

**Item Number:** 8  
**Application No:** 14/00747/FUL  
**Parish:** Malton Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Glenn Lewins  
**Proposal:** Change of use of retail premises (Use Class A1) to a taxi booking office with customer waiting room.  
**Location:** 6-8 Railway Street Malton North Yorkshire YO17 7NR

**Registration Date:**  
**8/13 Wk Expiry Date:** 8 September 2014  
**Overall Expiry Date:** 22 August 2014  
**Case Officer:** Helen Bloomer **Ext:** 328

#### CONSULTATIONS:

<b>Parish Council</b>	No views received to date
<b>Mr Jim Shanks</b>	No views received to date
<b>Highways North Yorkshire</b>	No Objection
<b>Environmental Health Officer</b>	No views received to date
<b>Building Conservation Officer</b>	No Objections

**Neighbour responses:** Tobias Burckhardt, Sophie Millichamp, Lisa Ridsdale, Samantha Read, Mrs Yvonne Barber,

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#### SITE:

The application site is 6 - 8 Railway Street, within the Conservation Area of Malton. The site is within the boundaries of Malton Town Centre Commercial Limits as depicted in the Ryedale Plan - Local Plan Strategy. Although the site is within Malton Town Centre, it is not a Primary Retail Floor Space. The application site is within the boundary of the Malton's Air Quality Management Area.

To the east of the site is an existing taxi rank which operates between the hours of 18.00 and 08.00.

#### PROPOSAL:

Planning approval is sought for the change of use of the empty unit from A1 (Retail) to a taxi booking office and customer waiting area (Sui Generis). This application does not propose any alteration to the exterior of the building and does not include any proposed advertisement. Internally one half of the premises would serve as the counter and waiting area and the other half would operate as the Business Office.

It is proposed that six vehicles would operate from the premises and would primarily serve Malton, Norton and the surrounding villages. The vehicles would wait at the Market and the Train Station Rank. In addition the vehicles would use the Railway Street Rank between 18.00 and 06.00.

The walk in booking hours would be Monday to Thursday 05.00am to 1.00am Monday to Thursday and 05.00am to 03.00am Friday to Saturday.

## **HISTORY:**

No previous application has been made on the site:-

## **APPRAISAL:**

The application will be assessed against the following:-

- i) Policy;
- ii) Highway Safety;
- iii) Impact on the Air Quality Management Area;
- iv) Residential Amenity;
- v) Impact on the Conservation Area; and
- vi) Other Issues

### i) Policy

The Ryedale Plan - Local Plan Strategy is the Development Plan and within it sets out the opportunities for growth. Policy SP1 (Guiding Development and Growth) supports developments that come forward within the Principle Town of Malton, of which the site is, which maintains the vitality and viability of the town centre. Although Policy SP7 (Town Centre and Retailing) seeks to retain primary retail units, the application site, despite being within the central commercial limits, is not a primary retail unit.

Nevertheless, it is still important to consider whether the loss of a retail unit would have a negative impact on the viability and vitality of Malton Town Centre. Following a survey of the number of empty units within Malton Town Centre, it was concluded that at the time of writing, that there were approximately eleven empty units, not including the application site. It is therefore proposed that the loss of one retail unit would not be detrimental to the viability and vitality of the Town Centre, but would rather have a positive impact by facilitating growth.

A letter of support has been received by the Fitzwilliam Malton Estate. As the landowner, they support the change of use as the property has been vacant since October 2013. The landowner has advertised the site since October 2013 by virtue of advertisement online and by use of a letting board on the premises. Within that time only three other interested parties have shown interest in the site, two of which were interested in the site for A1 purposes.

It is suggested that the proposed change of use would comply with the aims of both Local and National Policies and that the principle of the planning application is considered acceptable.

### ii) Highway Safety

Two of the letters of objection received by the Local Planning Authority have raised concern that the proposed change of use would result in vehicles double parking when collecting customers which would, in turn, result in congestion and a possible highway safety issue.

