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Planning Services
Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Your Ref:
Our Ref: Reading clopud

26th September 2018

Dear Sir or Madam

Office 1.09, Spaces, 9 Greyfriars Road, Reading, RG1 1NU – Part of First Floor

Application for Certificate of Lawfulness of Proposed Use of Class B1 office as Registered Company Office for Internet based taxi hire company.
Planning Portal Reference: PP-07288362

We act for Ola UK Private Ltd (Ola), an online marketplace for drivers and internet-based cab and a car share company. The business is a new entrant to the UK market – more details are available on their website (<https://www.olacabs.com/gb>). Ola are proposing to establish their registered company office in Reading for taxi licencing purposes at serviced office accommodation at Office 1.09, Spaces, 9 Greyfriars Road, Reading, RG1 1NU. Ola will occupy a small part of the ground floor extending to 4.9 sq m. This accommodation will be used for administrative purposes to ensure compliance with the operating licence but, unlike a traditional taxi office, will not be used for booking rides or providing facilities for drivers whilst they are working. No operational taxis will be based at the office or visit the premises as part of their daily operation.

We consider the proposed use clearly falls within Use Class B1 but in order to be able to demonstrate to the licencing board that there is a lawful registered office, this application for a Certificate of lawfulness of proposed use is being made for a formal declaration.

Please find enclosed the following documentation which, together with this letter, comprises the application:

1. CLOPUD standard application form;
2. CIL Additional Information Form;
3. Site location plan 180GSF00_05c_01 at 1:1250 scale;
4. First floor plan 180GSF00_05c_02 (for illustrative purposes only) – not to scale;
5. Application fee of £231 (paid by card at time of submission).

The application has been made electronically via the Planning Portal. We consider the above documentation constitutes sufficient information to be able to determine this application and accords with the Validation Checklist on your council's website.

Background

Ola was founded in 2011 by Bhavish Aggarwal and Ankit Bhati, Ola is one of the world's largest rideshare companies. Users across 110+ cities in India and Australia connect with over a million driver-partners through Ola.

Ola integrates city transportation for customers and driver-partners onto a mobile technology platform ensuring convenient, transparent, and quick service delivery and value for money. Ola is focused on leveraging the best of technology and building innovative solutions ground-up, that are relevant at a global scale. Notably, in 2016, Ola Play - the world's first connected car platform for ridesharing - was launched, transforming commuting experiences and setting the tone for global innovation in this field.

Ola is now bringing its unique expertise of solving urban mobility challenges to UK. Ola's Partner-focused approach ensures positive customer experience. With safety features like SOS alert and real-time location sharing, Ola offers a stress-free option for ridesharing.

Cushman and Wakefield are engaged to assist the company to secure suitable office premises and advise upon planning matters to achieve full compliance with local law and regulation - to support roll-out of its new business across the UK. Our client will shortly seek a taxi operator license to offer its business services in the Reading area. Licensed booking office premises are required for each area of operation across the country. In this case, Ola Cabs are looking to take a small amount of space within the Regus serviced offices at Office 1.09, Spaces, 9 Greyfriars Road, Reading, RG1 1NU in order to comply with the requirements of the licencing authority.

The Proposed Operation Explained

Our client, in common with a well-known competitor that operates under very similar business model, conducts its business through a smart phone application. This provides a technology platform for both licensed private hire vehicles as well as licensed hackney carriages to connect licensed drivers with customers - matching prospective passengers with vehicles available locally. Each partner-driver is equipped with a company issued smart phone with the requisite software installed.

Online cab-booking works in the following way: -

- A passenger opens the smartphone app (either downloaded from the iTunes store or Google Play store) and requests a taxi.
- The passenger is displayed the fare for the trip and a booking request is confirmed.
- The passenger request is automatically routed by our client technology to the nearest available licensed driver-partner.

- The booking allocation process is intelligent, using sophisticated and well-tested software algorithms, to make the booking easy and to minimise the wait times for the customers.
- Upon receiving the ride request, the nearest driver accepts the request via a smartphone app and is then dispatched to serve the passenger. The passenger location is provided to the driver via the app as well as GPS navigation guidance to reaching the customer location.
- On completion of the trip the fare applicable to the trip is automatically processed via passenger credit card information held on our file.

