



Delegated Report

Application No:	20220283
Location:	Apollo Taxis, 5 Railway Place, Gravesend DA12 1AP
Description:	To make permanent a granted temporary permission for change of use of ground floor from Solicitors Office to a Taxi Office (Sui Generis)
Applicant:	Z Bartholomew
Site Visit Date:	5 April 2022

Submitted Documents/Plans

The application comprises the following documents and plans:

Application form received 16 March 2022.

Planning Statement received 16 March 2022.

Drawing no. D-10 (site location plan) received 16 March 2022.

Drawing no. D-102 (existing plans) received 16 March 2022.

Drawing no. D-103 rev A (proposed block plan) received 16 March 2022.

Relevant Planning History

20201157	Replacement sign board with concealed halo lighting to shopfront fascia.	Approved	20.01.2021
20191270	Display of 1no. illuminated fascia sign and 1no. illuminated double sided hanging sign.	Refused	21.01.2020
20190540	**REVISED DESCRIPTION** Change of use of the ground floor from Solicitors Office (Class B1) to a Taxi Office (Sui Generis).	Temporary consent granted	29.07.2019

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres

- CS11 - Transport
- CS18 – Climate Change
- CS19 - Design & Development Principles
- CS20 – Heritage and the Historic Environment

Paragraph 33 of the National Planning Policy Framework (2021) sets out those policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and The review found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02 due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas
- S4 – Non-Shopping Uses in the Shopping Areas

Other material considerations

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 7 – Ensuring the vitality of town centres
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

Regulatory Services (from previous application 20190540)

The current use of this office is as a solicitor's office, only open office hours with few visiting members of the public.

The proposed use of this office is as a taxi office with reception desk and waiting room to front and staff office behind. The proposed use is likely to generate a lot of people noise that is not currently experienced with the current use as a solicitor's office. The increase in disturbance to the area is likely to be significant.

The Design and Access statement is very poor in terms of details of the estimated usage by members of the public etc. and there is no reference to the impact of the taxis using the loading bay for the use of picking up customers. The only comment on the impact of transport is that:

- there is a loading bay to the front for 4 to 5 cars,
- no parking is allowed around the plot and
- "since the taxi office is on the outskirts of the town, it makes for a quick escape from Town."

Whilst the loading bay (2 to 3 cars maximum) outside the site is for the picking up of passengers etc. this is for the public to use and it is envisaged that the proposed use would in effect monopolise the use of the bay which may become very busy during the early hours, evening and night with the noise from groups of customers, and passers-by intermingling with them, possibly intoxicated making them more vociferous and so more noisy, slamming of car doors, radios etc. Taxis routinely bump up kerbs around other taxi offices to wait half on the pavement and half on the road. This would cause real problems to pedestrians in this area as well as other car drivers which may cause further issues at night time.

Smokers would not be permitted in the taxi office and so would congregate outside with no suitable space for this to happen other than blocking the pavement and possibly spilling onto the loading bay.

These things cannot be controlled outside the planning process and it is considered that a condition relating to these issues would be very difficult to enforce and time consuming on council resources. Whilst it could be said that parking enforcement could help control the illegal parking of taxis etc. there is often no enforcement late evening or at night etc. and if there needed to be would be an unreasonable burden on council resources.

Therefore in order to protect the amenity of the area and to prevent a public nuisance through disturbance by groups of people, cars etc. 24 hours at the weekends and 5am through to 1am Monday to Thursday and Sundays and bank holidays it is recommended that this application for change of use be refused.

If Members were minded to permit the application it should be temporary only and be conditioned that the office can only operate normal office hours Monday to Saturday so as not to worsen the amenity of the area. However it is considered that operation of this use during these hours would cause real issues in that area.

Regulatory Services have been consulted and have received no complaints relating to the use since it has been operating.

Kent Highways (from previous application 20190540)

I have the following comments to make with respect to highway matters :-

Since this is a town centre location it is accepted that there is no need for any specific parking provision. There are sufficient existing waiting restrictions to prevent undesirable parking. No objection is raised on highway grounds.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for

the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Highway Development Management Officer (from previous application 20190540)

As this is a town centre location, I have no objections, but the applicant needs to note that the lay-by outside the property is not for parking cars, during the day it is a loading bay for goods vehicles between 6am and 10 pm and it can only be used by taxis between 10 pm and 6am.

However, given the offices location in close proximity to a signalised junction and between closely spaced corners/bends, no pickups or drop offs between 6am and 10pm should be permitted from Railway Place in the interests of road safety. If a condition cannot be secured then an objection on highway safety grounds is warranted.

Further to my original comments I wish to add the following.

Railway Place is one arm of a staggered four arm signal controlled junction, formed by Clive Road, a cul-de-sac except for buses and taxis, which serves the railway station car and the Thamesgate shopping centre multi-storey car park, Stone Street, where both arms are one way streets leading to the junction and Railway Place the only exit for all vehicles from this area of town.

