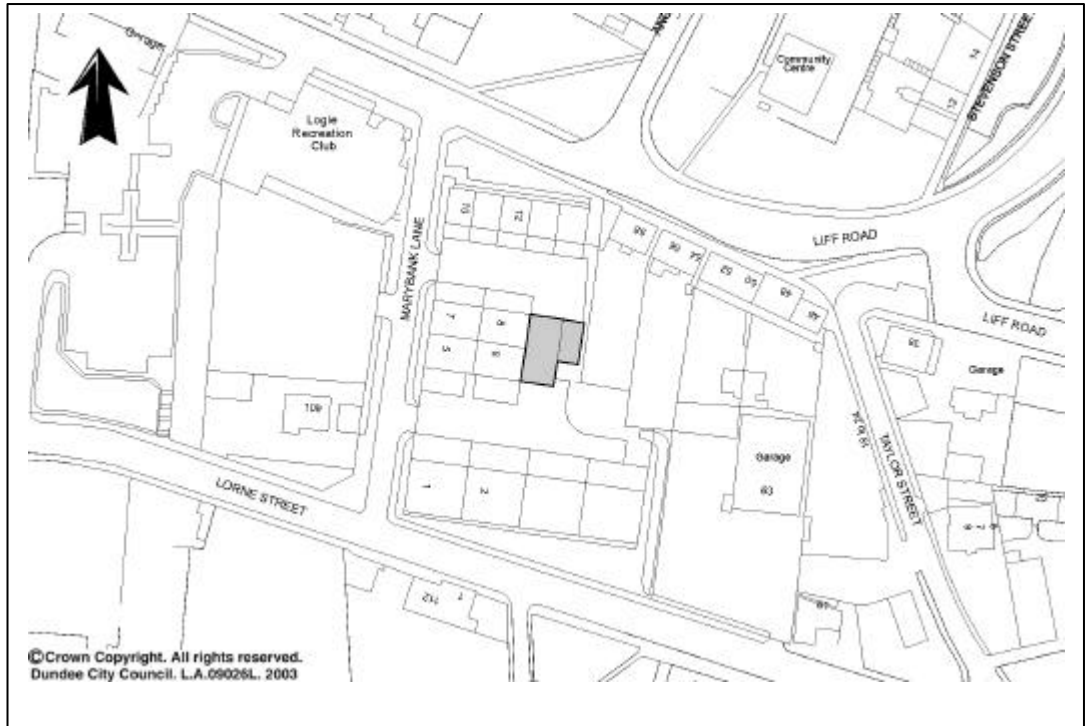


KEY INFORMATION**Ward** Lochee West**Proposal**

Change of Use from general office to taxi office

AddressUnit 9
Marybank Lane
Dundee DD2 3DY**Applicant**Lilian Cowan
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Dundee
DD4 6TS**Agent**Ronald McKenzie
The Law Chambers
Carlton House
2 Dalgleish Road
Dundee DD4 7JR**Registered** 22 September
2004**Case Officer** Eve Jones

Proposal for a Taxi Office in Marybank Lane

A change of use from a general taxi office is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with the Dundee Local Plan but does not comply with the relevant policy in the Finalised Dundee Local Plan Review. The objections are supported and the material considerations are of sufficient weight to support the REFUSAL of the application contrary to the development plan.