The Highway Authority has been consulted on the application and has raised no objection nor have they recommended any conditions. They make note of the existing taxi rank, marked bays adjacent to the application site which the vehicles would be eligible to use, as well as the private parking nearby owned by the Fitzwilliam Malton Estate. The Highway Authority request that it be noted that Hackney Carriages are legally allowed to pick up a fare on the roadside if displaying for hire and also collect a pre-booked fare. If the fare is waiting within the proposed booking office, it is in no effect different than a private address.

With no objection from the Highway Authority, it is considered that the issue of highway safety would not be a sustainable reason to refuse this application.

iii) Impact on Air Quality Management Area

One of the complainants raised objection to the principle of a taxi booking office within an Air Quality Management Area and the impact that the repetitive action of collecting customers from outside of the booking office.

The Councils Environmental Health Officer was consulted and has raised no objection to the proposal. It is not considered that the intended use would have an adverse impact on the Air Quality Management Area. It is therefore considered that the proposal would comply with the aims of Policy SP17 (Managing Air Quality, Land and Water Resources) of the Ryedale Plan - Local Plan Strategy.

iv) Residential Amenity

There are no residential properties within the immediate vicinity of the application site which are likely to be affected by the granting of planning permission for the proposed change of use.

Although not a residential property, the owners of TVC Electrical has raised concern that the proposed change of use to a taxi booking office would result in damage to their premises. It is considered that given that there is an existing taxi rank adjacent to the site, the creation of a booking office would not exacerbate the existing situation to an extent that it would justify refusing the application. It is therefore considered that attaching a condition requesting the applicant to install CCTV would not meet the test of Use of Conditions in Planning Permissions as set outlined in the National Planning Policy Guidance.

The Environmental Health Officer does consider that due to the lack of immediate residential properties, and the existing taxi rank, the proposed change of use from A1 to a taxi booking office would not be detrimental, to the surrounding area.

Due to the concerns of the objectors that the proposed change of use could encourage anti social-behaviour, the Police Liaison Officer has been consulted. However, at the time of writing no comments had been received. Members will be updated at the Planning Committee.

v) Impact on the Conservation Area

The application site is situated within the Malton Conservation Area. This application is not seeking to make any alterations to the exterior of the building. Members may note that included within the Schedule of Use, the applicant makes reference to a small sign giving the companies name and contact details on each window. It is recommended that an informative is attached outlining that if Members are minded to approve the application for the change of use, the applicant should contact the Local Planning Authority to discuss if an application would need to be made for Advertisement Consent.

The Building Conservation Officer raises no objection to the proposal.

vi) Other Issues

One of the objectors considered that granting permission for a taxi booking office so close to an existing taxi rank would give the occupants an unfair advantage. Members will be aware that the creation of competition between businesses is not a material planning consideration and should form no part of their assessment of this application.

An objection received raised concern over the impact a radio mast would have on how their business operates. Again, this is not considered to be a material planning consideration and should carry no weight in assessing the merits of this application.

It is considered that the change of use complies with both Local and National Planning Policies. Accordingly, in view of the significant benefits of the change of use in terms of employment and the use of a long term unoccupied unit, it is recommended that permission is granted subject to the relevant conditions.

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy  
Local Plan Strategy - Policy SP7 Town Centres and Retailing  
Local Plan Strategy - Policy SP12 Heritage  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources  
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development  
Local Plan Strategy - Policy SP20 Generic Development Management Issues  
National Planning Policy Framework

**RECOMMENDATION:                      Approval**

1            The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2            The development hereby permitted shall be carried out in accordance with the following approved plans;

Kappa's Cars Schedule of Use and Internal Layout as received by the Local Planning Authority on the 14 July 2014

Reason: For the avoidance of doubt and in the interests of proper planning.

**INFORMATIVE:**

1            The change of use hereby permitted does not give any consent for display of any advertisement. If the applicant intends to display any form of advertisement, then they should contact the Local Planning Authority to discuss if a separate application for Advertisement Consent needs to be made.

**Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties