

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2009/1897

Ward: Fortis Green

Date received: 09/11/2009

Last amended date: N / A

Drawing number of plans: No drawings

Address: 320A Dukes Mews N10

Proposal: Change of use from B1 (offices) to radio controlled minicab office

Existing Use: B1 (offices)

Proposed Use: Sui Generis (minicab office)

Applicant: Mr Shawkat Chawdhury

Ownership: Private

**THIS APPLICATION IS DEFERRED FROM THE 11TH JANUARY COMMITTEE
(ITEM NOT REACHED ON THE AGENDA)**

THERE HAVE BEEN A NUMBER OF CONCERNS ABOUT LETTERS AND THE PETITION SUBMITTED IN RELATION TO THIS APPLICATION, AS FOLLOWS:-

1. A letter sent to a driver allegedly working for the applicant, and purporting to be from the Councils Enforcement Service, but sent on stationery appearing to be from the Council's Legal Service, is believed to have been sent fraudulently, in that the officer whose name appears on the letter did not send the letter, and his signature has been forged.
2. A number of persons whose names appear in a petition submitted by the applicant in support of the applicant, have contacted the Council to say that they either did not sign the petition (one person claiming to be on holiday at the date when the petition was allegedly signed), or did not realise their signatures might be used in support of an unauthorised mini-cab use.
3. A letter, unsigned and with no contact name or number, claiming to be written by "residents of Muswell Hill and Dukes Avenue," has been sent to a number of persons who may have signed a petition advising them that their names are being used by the applicant in support of an

unauthorised business, and making various other claims and allegations which may not be wholly justified.

The Council will be seeking to investigate item 1 above, but can do little about items 2 and 3 as the authors of both the unsigned letter, and the submission of the petition, are not within the scope of the Council to control.

IN THE LIGHT OF THE ABOVE, MEMBERS ARE ADVISED TO TAKE A DECISION BASED ON CONSIDERATION OF PLANNING POLICIES AND PLANNING HISTORY, INCLUDING THE RECENT INSPECTOR'S APPEAL DECISION, AND TO TREAT THE PETITIONS AND UNSIGNED LETTERS WITH CONSIDERABLE CAUTION.

PLANNING DESIGNATIONS

Retrieved from GIS on 13/11/2009
Conservation Area
Road Network: B Road
UDP 2006 Archeological Imp

Officer contact: Ruma Nowaz

RECOMMENDATION

REFUSE PERMISSION

SITE AND SURROUNDINGS

This is a ground floor single storey unit located at the rear of a 3 storey block which fronts onto Dukes Mews and Muswell Hill Broadway. The unit itself is accessed off Dukes Mews which is a narrow access road (no through access) which leads from the north side of Dukes Avenue. The property is surrounded by a mix of uses, among which is a significant amount of residential property. The property is within Muswell Hill Conservation Area.

The subject property is considered to be within Muswell Hill Town Centre boundary. It is not within the primary or secondary frontage. It is in close proximity to Muswell Hill Broadway which is served by numerous bus routes and is a busy thoroughfare.

PLANNING HISTORY

Display of illuminated box file Refuse 31/3/09
Change of use from Office (B1) to Minicab office (non radio controlled) (Sui Generis) Refused 31/3/09
Appeal against the refusal of planning permission was dismissed by the Planning Inspectorate on 19/8/09 on the following grounds:-

1. Main issues were the likely effect on the use on the living conditions of nearby residents and on highway safety and traffic conditions.
2. 24 hour mini cab with waiting area for customers to be picked up at the premises.
3. Neighbours have raised issues of noise, disturbance and anti social behaviour associated with the use and although noise from other uses likely in this location, difficulty to attribute accurately any actual or perceived increase in disturbance to the activities of the minicab business.
4. However as a waiting facility provided at the cab office, there may be occasions late at night when groups of noisy people congregate in or outside the cab office while waiting for the cab. There appears to be only one parking space at the side and the surround streets in particular Dukes Avenue suffers from serious parking stress at all times.
5. Although appellant states that the drivers are directed to pick up customers by telephone and computer, the evidence of neighbours supported in some cases by photographs and witnessed by the Inspector on an evening site visit show drivers do wait at the premises, with consequences that vehicles are likely to be parked in the mew, obstructing access to other premises in the Mews, or competing for severely limited parking spaces in the street.
6. I recognise the desirability of providing a minicab facility in a busy town centre such as this . However I conclude from the information available to me that the business is inappropriately located because of the harm to the living conditions o f nearby residents and local traffic conditions, contrary to Council policies.

