

Welwyn Hatfield Borough Council  
Council Offices  
The Campus  
Welwyn Garden City  
Hertfordshire  
AL8 6AE

**Jones Lang LaSalle Ltd**  
45 Church Street Birmingham B3 2RT  
+44 (0)121 643 6440

jll.co.uk

Direct Dial: 0121 634 6572  
Mobile: (0)7927 566326  
william.whitelock@eu.jll.com

7<sup>th</sup> August 2019

Dear Sir or Madam,

**Application for a Lawful Development Certificate for a Proposed Use at Titan Court, 3 Bishops Square, Hatfield, Hertfordshire, AL10 9NA**

I write to submit an application for a Lawful Development Certificate for a Proposed Use at Titan Court, 3 Bishops Square, Hatfield, Hertfordshire (hereafter referred to as 'the Site').

I submit this application on behalf of my client, Ola UK Private Limited ('Ola' or 'the applicant'), a technology company operating Private Hire Vehicles (PHVs).

**Introduction**

Ola was founded in India in 2010 and has become one of India's largest 'ride hailing' platforms with a presence in more than 110 cities across India based on over 800,000 driver partners operating 700,000 vehicles delivering more than a million rides every day.

After establishing itself as India's leading online transportation network company, Ola is seeking to draw on the expertise gained in the complex Indian market by exploring overseas opportunities. Having recently successfully launched in Australia, the company, through its UK subsidiary Ola UK Private Limited, intends to commence operations in the UK. After launching UK operations in Greater Manchester, Ola has decided to expand their UK operation across other key markets, including Hertfordshire.

Ola are seeking a Certificate of Lawfulness for a Proposed Use permitting the occupation of the above premises, which falls within Use Class B1 (office), for the purpose of undertaking the administrative functions of an 'app-based' Private Hire Vehicle operator.

This Covering Letter is supported by the following plans and documents:

- Site Location Plan (prepared by JLL)
- Second Floor Plan (drawing no. 77-0342-009 Rev A, prepared by Regus)
- Ola Operation Note

**Rationale for Application**

Ola are seeking to expand their UK operation across Hertfordshire. As each constituent Council within Hertfordshire is an independent licencing authority, Ola must obtain a licence in each council area. A licencing application must be

supported by an appropriate premises within each council area from which the PHV company will operate. 'Traditional' PHV operators require a despatch office to accommodate a call handler to take bookings, a despatcher to despatch drivers to booked jobs and a public-facing area for members of the public to request cars in person.

As Ola operate an app-based booking system, the requirement for a call-handler, despatcher and publicly accessible office are negated and thus it is the position of our client that a B1 Office premises would be appropriate for their needs, would be appropriate to support a licencing application and would be compatible with the proposed use. In order to provide comfort to the licencing authority and planning authority, Ola have been advised to seek a Lawful Development Certificate from the planning authority for the proposed use of the B1 office location for the administrative premises of a Private Hire Vehicle Operator.

## Legal Context

Section 192(1) of the Town & Country Planning Act 1990 states that *'If any person wishes to ascertain whether any proposed use of buildings or other land...would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.'*

Section 192(2) adds that *'If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.'*

The Act goes on to outline the necessary supporting information required in order for an application for a Certificate of Lawfulness to be considered by a Local Planning Authority, including submission of an appropriate plan, supporting information and an application form.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 provides further guidance regarding the information required to determine an application for Certificate of Lawfulness at Section 39 and outlines that an application should be determined within eight weeks unless an extension is agreed in writing by the applicant.

Guidance on Lawful Development Certificates is provided in the online Planning Practice Guidance at [www.gov.uk/guidance/lawful-development-certificates](http://www.gov.uk/guidance/lawful-development-certificates). The guidance outlines the key issue to be considered by Local Planning Authorities as follows:

*'A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.'*

*In determining an application for a prospective development under section 192 a local planning authority needs to ask "if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?"'*

