

**East Malling &
Larkfield**
Larkfield South

570517 158428 27 November 2014 TM/14/03467/FL

Proposal: Change of use from office (B1) to an office (B1)/taxi control office (sui generis)
Location: 38A Larkfield Road Larkfield Aylesford Kent ME20 6BJ
Applicant: Place2Place Cars Ltd

1. Description:

1.1 Retrospective planning permission is sought for the change of use of the office (B1 use) at first floor level to a flexible use of a taxi office (sui generis use) and office (B1 use). It is proposed to use two vehicle parking spaces in the existing car park serving the units fronting onto London Road for the taxi office. This application is retrospective as the use has been occurring at the premises since July 2014.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Oakley due to the high level of local objection.

3. The Site:

3.1 The taxi office the subject of this application is located on the first floor of a detached building constructed in the 1970's; at ground floor level there is a dentist surgery. The building as a whole is of a two storey form, constructed of yellow brick and with a flat roof. The building is set back from the public highway behind a grassed lawn area; the taxi office is accessed from the rear of the building through the private car park serving units fronting onto London Road. The application site includes two car parking spaces within the private car park which the applicant states have been allocated to his business.

3.2 The site is situated in an area of mixed character; commercial premises are situated to the south of the application site fronting onto the London Road. These premises include three banks and an accountancy office. To the north, east, west and south west are residential dwellings. Due to this mixed character the local area is busy with vehicular traffic entering the private car to the south of the site and using Larkfield Road. There are on road parking restrictions in the form of double yellow lines in order to safeguard highway safety as on road car parking is also in high demand.

3.3 The local area is of no special landscape designations.

4. Planning History (relevant):

4.1 There is no relevant planning history associated with this application.

5. Consultees:

5.1 PC: Raise objection to the application for the following reasons: Original comments:

- The Council has no objection to the taxi control office but it is not clear how many taxis will visit the office - question whether the 2 spaces are for the employees operating the office only;
- The existing car park is very busy and can cause significant congestion, the PC are anxious the situation is not made worse and therefore the actual number of staff cars and taxis needs to be quantified.

5.1.2 Further comments:

- Appreciate confirmation that only two staff are continuously employed in the office and these two spaces should be defined in any planning approval but have concern that the uncontrolled private car park will be used for parking taxis and other vehicles associated with the proposed use.

5.2 KCC (Highways): No objections.

5.3 Private reps: 14/1X/12R/0S. A petition has also been received. Objections received raise the following points:

- There is an average of six taxis parked in the car park and on the road.
- Gridlock from the higher volume of traffic coming and going.
- Littering from cigarette butts.
- Noise from the use of the premises in the quieter periods when the windows are left open.
- Vehicles are parked on the double yellow lines and in dangerous positions.
- Parking is even more in demand since the closure of Natwest in Snodland.
- Danger to pedestrians from the parked taxis.
- Lack of contact from the local PCSO to deal with the parking issues and associated verbal abuse residents receive.
- Noise from operators making/receiving calls throughout the night.
- Noise and disturbance from taxis turning around in the night time in the close.

- No formal notice has been displayed outside of the premises and therefore the application is being handled underhandedly - questioning the neutrality of TMBC officers.
- There is a very short comment time on the application.
- The business operates outside of the hours they have specified in their application.
- Vehicles are left parked in the road for hours at a time and not just to drop of paperwork/use the toilet.