DETAILS OF PROPOSAL

Change of use of property from Office (B1) to radio controlled mini cab office

CONSULTATION

20/11/2009

Neighbour Notification

320 – 326 Dukes Mews, N10
 328 – 336 (even) Dukes Mews, N10
 Colgrain, Dukes Mews, N10
 1 – 9 (c) Dukes Mews, N10
 288 – 310 (even) Dukes Mews, N10
 312-318 Dukes Mews, N10
 FFF 316 Dukes Mews, N10
 358A, B Dukes Mews, N10
 328, 330 Muswell Hill Broadway, N10
 304, 306, 308 Muswell Hill Broadway, N10
 332 – 388 (even) Muswell Hill Broadway, N10
 Muswell Hill Baptist Church, Dukes Mews, N10
 320A Dukes Mews, N10
 298 Muswell Hill Broadway, N10
 2, 5 Dukes Avenue, N10

Internal / External Consultation

LBH Transportation Group
LBH Conservation Team
LBH Environmental Health (Noise and Pollution)
Ward Councillors
Metropolitan Police
Muswell Hill CAAC
Muswell Hill Fortis Green

RESPONSES

Neighbour Notification

One petition containing 98 signatures supporting a mini cab office in Dukes Mews accompanied by a letter from a solicitor supporting the case of the applicant and submission to last application by crime prevention Officer stating There is a need for better transport links from Muswell Hill to cope with the rapidly expanding night time economy of bars, restaurants and other premises that stay open late into the night. Whether this location is suitable for such a business is a matter for the Planning Department.

A total of eight individual letters of support from neighbours are on the following grounds:-

- Importance of a mini cab office for local pensioners
- Important facility for local businesses in the Broadway
- Results in increased security to Dukes Mews.

A total of 32 objections have been received.

A summary of the grounds of objection is detailed below:

- Unsuitable location as nowhere for mini cabs to park and collect passengers;
- Would attract clubbers to congregate in Dukes Mews causing noise and disturbance in the early hours;
- Increase in issues with anti-social behaviour
- Result in congestion and blockage on Dukes Mews and the junction with Dukes Avenue;
- Result in increase in litter and rubbish;
- Previously refused permission and dismissed at appeal
- Situation has further deteriorated since March and added to parking pressure.
- Radio controlled office will make no difference
- Mini cab may disperse people for quickly but may also cause noise and nuisance

- More police presence and other arrangements to mitigate noise and unsocial behaviour should be considered including review of licensing arrangements.
- Noise from cars arriving and departing. Many drivers wait around Dukes Mews as a key pick up point for passengers and occasionally soliciting fares
- In 1996 mini cab closed down at the corner of Dukes Avenue and Dukes Mews, a distance of 20 yards from the current applicant's office.

Internal / External Consultation

LBH Transportation Group

The site falls with within the Muswell Hill "Stop and Shop" operating from Monday to Sunday 08:00am to 5:30pm, and offer some on street parking controls. However there are concerns relating to parking outside the proposed site as parking control only operate until 5:30pm week days. From our experience of other mini cab offices elsewhere in the Borough there is a trend which suggests that cabs do tend to return to base between calls/ pick ups even when they are radio controlled.

However the applicant has included a design statement that confirms that he is actively looking to restricted drivers from coming to 320a Dukes Mews to drop off and pick up fares.

Consequently, the highways and transportation authority would not object to this application subject to the following conditions:

- (1) The mini-cab office is radio-controlled.
- (2) No waiting area is provided for customers within the site and no customer is encouraged to visit the site for the purpose of waiting for a taxi.
- (3) The Planning permission should only be given for a period of one year, to enable us to assess the impact of this application on the transportation and highways network.

Metropolitan Police

Comment: The Crime Prevention Dept can meet with an interested party to ensure the design of the premises includes measures to 'design out crime'. We can be contacted on 020 8345 2167. There is a need for better transport links from Muswell Hill to cope with the rapidly expanding night time economy of bars, restaurants and other premises that stay open late into the night. Whether this location is suitable for such a business is a matter for the Planning Department.