SUMMARY OF REPORT

- Planning permission is sought for the change of use of an existing commercial unit to a taxi office. The applicant's agent states that the use will operate 24 hours a day, 365 days a year. The office is a call centre, is not intended to be used for passing trade and there should be minimal requirement for drivers to call at the office therefore no driver facilities will be provided. The business is intended to have 10 taxis rising to 20 within 1 year.
- The unit lies within a small group of industrial and commercial units served by a communal yard, off Marybank Lane, close to Liff Road. There are similar units to the south, housing to the east and a social club and scrap yard to the west.
- The principle of such a use in an industrial area complies with the Dundee Local Plan. The relevant policy in the Finalised Dundee Local Plan Review states that uses which do not fall within specific categories, like this proposal, require to satisfy certain criteria with regard to the impact of the development on neighbouring uses and houses, traffic and suitability of the site. The proposed use fails to comply with these criteria.
- In a meeting with an Environmental Health officer, the use of the premises as a base for drivers was discussed with consideration of toilet provision and drinks facilities.
- There have been 11 objections from 7 neighbouring businesses and 4 residential properties on the grounds of pressure on scarce parking, traffic impact, loss of residential amenity due to increased noise and customers attracted to the site. The objections are supported.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of a vacant commercial unit to a taxi office. The proposed control rooms occupies a room of 17 square metres in the unit which totals 93.06 square metres. There is an aside yard which can accommodate a maximum of 4 cars. The unit has toilet facilities and a scullery.

The applicant's agent has indicated that the office shall be open 24 hours a day, 365 days a year. There shall be 10 taxis initially rising to approximately 20 over a one year period. The office is to operate as a call centre and is not intended to be used for "passing trade". There should be no or minimal requirement for drivers to call at the office. Refreshments will not be required for drivers.

SITE DESCRIPTION

The application site is a unit with a fenced open yard to the east side

within a small group of commercial units on the east side of Marybank Lane, south of Liff Road. The units share a communal yard which is fenced and gated. A similar group of units lies to the south. The surrounding premises include houses to the east and a social club and scrap yard to the west.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

Policy EU1 - General Industrial Areas.

Policy EU5 - Kirk Street.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 26 - General Economic Development Areas.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application



LOCAL AGENDA 21

Key Theme 7 requires that access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all.

SITE HISTORY

There is no relevant planning history.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification. A total of 11 objections were received from surrounding 7 neighbouring businesses and 4 houses. Ten of the objections were on a standardised letter. Objections were lodged on the following grounds; parking and traffic during the day and at night, loss of residential amenity due to noise from

24 hour operations and customers attracted to the site.

CONSULTATIONS

The Head of Environmental Health and Trading Standards advises that a meeting was held with 2 interested parties, not the applicant, who discussed the health, safety and food issues with regard to the use of the premises by the taxi drivers as a base;

- 1 security - all drivers would be given the security code for the locked door which ensures staff security.
- 2 the provision of toilet facilities was discussed.
- 3 the provision of a drinks machine was discussed.
- 4 whilst drivers were expected to be out working for most of the time, the office was to be the base for toilet facilities and breaks.
- 5 it was also stated that no members of the public would be allowed into the premises.
- 6 the side garage was to be used for ancillary works, eg, fitting radios.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above

Policy EU1 - General Industrial Areas. The policy supports the establishment and retention of industrial and business uses within such areas. A taxi office does not fall within the industrial or commercial uses as defined by the Use Classes (Scotland) Order 1997 as amended, it is a sui generis use. The Council supports the establishment and retention of small businesses which contribute to the economic life of the

City and which provide services to the public. A taxi office has the potential to attract vehicles and customers and by reason of its hours of operation is not considered an acceptable use in residential area. There are limited suitable locations for such a use. The principle of a taxi office being located in an industrial area is generally acceptable. The policy does not identify criteria which non-conforming uses must satisfy. The proposed use is acceptable in principle.

Policy EU5 - Kirk Street. The Local Plan identifies the Kirk Street area as suitable for the establishment and development of industrial and business uses which require inexpensive locations. For the same reasons as the above, the principle of the use in this area is acceptable.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Finalised Dundee Local Plan Review, Policy 26 - General Economic Development Areas. The policy states that proposals for identified classes of business use will be supported. The proposed use does not fall within these categories. It also states that other uses of a wider industrial nature may be permitted provided:

- a there is no detrimental impact on neighbouring uses and local residential amenity and
- b there is no unacceptable traffic impact and
- c the scale of development is appropriate to the size and location of the site.