6. Determining Issues:

- 6.1 Policy CP1 of the TMBCS requires that all proposals for new development must result in a high quality sustainable environment. The quality of the natural and historic environment, the countryside, residential amenity and land, air and water quality will be preserved and where possible enhanced.
- 6.2 Paragraph 17 of the NPPF states that the overarching roles of the planning system are to proactively drive and support sustainable economic development to deliver homes, businesses and industrial units and to promote mixed use developments. Paragraph 19 advises that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth; and that planning should operate to encourage and not act as an impediment to sustainable growth. It directs that significant weight should be placed on the need to support economic growth through the planning system.
- 6.3 The proposed development would allow the re-use of a long established existing commercial premises for a new commercial use. The taxi business itself has been operational in the Borough for some time and has moved premises into the application property. The site is located in a sustainable location in terms of access for office staff, being located within the urban area and on a main bus route. The development would support the economic development of a small established local business which is located in a sustainable location and therefore would be acceptable in principle.
- 6.4 There are no external changes proposed to the building and therefore no adverse impact would be caused to the visual amenity of the locality as a result of the proposed development.
- 6.5 The application site is located in an area which is of mixed character, with busy commercial premises to the south and residential dwellings to the east, north, west and south west. There are currently a significant number of pedestrian and vehicular movements associated with the car parking area serving the commercial premises fronting onto the London Road. Three of these units are banks which attract high levels of activity. In addition, there is a dentist surgery on the ground

floor of the application property which similarly attracts high levels of pedestrian and vehicular activity. Traffic movements often spill out onto Larkfield Road with vehicles parking on the public highway outside the car park due to the limited amount of off road car parking which serves all of the surrounding commercial premises. Although none of the units have hours of use controlled by way of planning condition, the nature of the uses means that any noise and disturbance is restricted to the weekday day time periods.

- 6.6 The taxi use seeks planning permission to be operational twenty four hours a day, seven days a week including Public and Bank Holidays. Notwithstanding this, I understand that in practice the taxis only run overnight (i.e. past midnight) on Fridays and Saturdays. On all days, past the hour of midnight there is one member of staff acting as a “night watchman” to monitor trips and to act as a point of contact. During the weekdays there are three staff in the office on Monday to Friday between 07:00 and 16:00 and two staff on weekend days. On Tuesdays to Saturdays there are two staff who work between 16:00 and 23:59. All of the staff are office based administrators and therefore there are no comings and goings associated with this activity. They would therefore create no more noise and disturbance than the lawful office use which is not restricted by any planning conditions controlling hours of use.
- 6.7 The taxis are controlled by a computerised system to the driver’s PDA’s and not radio equipment. This would prevent the operation of the company from resulting in noise and disturbance from voice communication between the drivers and the office.
- 6.8 At present it is possible that taxi drivers may visit the office during the evening and night time periods, although they do not collect customers from this location. The reason for visiting the premises is solely to drop off paperwork and to use the toilet facilities. As the taxis operate overnight when there may not be access to such facilities it would be reasonable to allow them to visit the office to do so. Such visits would be expected to be infrequent and create a low level of noise. Although it would not be possible to control by condition drivers in such circumstances parking in the rear car park, an informative would be attached to any permission directing them to do so where possible. This would reduce the impact of the drivers visiting the premises on the residential amenity of the neighbouring dwellings.
- 6.9 In light of the above, given the specific operation of the taxi business outlined within the operational statement, the frequency of visitation by taxi drivers and the existing unrestricted lawful use of the site, the development would not have such an adverse impact upon the residential amenity of the neighbours as to warrant refusal of this application on the basis of noise and disturbance.
- 6.10 The taxi office use is proposed to have two designated car parking spaces within the existing private car park to serve as spaces for the office staff. It is not

proposed for taxis to operate directly from the taxi office but rather for drivers to receive messages whilst on the road direct to their personal devices. The supporting statement with the application does advise that taxis drivers do visit the office on occasion to drop of paperwork and use the toilet facilities.