Muswell Hill and Fortis Green Residents Association: Has stated: I appreciate that there is a need for a mini-can service in the Broadway area to help people to get home easily, particularly at night. It is however required that conditions are attached to any Planning Permission the Council is minded to grant in order to ensure that there are no customers calling at the office, and no drivers or cabs waiting in the Mews. The business must be entirely radio controlled.

I suggest that Permission should be temporary and for 1 year only and the operation very carefully monitored during this time period. A new application must be made on expiry of the Temporary Permission with the normal consultation. The fact that the business has been carried on illegally after the application for the non-radio office was refused gives one cause for Concern.

RELEVANT PLANNING POLICY

Haringey UDP (2006)

Policy UD3 General Principles
Policy UD4 Quality Design
Policy M4 Pedestrians and Cyclists
Policy M12 Mini Cabs
Policy CSV1 Development in Conservation Areas

ANALYSIS/ASSESSMENT OF THE APPLICATION

Background to Application

This is a revised application which seeks planning permission for the change of use of 320A Dukes Mews from B1 (Business) to mini-cab office (radio controlled). Planning permission was previously refused for a non-radio controlled mini-cab office and was subsequently dismissed at appeal. This is a retrospective application, as the business is already operational. It is proposed to operate the mini-cab business for 24 hours a day, 7 days a week.

The applicant has stated that the office will contain operator to activate the drivers without a need of coming into the office. There will be no pick up facility for passengers on this site and all signs to the office will be removed. The drivers would be mobilized without the need for them to come into the office through the use of a radio controlled system. Drivers would park in the vicinity of their own homes and employed in these areas. The addresses of 11 known drivers have been supplied. They would be expected to report in once a week to the office.

The proposal is to use a Radio controlled Minicab system similar to 'Taxibook' which is an automatic booking and dispatching system for taxis. The software seeks a suitable vehicle for each booking in real time. It incorporates satellite positioning, detailed map and routing facilities. This would be adapted to the local environment and a radio communications aerial may be required for this.

Previous refusal of Planning Permission

In the previous scheme, which was refused permission, the applicant had proposed using a PDS system, but retained use of the office for customers waiting and pickup. The application identified that drivers would not be sitting at the base waiting for jobs, that the drivers shall be self-employed PCO Licensed (Public Carriage Office-TFL). The mini-cab office had a waiting room facility for customers and full time and 4 part-time staff employed. The mini-cab office had a waiting room facility for customers and 3 full time and 4 part-time staff employed.

The application was refused permission on 19/8/09 on the grounds that although the proposed mini-cab business uses the PDS system with a GPS Tracking system which identifies the closest driver to each job and a TOM TOM Satellite Navigation system, the operation was set up to for customers to be collected from the office itself and was non-radio controlled. Although the set-up of the business did cater for taxis to be routed remotely, there was the potential for taxis to come to the office to collect customers, or during quiet time, to wait for fares.

The Planning Inspector recognised the desirability of providing a mini cab facility in a busy town centre such as this. However, he concluded from the evidence available, that the mini-cab office was inappropriately located because of the harm to the living conditions of nearby residents and local traffic conditions, contrary to criteria (a) and (c) in Policy UD3—General Principles and Policy M12-Minicabs, of the Haringey Unitary Development Plan.

Planning Policy

Policy M12 identifies that proposals for mini-cab offices should only be located within secondary frontages of town centres, in designated local shopping centres or adjacent to transport interchanges. In considering applications for mini-cab offices, the following criteria should be considered:

- Whether the proposed mini-cab operation is radio controlled;
- Whether the proposal would have an adverse effect on traffic conditions in the area in particular the safe and efficient operation of buses;

Where proposals are considered acceptable in principle:

- The Council will impose conditions relating to hours of operation, and noise;
- The Council will require that premises are used for direct radio controlled taxis only; and
- Permission will normally be granted in the first instance for a limited period of 1 year, in order to assess and review the impact of the use, and made personal to the applicant.