The proposed use as a taxi office is not of an industrial nature but is a commercial function which is a potential bad neighbour. As noted above, the principle of such a use within an industrial area is acceptable but this policy requires the proposed use to be assessed against the following criteria:

- a impact on neighbouring uses and local residential amenity. The site lies within a small group of industrial and commercial units accessed from Marybank Lane into a communal yard which is normally

closed off by gates outwith working hours. The proposed unit will operate 24 hours a day, 365 days a year and therefore the yard will require to be accessible at all times. The applicant has indicated that "There should be no or at the very most minimal requirement for drivers to call at the office as all payments are to be by direct debit" and also states that as a result of this, refreshment will not be required. However in discussions with Environmental Health, the need for toilet facilities and drinks facilities for drivers using the site for breaks were discussed and agreed.

Objectors from neighbouring businesses have stated that parking in Marybank Lane and surrounding streets is currently at a premium due to the existing businesses which operate in the area. The unit has parking for a maximum of 4 cars in the side yard and 2 cars at the front of the unit. The applicant indicates that 10 taxis are proposed rising to 20 within 1 year. Given the need to provide parking for staff in the office, there is limited parking for taxis visiting the site. Whilst planning conditions could be imposed in order to try to regulate the number of taxis calling at the site at any one time, they would be unlikely to be enforceable. The issue of parking, traffic and 24 hour operation also affects the residential amenities enjoyed by local residents.

This is an identified industrial area but there are a number of adjacent residential properties which currently are affected by the surrounding businesses. The addition of a 24 hour taxi operation will be likely to increase the traffic in the area to the detriment of the amenities. As noted above, the use of conditions to regulate the operation of the business is unlikely to be enforceable. Neighbours also object on grounds of potential disturbance from customers waiting at the proposed office late at night. The applicant's agent states that the office is "not intended to be used for passing trade". There is a reasonable presumption that if the use were approved, it would be likely to attract customers seeking taxis especially from the nearby licenced premises. This is a matter which could not be the subject of enforceable planning conditions. It is considered that the proposal will have an unacceptable

impact on neighbouring uses and residential amenity by reason of the increase in parking requirements, traffic and the hours of operation proposed.

- b traffic impact. The site lies off a narrow lane, close to its junction with Liff Road. The area is busy during the day and there is traffic at night associated with local licenced premises. It is unlikely that the proposal will have a significant impact on traffic movements in the area.
- c scale of development. The site lies within a group of units set around a communal yard. The operating office is small and will be likely to have limited impact. The remainder of the unit would not have planning permission for works to cars, repairs, fitting of radios etc. The applicant has stated that 20 taxis are proposed to operate from the site and whilst the supporting information states drivers will not call at the unit, other meetings with Council staff suggest that they will. Given that any conditions to regulated the scale and nature of the proposed use would be likely to be unenforceable, the site is not considered to be suitable for the development proposed.

It is considered for the reasons given above, that the proposal does not comply with the identified criteria in Policy 26.

Objections

As noted above, 10 objections were lodged on the following grounds; parking and traffic during the day and at night, loss of residential amenity due to noise from 24 hour operations and customers attracted to the site. These have been considered in the assessment against Policy 26 above and are supported.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

This application is for change of use and no design issues are involved.

CONCLUSION

The principle of locating a taxi office within an industrial estate is in accordance with the industrial policies in the Dundee Local Plan. The equivalent policy in the Finalise Dundee Local Plan Review however, seeks to ensure that uses other than those in the identified use classes do not have an adverse impact on neighbouring uses and residents, traffic and are of a suitable scale and location. The proposed change of use does not comply with the policy. The objections from neighbouring businesses and residents are also supported. The material considerations are of sufficient weight to justify the refusal of the application contrary to the terms of the development plan.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):-

Reason

- 1 The proposed development is contrary to Policy 26: General Economic Development Areas of the Finalised Dundee Local Plan Review as the use and the proposed hours of operation are considered likely to have a detrimental impact on neighbouring commercial uses and local residential amenity by reason of a resulting increase in parking and traffic movements, noise and disturbance. In addition, the scale of the development is considered to be inappropriate for the size and location of the site due to the likely increase in demand for parking and traffic movements during the proposed hours of operation.