

Delegated Report

Planning Application

Planning Application No: 20221002

Location: Saturn Taxis, 3 Barrack Row, Gravesend DA11 0RT

Description: Application for continued use of ground floor as a taxi office.

Applicant: Mr Jasbir Shergill

Site Visit Date: Various

Submitted Documents/Plans

Application form
Site location plan
Block Plan
Planning Statement

Relevant Planning History

20190860	Change of use of ground floor from (A1) retail to (Sui Generis) taxi office.	Temporary consent	16.10.2019
20120757	Construction of a first floor level incorporating the erection of a two storey rear extension to provide enlarged retail area and staff toilet accommodation at ground floor level with ancillary storage at first floor level.	Permitted	05.11.2012
20030518	Installation of roller shutter blinds.	Permitted	05.09.2003
19890051	Use of premises as a travel agency and coach booking office.	Permitted	13.04.1989
19750841	Retention of use of premises as a booking office for a driving school	Permitted	17.02.1976
19750541	Use of premises for a driving school	Refused	21.10.1975

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- S4 – Secondary Shopping Frontage/Non-Shopping Uses in the Shopping Areas

Paragraph 33 of the NPPF (2021) sets out that 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 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 that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 7 – Ensuring the vitality of town centres
- Section 12 – Achieving well-designed places

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

KCC Highways

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway

assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Highway Development Management Officer

I am not aware of or had anything brought to my attention that is a matter of concern regarding the use of this property as a taxi office. No objection.

Parking & Environmental Enforcement Services Manager

No issues have been reported relating to this business.

Neighbouring properties

The application has been advertised by individual letters to six neighbouring properties. No letters have been received.

Officer's Analysis

Proposal

This application seeks planning permission or the continued use of ground floor as a taxi office. The use was approved under planning reference 20190860 with the following condition:

1. The use hereby permitted shall cease and the premises shall revert back to its authorised use within the meaning of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended not later than 15 October 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 A1 (Retail).

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.

The applicant wishes to obtain permanent planning consent for the use of the building as a taxi office.

Design, Character and Appearance

The site is located within the 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 improved public transport access, including the provision of an integrated transport interchange at Garrick Street/Barrock Row. The Council also supports existing commercial and service functions on the ground floors and the provision of offices and residential uses on upper floors.

Policy CS08 states that the Council will safeguard the retail character and function of existing centres by resisting development that would adversely affect their vitality and viability. Previous to the temporary use as a taxi office, the site had been vacant for a while. The business was located opposite and was relocating due to the new bus station. The row of units here all have active frontages and the introduction of a taxi office does not create an abundance of one particular use (there is currently a barbers, a key cutting shop and a café). The use supports the viability of the town centre and therefore is considered to meet the objectives of this Policy.

Policy S4 states that the Council will allow changes of use to uses which are appropriate to the Town Centre Shopping Area and which require a shop window frontage providing the total number of buildings in such uses in each particular length of street is not excessive. In this instance the shop front is to remain and therefore accords with this Policy.

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. The taxi firm already exists close by and its relocation to the opposite side of the road accords with the objectives of the NPPF.

Neighbouring Amenity

There are no residential dwellings above the shops in the terrace. There nearest residential property is the public house. Due to the similar opening hours of both properties and the distance between the properties it is unlikely that there would be any significant detrimental impact on the residential amenities of this pub. The proposal therefore accords with Policy CS19 of the Core Strategy 2014.

Parking and Highways

The current waiting / loading restrictions in the highway outside the proposed taxi office will take legal preference over any planning consent granted and therefore it will not be possible for taxis to be parked nearby. Being a town centre location with plenty of sustainable travel options available nearby, any employees at the proposed office will either travel to the location via public transport, cycle or on foot, or if necessary, park in one of the nearby public car parks.

It is possible that there may be some abuse of the existing waiting and loading restrictions in or near the town to ensure drivers can rapidly respond to customer demands. Whilst these restrictions are enforced by Gravesham Council, the officers cannot be omnipresent in the area.

When the original application was made works to create a new bus station was imminent and for these reasons the proposed use needed to be monitored to ensure there were no highway safety issues. Three years have now passed and there have been no issues relating to parking enforcement at the business site therefore no objections to a permanent permission for the use as a taxi office. The proposal therefore complies with Policy CS11 of the Core Strategy 2014.

Conclusion

The proposed change of use, over the last three years, has had no detrimental impact on the character of the area, vitality and viability of the town centre, neighbouring amenity, parking or highway safety and therefore accords with the above mentioned policies and is recommended for approval.

Recommendation:

Permit

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	8 November 2022	Dated:	10th November