Whilst Railway Place is a relatively wide road much of its short length is used by vehicles manoeuvring between its two junctions, due to the short section of road and the tightness of the corners. Particularly for lorries serving the Thamesgate service yard or any other property that needs to be serviced in the local area served by these roads.

Whilst the highway is subject to waiting and loading restrictions it does not alter the fact that drivers will stop to allow people to board or alit from a vehicle. Which can be hazardous as the manoeuvre may not be expected and from certain directions driver visibility is restricted. The restrictions should stop long stay parking, the layby should not be used during the day except for loading and unloading. However, observations show this is often abused as enforcement officers cannot be available everywhere throughout the day. If the layby is occupied by taxis, then a delivery driver is liable to block the highway, until either the layby is cleared or in the worst case he will be forced to unload whilst blocking the street. Resulting in local congestion.

Therefore I consider it appropriate that this application be refused, unless it is possible to prohibit taxis from picking up/dropping off or laying over outside the property or the immediate surrounding area.

Parking Services have been consulted and there has been no response. The Planning Department is unaware of any complaints regarding the use of the layby by taxis.

Economic Development (from previous application 20190540)

We do have marketing planning policy appendix 5 for loss of B space in the borough that the applicant is now likely to have to undertake.

This was put in place and supported by ED to assist in the loss of B1 TC space to permitted development to residential and to protect B2/8 space to uses such as gyms/crèches etc due to the boroughs lack of B commercial space and the fact we were turning away manufacturing businesses wising to locate in the Borough due to lack of unit supply.

If required ED has produced a guidance pack for applicants that you can share with them which clearly highlights the approach required and that this is not a simple 'tick box' exercise.

KCC Heritage

I have no comments to make on archaeological matters.

Neighbouring properties

The application has been advertised by site notice, in the press and individual letters to eight neighbouring properties. No letters of representation have been received.

Analysis

Proposal

This application seeks a permanent consent for the use of the building as a taxi office. Planning application 20190540 was approved on 29 July 2019 with the following conditions:

1. *The use hereby permitted shall cease and the premises shall revert back to its authorised use within the meaning of Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended not later than 29 July 2022; at the end of the temporary period the premises shall be returned to a condition that is fit for purpose for its authorised use within Use Class B1 (Business).*

Reason *The application raises concerns regarding the impact of the development on amenity and highway safety and therefore a temporary consent is required to assess these impacts and consider any complaints that may or may not arise from the development. Three years is considered long enough to assess the impact and either allow a permanent permission or refuse. It also gives the applicant time to find an alternative premises if it appears likely that a permanent permission would be refused.*

2. *The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans and details, unless alternative details are approved pursuant to the conditions imposed on this decision notice:*
 - *Application form received 29 May 2019*
 - *Design and Access Statement received 29 May 2019*
 - *Drawing nos. DKM/7932/01 rev 0, DKM/7932/03 rev 01 and DKM/7932/02 rev 0 received 29 May 2019.*

Reason *For the avoidance of any doubt and in the interest of proper planning.*

3. *The use hereby permitted shall only operate between the hours of 0500 and 0100 Sunday to Thursday and Bank Holidays and 24 hours on Fridays and Saturdays unless otherwise agreed in writing by the Local Planning Authority.*

Reason *To regulate and control the permitted development in the interests of amenity in accordance with Policy CS19 of the Core Strategy 2014.*

The applicant is not seeking to alter any of the operating hours of the business.

Character and Appearance

The site is located within the town centre and within the King Street Conservation Area (CS20 and TC3), Primary Shopping Area (CS08) and Secondary Shopping Frontage (S4).

The site is located within the Gravesend Town Centre Opportunity Area and therefore Policy CS05

applies. This states that the town centre will be the principal focus for town centre related economic and social activity in the Borough. This will be achieved by encouraging a mix of uses, improving the town's role as a transport hub and promoting an evening economy. It also states that the Council will support existing commercial and service functions on the ground floors and the provision of offices and residential uses on upper floors. This Policy also supports the provision of new offices in accordance with the sequential approach.

Policy CS07 of the Core Strategy supports office development in the Town Centre. Development resulting in the loss of B1 class employment floorspace will not be supported unless otherwise allowed for by Policies set out in the Core Strategy or where:

- the proposal will deliver at least an equivalent number of new jobs on-site or elsewhere within the Borough and the proposed use is consistent with other policies set out in this plan; or
- the existing premises are no longer suited for employment purposes or are incapable of being made suitable at reasonable cost and it has been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Council guidance (Appendix 5); or
- the existing premises have an unacceptable environmental impact on the area within which they are situated and this is incapable of reasonable mitigation or the environmental benefit that would arise from the existing use stopping would outweigh the potential loss in employment.

In this case, the proposal does deliver the equivalent number of jobs on the site and is consistent with other policies set out in the plan as it is an appropriate use for a town centre location. The proposal therefore accords with Policy CS07 of the Core Strategy 2014.

