afford CC should they be granted a license to continue trading from 107 Eastgate Street.

From our point of view we aspire to competition, as long as the competition obeys the councils rules to the letter.

In conclusion, seek the thoughts of the residents of Kings Barton Street, take on board the points above and ensure that whatever decision you elect is on a sound basis.

Yours Faithfully for on behalf of Andy Cars

Neil Mackie



07.08.2014

Fiona Rustic
Gloucester City Council
Herbert Warehouse
Development Control
4th Floor
Gloucester

Dear Fiona Rustic

Ref: 14/00785/FUL

I am writing to object to the implementation of the Garage forecourt in Kingsbarton Street, being used as a car park for a Taxi business currently operating from premises in Eastgate Street.

The Council has recently spent a lot of time installing bollards to the Streets adjoining and also in Eastgate Street, in order for them to control traffic on Friday and Saturday evenings. An application is then made for taxis to operate from Eastgate Street but for their vehicles to park in Kingsbarton Street. This will mean customers walking the short distance from the Taxi Office in Eastgate Street into the proposed rank sited in the Garage forecourt. Instead of lessening the amount of traffic using Kingsbarton Street, it will increase traffic use, it will also cause disruption late at night and into the early hours of the morning. The Garage forecourt is small and would only be able to accommodate a small amount of taxis, would this then mean that on-street parking spaces will be used by the Taxi Co?

When the Theatre is open there is always an increase of traffic and the need for spaces outside our houses. If there is a Taxi rank operating its vehicles from the Street as well, where will they all park?

The residents have been informed that notices should have been posted in Kingsbarton Street informing them of the above Application. This has not been the case and the only notice that has been posted is attached to the current site of the Taxi Office. Had we not telephoned your offices then we would not have been aware of this.

I look forward to hearing from you with your observations.

Yours sincerely



S. Davis

Sample (12 submitted)

FAO Fiona Ristic
Gloucester City Planning Department
Herbert Warehouse
Gloucester

Date August 2014.

Objection – 107 Eastgate Street, Gloucester.

I [REDACTED] of Nos [REDACTED] Kings Barton Street wish to lodge an official objection towards City Cars using Julian Rogers Car Parking space in support of their planning application. We are exceedingly concerned that the activities of these Taxis will disturb our environment and safety. Engine noise, slamming of doors and general conduct of inebriated passengers/customers allied to the volume of cars anticipated, will, throughout affect our well-being.

We await your response.

Yours sincerely

[REDACTED]
Date - 9th August 2014