The subject property is considered to be within Muswell Hill Town Centre boundary. It is not within the primary or secondary frontage. It is in close proximity to Muswell Hill Broadway which is served by numerous bus routes and is a busy thoroughfare. The Business does not have adequate off-street parking provision (the property does have one designated off-street parking space, located behind the subject unit itself) and due to the narrow nature of Dukes

Mews, two vehicles would not be able to pass and *'cannot offer a safe turning area for vehicles entering and leaving this site to do so in forward gear'*.

LBH Transportation Group has been consulted and have not objected to the proposed development. Transportation is concerned that although there are some parking controls operating on week days, up to 5.30pm, there are concerns relating to parking outside the proposed site. From their experience of other minicab offices elsewhere in the Borough, there is a trend which suggests that cabs do tend to return to base between calls/pick ups even when they are radio controlled.

However as the applicant has stated that they are actively seeking to restrict drivers coming to the office, they have not objected to the proposal subject to conditions that the mini-cab office is radio controlled, no waiting area is provided for customers within the site and customers are not encouraged to visit the site for the purpose of waiting for a taxi.

In terms of planning policy, although the proposed mini-cab business proposes to use a radio controlled system, however the site retains the potential to attract customers to the site as the office site retains an office and area where customers can potentially wait.

Policy UD3 'General Principles' identifies that development should not have an adverse impact on residential amenity, which includes issues of noise and general disturbance. Muswell Hill is a vibrant centre and has an active night time economy. As such, there is significant activity on Muswell Hill Broadway and Dukes Avenue in the early hours, particularly at the weekend. Such activity in these locations is not a matter of consideration for this application; however, the potential disturbance which maybe created in or around the subject property, as a result of the proposed use, is a matter of consideration. Objections received from residents living in the locality, continue to complain about noise and nuisance emanating from this site from people and taxi's waiting to pick up and drop off customers, particularly on Thursday to Sundays, following the refusal of planning permission and dismissal at appeal.

It is considered by virtue of the positioning of the proposed business off the main road (on Dukes Mews), with the provision for customers to wait for a taxi, and the narrow and walled nature of Dukes Mews may exacerbate any noise from people waiting or using this area. Although the impact could be reduced if the business was fully radio controlled and if there was no customer waiting facility, however the proposal has the potential to result in unreasonable noise and disturbance from persons waiting outside the taxi firm and resulting in noise and disturbance at anti social hours. This is the current experience of residents living in the locality.

It is recognised that there is an existing issue with dispersing persons from the centre of Muswell hill centre, after the pubs and clubs have closed in the early hours (particularly at weekends). There are existing issues of disturbance and anti-social behaviour associated with this. Providing direct access to waiting

taxis may assist in alleviating this issue, however, the proposed location of the development, taking into account its immediate setting, is not considered suitable, for the reasons identified above. Furthermore, although a number of letters of support have been received from businesses and a petition in support of the minicab, this does not outweigh the potential impact on residential amenity.

Based on the above, it is considered, however, that there is the potential for disturbance to neighbouring residential properties in and in the vicinity of Dukes Mews, as a result of the proposed development. The proposed development is not considered consistent with policies UD3, M4 and M12 of Haringey UDP (2006).

SUMMARY AND CONCLUSION

Considering the position of the property on Dukes Mews and the proposed hours of operation (24 hours a day, 7 days a week), it is considered that there is significant potential for customers to congregate outside the office, in the early hours of the morning, resulting in unreasonable noise and disturbance for neighbouring properties. Muswell Hill is a lively town centre and as such, it is reasonable to expect some form of noise and disturbance in the vicinity from the operation of this centre. However, the assessment is made on a matter of fact and degree. It is considered a radio controlled mini cab office in this specific location is unsuitable due to the potential for unreasonable impacts on transportation, parking and residential amenity. As such, the proposed development is recommended for refusal on the basis of being contrary to policies UD3, M4 and M12 of Haringey UDP (2006).

RECOMMENDATION

REFUSE PERMISSION

Registered No. HGY/2009/1897

Applicant's drawing No.(s)

Reason(s) for refusal:

1. By virtue of the nature and siting of the proposed development, it is considered there shall be an increase in noise and disturbance associated with its operation, with an unreasonable detrimental impact on the residential amenity of neighbouring properties, which is considered contrary to Policy UD3 'General Principles' and M12 'Minicabs' of the Haringey UDP (2006).