- 6.11 There is no designated parking controlled by planning condition to serve the lawful office use and no limitations on the hours of use. The office use would require the provision of four parking spaces under the KCC vehicle parking standards adopted by the Council. The lack of parking to serve the office could result in significant highway parking issues throughout the day and night time period. Under these parking standards the Sui Generis taxi use would require 1 parking space per 2 members of staff and 1 space per 4 registered vehicles. The applicant states that there are 4 full time members of staff and two part time, but that the maximum number of office staff on the premises at any one time is three. The provision of two spaces for office staff use would therefore be sufficient to serve the use.
- 6.12 The applicant states that customers are not collected from the premises which reduces the need for taxis to visit the site. It is acknowledged that the local area is busy with vehicular traffic due to the three banks which are located in the parade of shops fronting onto London Road. The operational statement submitted by the applicant states that there are only limited circumstances in which the taxis would need to visit the office. It would be reasonable to condition both the retention of the parking detailed in the application and ongoing compliance with the operational statement. As a result, this use would not place significant demand on local parking.
- 6.13 A large amount of local concern has been raised with regard to the impact of taxis parking on the public highway and parking in a dangerous manner. There are local on road parking restrictions in the form of double yellow lines which prevent parking on the public highway in designated areas which are deemed to be detrimental to highway safety. The Council has no powers to prevent taxis parking on the public highway. In addition, the taxis are able to use the private car park which is located to the south of the site as the Council once again has no control over parking in this area.
- 6.14 Issues of parking have worsened since the time the premises and the neighbouring parade of shops were permitted due to the increases in car ownership. This application is unable to address or improve upon any of these historic localised parking issues. However, the grant of planning permission does offer the opportunity to better control the lawful unfettered B1 use. It is also important to note that the new permitted development rights afforded by Schedule 2, Part 2 of the GPDO would allow the lawful B1 use to be changed to uses such as a hotel, shop, restaurant/cafe, various financial and professional services (including betting shop), dwelling houses, and various assembly and leisure uses without the requirement for an application for planning permission. This would

have a significantly greater impact upon parking and highway safety than the specific proposed use.

- 6.15 Other issues have been raised by local residents including litter from cigarette butts being left outside the premises and questioning the consultation process and the neutrality of Council officers. With regard to the litter this has occurred on private premises and is unlikely to amount to a Statutory Nuisance. No site notice was displayed for this application as the Development Management Procedure Order (DMPO) requires the Local Planning Authority (LPA) to either display a site notice or by serving notice on any adjoining land owner or occupier and allowing for a 21 day response period. In this case the latter consultation procedure was undertaken and 21 days given. There is no requirement for the LPA to re-consult with these adjoining land owners/occupiers or any person who has an interest in the application once additional information is received. In this case, due to the level of local concern, it was decided to contact interested parties to inform them of the additional information. With regard to the neutrality of Council officers, the application is being determined in public by the Planning Committee.
- 6.16 In light of the above assessment, I conclude that the proposal is acceptable in light of the requirements of the NPPF in terms of the principle of the proposed development given its location within the urban confines. It also accords with policy CP1 of the TMBCS and policies SQ1 and SQ8 of the MDE DPD. As such, the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter Fm Applicant dated 16.01.2015, Certificate B dated 27.11.2014, Letter Fm Applicant dated 27.11.2014, Site Plan Existing dated 27.11.2014, Location Plan dated 27.11.2014, Block Plan dated 27.11.2014, Details Of ancillary rights dated 27.11.2014, Existing Floor Plans dated 27.11.2014, subject to the following:

Conditions:

- 1 Within 1 month of the date of this permission the area shown on the submitted layout as vehicle parking space shall be provided. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking.

- 2 No customers or patrons may be collected from the application site at any time.

Reason: To limit noise and disturbance to the neighbouring properties through taxis visiting the site in the interests of residential amenity.

- 3 The use hereby approved shall be carried out strictly in accordance with the operational statement received 16th January 2015 and shall not be varied without the prior written consent of the Local Planning Authority.

Reason: To limit noise and disturbance to the neighbouring properties through taxis visiting the site in the interests of residential amenity.

- 4 The premises/site shall be used for either an office (B1) use or a taxi office (Sui Generis) use and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order.

Reason: In order to preserve the amenity of the locality.

- 5 Taxis shall not be operated from the premises outside the hours of 0700-23:59 Monday- Friday 00:00- 23:59 Saturday and 00:00- 23:59 on Sundays and Bank and Public Holidays.

Reason: In the interests of the residential amenity of nearby dwellings.

Informatives

- 1 The applicant is advised that when taxis visit the taxi office outside of the hours of 0900-1700 they park in the car park to the south of the office rather than parking on the public highway which would cause noise and disturbance to local residents.
- 2 The applicant is requested to ensure staff act in an appropriately neighbourly manner at all times.

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