This innovative technology produces use characteristics which are quite different to traditional private hire operators that rely on radio communication or mobile networks to connect the customer and driver and traditional taxi booking offices where available cabs are based awaiting hire, and passengers awaiting a cab also congregate. Quite simply, late night operations and noise associated with more traditional taxi operators do not occur at our client's operational premises as neither vehicles nor passengers go near them and booking arrangements are made using silent smart phone technology rather than via a central operator connecting passengers with cars by radio.

The Use of the Office Accommodation

In order to comply with private hire vehicle licensing regulations, a cab business must have an administrative office within the local area it is operating. The purpose of this office is to undertake the administrative functions associated with the licensing regime and the operation of the business, including record keeping.

The principal functions to be carried out in office premises are listed below:

- Marketing and Strategy development
- Remote passenger and driver support
- Operations management and planning
- Record keeping and administrative functions including meeting all local licensing and driver vetting requirements.

Drivers will only be required to visit licensed office premises as an exception, typically this would be at the initial recruitment/induction and vetting; to resolve typical HR issues, and; to provide administrative/IT support. This visit would be during normal office hours between 8:30 am – 6:00 pm weekdays. Use of the office outside of these hours will only be required only in highly exceptional circumstances.

Interpreting the Planning Use

The Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO) came into force on the 1st of June 1987. The aim of the Order is to reduce the number of cases requiring planning permission by grouping together similar land uses in the same Use Class where a change from one use to another in the same Use Class would not damage amenity (refer to justification in Circular 13/87 issued at the same time as the UCO).

The UCO defines a series of use Classes within which certain land uses are grouped. A change between uses within the same Use Class does not constitute development. Some uses are, however, specifically excluded from these classes in order that the local planning authority retains the ability to assess the effects of the proposed use (Article 3(6)). One of the excluded uses is:

*“No Class specified in the Schedule includes use -.....
(f) for a taxi business or business for the hire of motor vehicles”*

Circular 13/87 accompanied the publication of the UCO to provide guidance on its interpretation. This included guidance on ‘excluded uses’ (i.e. those uses expressly omitted from any Use Class). When the UCO was substantially revised in 2005, Circular 03/2005 reiterated and updated this advice. The relevant guidance from 2005 states:

“Article 3(6) of the Use Classes Order provides that certain uses are not within in (sic) any class of the Order. Such uses are sui generis. This does not mean that such uses will always be regarded as environmentally undesirable and thus liable to be refused permission, but rather that in most places where such uses are proposed, consideration by local planning authorities will be justified. The list of omissions is not exhaustive, many uses do not clearly fall within any class and new types of use are constantly emerging. The courts have held that it is not necessary to go to extreme lengths to identify a class for every use.”

Whilst these circulars have been cancelled, this explanation remains helpful as it comes from the perspective of explaining how the UCO was intended to operate at the time it was first introduced, and hence the wording which was used.

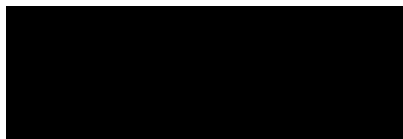
Use Class B1 ‘Business’ encompasses a range of uses, including office, “...which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit” – the residential amenity test.

We have described the proposed use above. It is our view that whilst the proposed office will be used by a private hire company, it will not be a taxi office or business for the hire of motor vehicles in planning terms, as there is no movement of vehicles or any activity as may have been associated with such operations at the time the UCO was drafted, which could impact on local amenity. The proposed use will in fact be carried out in a serviced office, a Class B1 use, and will share the use characteristics of the other serviced office occupiers, being an operation which passes the residential amenity test.

We are consequently confident that the proposed use falls within Use Class B1 ‘Business’ and have submitted this application for a Certificate of Lawfulness of a proposed use to seek formal confirmation thereof, as evidence to the licencing authority that the use of the administrative office is lawful.

We would be grateful to receive confirmation of receipt of this application and request that if you have any questions you contact Adam Pyrke of this office in the first instance.

Yours faithfully,



Adam Pyrke MRTPI
Partner
Development and Planning

For and on behalf of Cushman & Wakefield