

11
Ward: Bloomsbury

Officer: John Davies

Bloomsbury Conservation Area

Address : 234A Shaftesbury Avenue, WC2

Type of application : Full Planning Application

Date of Application : 10/07/1998

Application Number: PS9804646 Case File: P14/12/B

Proposal :

Continued use of the basement as a mini cab control office,
as shown on Site plan and basement plan.

RECOMMENDATION SUMMARY : Grant Planning Permission (conditions)

Applicant

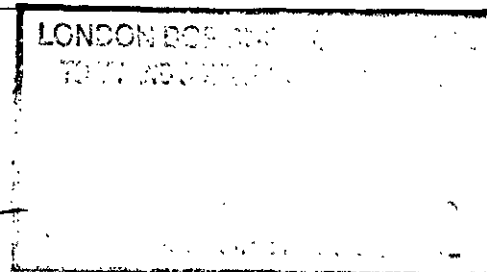
Bloomsbury Cars
234a Shaftesbury Avenue
London
WC2H 8EG

Agent

Fibbons Fox Associates Ltd
(Ref GAM 2415/AP1)
31 The Broadway
Woodford Green
Essex
IG8 0HQ

Analysis Information

<u>Land Use Details</u>	
Existing	Sq Metres
A1 Shop	60
Proposed	
SG Sui-generis	60



79/52

OFFICER REPORT:

1. SITE

1.1 The application site comprises a basement unit with separate access from street level. It is beneath a newsagents on the ground floor. The premises are at the northern end of Shaftesbury Avenue close to its junction with New Oxford Street. There are residential uses over known as Queen Alexandra Mansions and the area contains a large number of restaurant and bar uses together with a large night club nearby in West Central Street.

1.2 The site is within the Bloomsbury Conservation Area. The use has already commenced and has been trading since August this year, prior to which the basement was used as storage ancillary to the ground floor shop.

2. PROPOSAL

2.1 Continued use of the basement as a mini cab control office. The applicants have not indicated which use class this comes within, but it would normally be considered as B1 so long as the premises were not used as a base for mini cabs.

3. RELEVANT HISTORY

3.1 Planning permission was refused in October 1996 for change of use of the ground floor and basement from retail use to restaurant use within Class A3 of the Town and Country (Use Classes Order) 1987.

4. RELEVANT POLICIES

Borough Plan:

SH21- loss of retail floorspace in Community Area.

Draft UDP:

Relevant policies include the following:

SH15 - loss of retail outside designated shopping centres.

SH27- control of mini cab/taxi offices

The Inspector's report on the Public Local Inquiry into objections to the Deposit Draft Unitary Development Plan was published in January 1997. The Council's Environment Committee formally considered the report's findings and the Council's response at a special meeting on April 29th 1998. The Committee agreed a draft Statement of Decisions on all of the Inspector's recommendations save those relating to the Inspector's chapter on the Central London Area. Proposed modifications and the Statement of Decisions were placed on deposit on 10th June 1998 for a statutory consultation period of six weeks, which expired on 22nd July 1998.

The Council's proposed Modifications constitute a material planning consideration to be taken into account alongside the Council's draft UDP policies, the Inspector's report and the policies contained within the statutory Borough Plan.

Objections to the proposed Modifications are currently being processed, and it is anticipated that the Council will be in a position to formally respond to these soon.

5. CONSULTATIONS

5.1 Statutory Consultee Comments

None.

5.2 Conservation Area Advisory Committee Comments

None.

5.3 Local Group comments

Covent Garden Community Association (CGCA) object for the following reasons:

- * loss of retail floorspace
- * impact of use on amenity of residents living above especially noise from drivers' engines and people waiting for and getting into cabs;
- * likelihood of illegal parking and congestion.

5.4 Adjoining Occupiers	Number Notified	20
	Replies Received	01
	Objections	01
	In support	00

6. ASSESSMENT

6.1 The main issues to consider are the loss of retail floorspace and the impact of the use on local parking and highway conditions and residential amenity as set out in UDP policy SH27.

6.2 Policy SH15 in the draft UDP covers changes of use from retail to non retail uses outside designated shopping centres. It states that such changes of use will not normally be permitted unless the proposal would not be detrimental to the character and function of the area and would not be detrimental to local amenity, environment and transport conditions. The floorspace in question is at basement level and was last used as retail storage to the ground floor newsagents. The ground floor unit appears to be operating satisfactorily without the basement, but the reduction in floor area would reduce the future capacity and long term suitability of the premises for continued retail use. However, there is no reason to believe that the loss of the basement would render the ground floor wholly unviable for continued retail use.