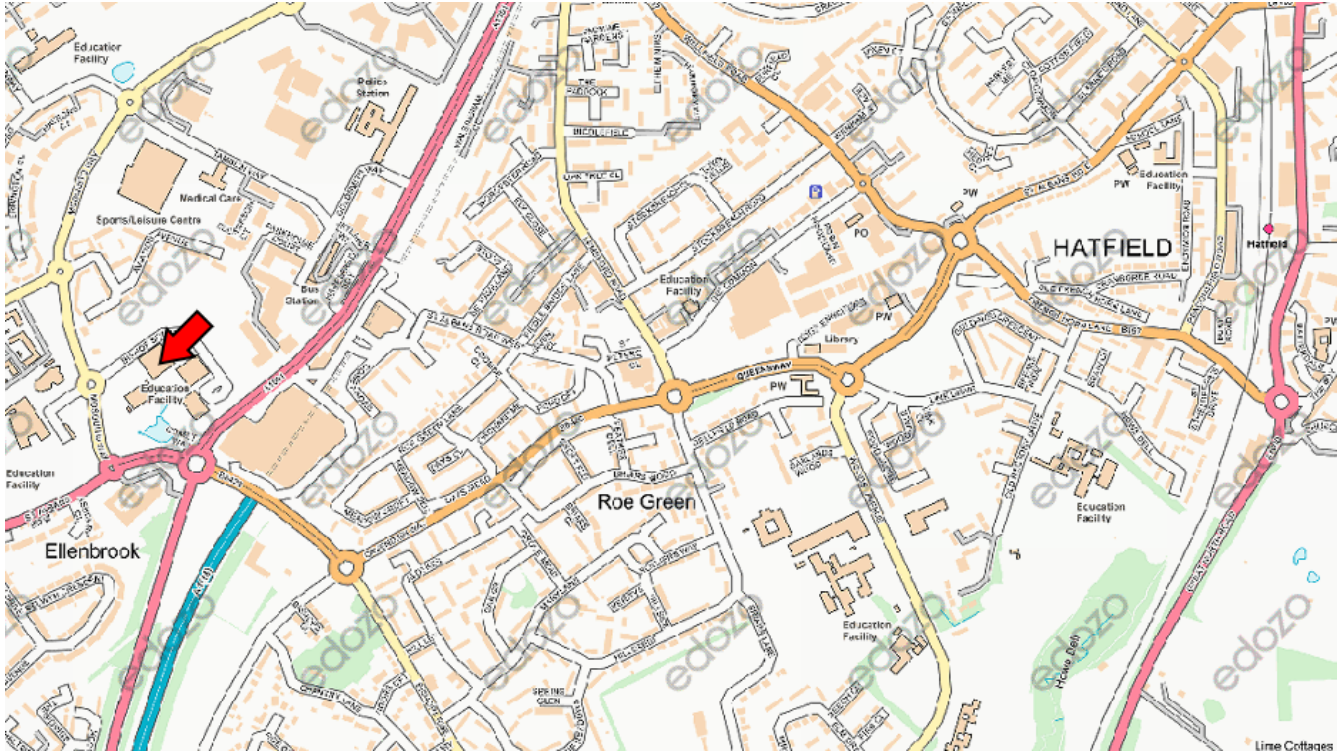
The guidance also provides useful information on 'lawfulness' and summarises that *'lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required'*.

## The Application Site

Titan Court, indicated on **Figure 1**, is located to the west of Hatfield Town Centre, approximately 1.9 km (1.2 miles) to the west of Hatfield Railway Station. Land uses in the immediate surrounding area to the Site are mixed, comprising business (Class B1) uses, education uses (Class D1) associated with the University of Hertfordshire, in addition to retail (Class A1 &

A3) uses attached to the Galleria shopping centre located to the east of the Site, positioned over the A1(M) motorway (Hatfield Tunnel).

Figure 1: Hatfield and the general location of the Site



Titan Court is located within the Bishops Square Employment Area, which contains commercial premises comprising business (Class B1) uses, in addition to education uses, including the University of Hertfordshire MaLaurin Building. The University of Hertfordshire de Havilland Campus is located adjacent to the west of the Site, on the opposite side of Mosquito Way.

Bishops Square is accessed from Mosquito Way to the west, which leads to the A1057 and A1001 (Comet Way). The A1057 provides a direct connection between the main centres of Hatfield and St Albans. Access to the strategic highway network would primarily be via the A1057 and A1001, which provide direct access to Junctions 3 and 4 of the A1(M) Motorway.

Titan Court is accessed from Bishop Square Road, an internal access road that runs through the employment area. Car parking for the office suites contained within Titan Court is situated immediately adjacent to the east of the building. As the Ola business model does not require a physical presence in which to house a call handler, as all journeys are booked via Ola's app, drivers will not congregate at the despatch office in order to accept ad hoc bookings. As such, access and egress at the Site will be kept to a minimum.

Titan Court comprises a serviced office space (Class B1) arranged over four storeys. This application relates to an office suite located on the Second Floor of Titan Court. The suite extends to 50 sq. ft. (4.6 sq. m).

**Table 1** below sets out the planning history for the Site.

Table 1: Planning History at Titan Court

Planning Reference Number	Description of Development	Decision (and Date of Decision)
S6/1989/0161/FP	Erection of 4 B1 Class (Business) Buildings, together with ancillary car parking, new access and alterations to the highway and landscaping	Granted (28/09/1989)

Source: Welwyn Hatfield Borough Council

The planning application included in Table 1 above comprises the original planning permission for the office buildings contained within Bishops Square Employment Area. The above application has been implemented and does not include any conditions which would restrict the proposed use. No further change of use planning applications have been submitted at Bishops Square Employment Area and Titan Court (the Site) and as such, it is maintained that the Site remains in office (Class B1) use.