Policy CS08 of the Core Strategy 2014 encourages the provision of a mix of units including opportunities for small shops and independent traders in all centres. Concerns have been raised by objectors that the change of use to a taxi office will harm the small shops that are currently in this vicinity due to the potential use of the loading bays to the front by taxis. Whilst the loading bay is clearly to be used for loading and deliveries to the shops and parking restrictions reflect this, it is highly likely that taxis will park or wait here and this behaviour will be impossible to constantly enforce. However, the applicant has confirmed that the intention is for the taxis to wait elsewhere and pick up only from this location once there is someone waiting. To ensure that this happened a temporary permission was granted for three years. If, after the three years the loading bay has been used for loading only by the taxi firm and there have been no problems or complaints relating to waiting taxis, a permanent consent could be granted. There have been no complaints received by regulatory services or parking services and therefore there is no reason to withhold a permanent consent.

Policy S3 of the Local Plan First Review 1994 states that in areas of shopping street frontages indicated on the Proposals Map, the Council will generally resist changes of use to alternatives other than shopping (within Use Class A1) at ground floor level or the principal trading level. The current use is not in the shopping use class and whilst an A1, A2 or A3 would be the preferred use here no objection is raised to the change from B1 to taxi office (sui generis).

Policy S4 of the Local Plan 1994 states that the Council will allow changes of use appropriate to the Town Centre Shopping Area which require a shop window frontage, including uses falling within Use Class A2 provided that the total number of buildings in such uses in each particular length of street is not excessive. In the street frontage there is currently a dry cleaners (A1), the application site (A2), a sandwich bar (A1), newsagents (A1) and estate agents (A2) together with the application site which is B1. A sui generis use therefore does not accord with the objectives of this Policy however it is accepted that the current use also does not fall within the A Use Class and therefore it would not be appropriate to refuse this application on this basis.

Para. 86 of the NPPF 2021 states that planning policies and decisions should support the role that

town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Whilst concerns were raised in the original application that the non-retail use could affect the vitality and viability of the businesses in the Town Centre, no evidence has been provided to prove this is the case. The surrounding businesses have not changed since the temporary consent was granted.

With regards to the Conservation Area, no changes to the exterior of the building are proposed and therefore no objection is raised in relation to Policy CS20 of the Core Strategy 2014 and TC3 of the Local Plan 1994.

Amenities

The neighbouring units are served by the loading bay to the front in terms of deliveries and people popping in to collect items that they have for sale (sandwiches, coffees, newspapers etc). The concern was that, if a taxi office use was permitted here, taxis will sit and wait in these loading bays which would have a significant detrimental impact on the amenities of these businesses.

The previous use of this office is as a solicitor's office, only open office hours with few visiting members of the public.

The current use of this office is as a taxi office with reception desk and waiting room to front and staff office behind. Concerns were raised that this use was likely to generate a lot of people noise that was not experienced with the use as a solicitor's office. The increase in disturbance to the area was considered to likely to be significant.

The temporary consent allowed time for the Local Planning Authority to monitor the use of the loading bay to the front and also the potential for noise and nuisance behaviour. No complaints have been received for either and therefore it is not reasonable to withhold a permanent consent.

On this basis, the continuing use as a taxi office complies with Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

Parking and Highways

Railway Place is one arm of a staggered four arm signal controlled junction, formed by Clive Road, a cul-de-sac except for buses and taxis, which serves the railway station car and the Thamesgate shopping centre multi-storey car park, Stone Street, where both arms are one way streets leading to the junction and Railway Place the only exit for all vehicles from this area of town.

Whilst Railway Place is a relatively wide road much of its short length is used by vehicles manoeuvring between its two junctions, due to the short section of road and the tightness of the corners. Particularly for lorries serving the Thamesgate service yard or any other property that needs to be serviced in the local area served by these roads.

The highway is subject to waiting and loading restrictions but, despite this, concerns were raised that taxi drivers might stop to allow people to board or alit from a vehicle which could be hazardous as the manoeuvre may not be expected and, from certain directions, driver visibility is restricted. The restrictions should stop long stay parking, however, observations show this is often abused as enforcement officers cannot be available everywhere throughout the day. If the layby is occupied by taxis, then a delivery driver is liable to block the highway, until either the layby is cleared or in the worst case he will be forced to unload whilst blocking the street resulting in local congestion. This is one of the reasons why a temporary consent was granted. In the almost three years since permission was granted there have been no reports of taxis waiting in this loading bay.

On this basis, the previous concerns have proved to be unfounded and no highway safety issues have been raised. The permanent consent complies with Policy CS11 of the Core Strategy 2014 a temporary consent is recommended.

Conclusion

During the almost three years of operating no issues regarding parking in the loading bay or of noise and nuisance behaviour have been raised with the Council. The proposal to allow a permanent consent therefore accords with the abovementioned policies and is recommended for approval.

Recommendation:

Permit.

See draft Decision

Case Officer: AW	Team Leader: Richard Hart
Signed: 	Signed: <i>R Hart</i>
Dated: 17 May 2022	Dated: 17 th May 2022