6.3 With regard to the issue of environmental impact the applicants, in support of their application, contend that their cabs are controlled by mobile phones and that the premises are not and will not be used as a base for customers to call at and await a mini cab. However, they acknowledge that there may be instances where this occurs. The office is open 24 hours. They consider there are sufficient parking places in the vicinity to cater for the small demand for cabs from customers visiting the base. The cabs working for the company normally park in specific locations around the West End close to the most likely pick up points and are notified by phone when a customer requires a cab. The locations listed, however, include Shaftesbury Avenue outside the premises. The company indicate that they have begun to develop a regular client base which includes providing taxi trips home for staff working at local restaurants, who visit the base to collect a cab.

6.4 Officers' main concerns about the proposals are the impact of taxis seeking to park and pick up passengers outside the base resulting in increased pressure on car parking spaces and congestion in the area. There are relatively few pay and display bays in Shaftesbury Avenue, Grape Street and Coptic Street and the remainder of these streets have double yellow lines restricting parking. A further concern is noise and disturbance in the street beneath residential premises associated with people waiting for and getting into cabs. Whilst the owners indicate that trips originating from the base are the exception and they discourage drivers coming to the base, it is evident that the premises are in an area where there are numerous pubs, restaurants and night clubs which are likely to attract callers to the base looking for cabs. Also an unauthorised internally illuminated projecting taxi sign is being displayed at the premises which attracts potential customers.

6.5 The use has been trading since mid August and, apart from letters from one resident living above the premises raising concerns about the potential impact of the use, there have been no complaints received. The owner of the company has provided records of trips that his cabs have made between the 14 August and 13 September. An analysis of these records shows the busiest periods to be at weekends and that a very high proportion of calls are taken after 10pm. Of these, the proportion of journeys originating from the base varies from around 20% to 50%. These figures suggest that trips originating from the base are much higher than the applicants suggest. However, these figures include staff from local pubs and restaurants using taxis to get home.

6.6 In summary, the use has been trading for two months and whilst the majority of trips are controlled by radio a significant proportion is based on personal callers to the premises. Whilst it appears that such activity has not been a source of noise nuisance and disturbance to residents living nearby there is potential in the future for nuisance particularly if more people visit the

premises for cabs. Similarly, pressure on parking and congestion could also be made worse. In the circumstances it is recommended that planning permission should be granted for a trial period of one year in order to see how the use operates. It should also be made personal to the owner, Mr Sethi, during his occupation of the premises. The owner is to be advised that the projecting sign should be removed in order to discourage personal callers to the premises and because it is unacceptable in design terms.

7. LEGAL COMMENTS

7.1 In determining any planning application in a Conservation Area, the Council is required under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

8. RECOMMENDATIONS Grant permission

Condition(s)

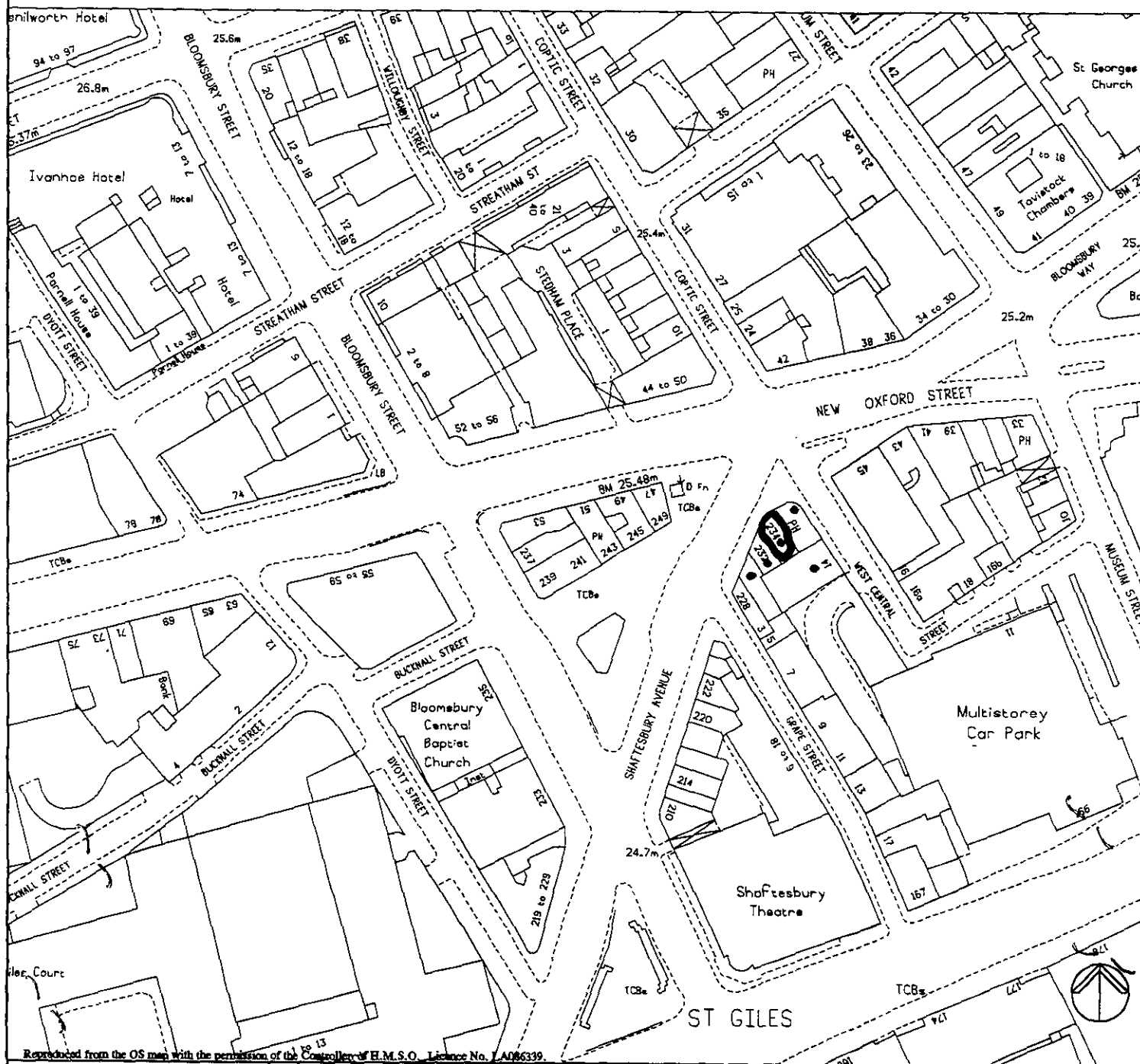
- ✓ 1. The limited period for the use shall be until 1st December 1999 by which date the use shall be discontinued and determined. (CC01)
- ✓ 2. This permission shall be personal to Mr. T. Sethi during his occupation and shall not enure for the benefit of the land. On his vacating the premises the use shall revert to the lawful use for retail purposes. (CF04)