### Operation and Justification

As detailed above, Ola offer an app-based ride hailing service for Private Hire Vehicles. The operation of the service is detailed as follows:

- A user downloads the smartphone app and sets up an account using a debit or credit card
- The user enters their trip details and reviews the fee quotations provided based on the proposed route and type of vehicle
- Once a quotation is accepted, the trip is confirmed by a driver. No manual intervention from the driver or passenger is required with the exception of each party accepting the fare quotation or ride request. Unlike in traditional PHV operations, no 'despatching' is required from a call handler or coordinator by virtue of Ola's servers and the apps used by driver and passenger
- The driver's app guides the driver to the collection point by GPS
- The passenger enters the vehicle and is taken to their end destination
- On completion of the trip, the fare is automatically deducted from the customer's credit / debit card

The above operation does not require the input of any third parties. A traditional PHV operation requires a despatch office within which a call handler takes calls from members of the public and despatches cars to carry out pre-booked rides. Many such offices also include a public-facing office into which members of the public can visit in order to book trips on an ad hoc basis. In order to facilitate this, PHVs generally congregate at or in the area around these offices so as to be in a position to accept rides booked at short notice from members of the public.

The Ola model does not require a physical presence in which to house a call handler as all journey are booked via Ola's app. Similarly, drivers are routed to customers via the app. Drivers do not congregate at a despatch office in order to accept ad hoc bookings as customers are not able to access a booking office and all bookings are taken through an app. Occupation of the premises will be within normal office business hours of approximately 8am to 6pm Monday to Friday.

Ola require an office at Titan Court for two reasons as detailed below.

#### **Administrative Function**

Ola require a B1 business premises from which to carry out business support functions including:

- Record Keeping – Ola are required to keep records of all bookings and journeys made for administrative, monitoring and legal purposes

- Marketing – Ola require a presence in all regions in order to prepare and action local and regional marketing strategies
- General Administration – various ‘back of house’ tasks required in the day to day operation of any business
- One Off Meetings – new drivers with Ola may be required to participate in interviews and or training with Ola representatives by means of pre-existing appointments. In such an instance, Ola would carry out this work within their office suite or make use of existing conferencing facilities within the business centre

There would be no requirement for drivers to visit the premises on a regular basis. New drivers would visit the site on a one-off basis by means of appointments, the frequency and intensity of which would be ancillary to the main use of the premises as a B1 office use. The frequency and intensity of visits would be in line with and proportionate to the normal operation of a B1 office which may include the interviewing of staff, business meetings and staff training.

### ***Licensing Function***

Each constituent Council within Hertfordshire is responsible for licensing PHVs and taxis within each Council area. In order to support a licensing application in each authority requires that the licence is issued to a relevant business address within the borough. A traditional PHV operation would use the despatch office as the licenced location. As detailed above however, Ola will not operate a despatch office. Licensing Officers within each authority must be satisfied that the address included in the licensing application is appropriate and as such Ola have been advised to seek confirmation that their proposed use is lawful by means of a Certificate of Lawfulness of a Proposed Use.

### **Conclusion**

Ola UK Private Limited propose operating an app-based Private Hire Vehicle hailing service. The business model allows customers to book rides with drivers through an app. Traditional PHV operators rely on a despatcher to field calls from customers and despatch drivers to jobs. The use of the app, combined with GPS, negate this need.

Ola propose occupying a suite within the Titan Court serviced office. Ola’s primary use of the premises will be for back of house functions such as administration, marketing and record keeping. New drivers will also attend the office on a one-off basis in order to undertake an interview and introductory training. These visits would be carried out during office hours and would be ancillary to the main use of the office as an administrative base within Hatfield.

Ola require a business premises within Hatfield from which to support a licensing application to Welwyn Hatfield Borough Council. A traditional PHV operator would require a despatch office and would be able to use this office as their licenced premises. As Ola will not be operating a PHV despatch office, the Licensing Authority (Welwyn Hatfield Borough Council) require confirmation that Ola may lawfully operate from the application site.

For the reasons set out above, and taking into account the proposals and supporting plans, it is respectfully requested that planning permission is granted.

We trust that this submission can be registered on the basis of the enclosed information, and look forward to receiving confirmation that the submission has been received and validated. In the meantime, should you require any further information or seek clarification on any matter, please do not hesitate to contact me on the details provided.

Yours sincerely,



**William Whitelock**  
Graduate Planning Consultant  
For and on behalf of Jones Land LaSalle Limited