Informative(s):

- ✓ 1. You are advised that the internally illuminated projecting sign is unauthorised and should be removed immediately. The sign is considered detrimental to the appearance of the building and draws attention to the use resulting in personal callers. The Council will be likely to take legal proceedings to secure its removal unless it is removed within 14 days.

Reasons for Conditions

- ✓ 1. The Council would wish to review the permission at the end of the period in the light of experience of the operation of the use. (DC02)
- ✓ 2. In granting this permission the Council has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over any subsequent use in the event of Mr T. Sethi vacating the premises. (DP04)



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London Borough of Camden

Environment Department

Town Hall Extension

Argyle Street Entrance

London WC1H 8EQ

234A SHAFTESBURY AVENUE

REPORT ENDS

Date: 15-Jul-1998

Scale: 1 : 1250

7a/57

LONDON BOROUGH OF CAMDEN

Forward Planning & Projects Team

Transport Planning

From : Joseph Whelan

To : John Davies

Our Ref.:

Your Ref.: PS9804646

Ext.: 5896

Date: 31 July 1998

Re. 234a Shaftesbury Avenue, WC2

This application is for change of use from retail to use as a mini cab office.

A site location plan, internal site plan and a letter from planning consultants Fibbens Fox Associates in support of the application have been supplied.

Transport Observations

Policy SH27 of the UDP Composite Draft states

Planning Permission will normally only be granted for the use of premises as minicab/taxi offices where:

- (a) there would be no adverse impact on local parking and highway conditions;
- (b) on-street vehicle waiting would not cause undue traffic congestion nor be detrimental to the safety of other road users or pedestrians; and
- (c) there would be no detrimental effect on residential amenity in particular through noise or disturbance.

This issue has been discussed with David Braine and Adriano Ralli in Traffic Management.

The letter from the planning consultants states that there are sufficient parking spaces on Shaftesbury Avenues and surrounding streets such as Grape Street and Coptic Street to accommodate taxis which would need to park on street whilst accessing the proposed minicab office. Further, the consultants suggest that the proposed office will not be used as a base for taxis and that the parking generated by it will be low. Experience of minicab offices elsewhere in the borough suggests that it is unlikely that the situation described by the planning consultant will be the case.

The situation on Shaftesbury Avenue, Grape Street and Coptic Street is that there are a very small number of pay bays and some residential bay. The remainder of these streets are marked with double yellow lines indicating that no parking is permitted. There is no guarantee that a mini cab associated with the proposed office would be able to access these heavily subscribed pay bays at any given time of the day. These restrictions are in force

between 0830-1830 Monday to Saturday on some parts of these streets and at all times on the remainder of these streets.

These restrictions reflect the local highway conditions and the importance of Shaftesbury Avenue as a route of strategic importance. Given this the conditions (a) and (b) listed in policy SH27 are unlikely to be met.

For this reason this application is objected to on traffic grounds.