

## REPORT SUMMARY

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| <b>REFERENCE NO - 17/503615/FULL</b>  |  |  |
| <b>APPLICATION PROPOSAL</b><br>Change of use from a tattoo studio to a 24 hour private hire minicab firm.   |  |  |
| <b>ADDRESS - 27 Pudding Lane Maidstone Kent ME14 1PA</b>  |  |  |
| <b>RECOMMENDATION - APPROVE</b>   |  |  |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION</b><br>- It is considered that the proposal would not have an adverse impact upon the residential amenity of local residents or have a detrimental impact upon highway safety; and it is considered acceptable in terms of all other material considerations such as are relevant. |  |  |
| <b>REASON FOR REFERRAL TO COMMITTEE</b><br>- It is a departure from the Local Plan  |  |  |
| <b>WARD</b> High Street   | <b>PARISH COUNCIL – N/A</b>              | <b>APPLICANT</b> Sapphire Cars             |
| <b>DECISION DUE DATE</b><br>03/11/17  | <b>PUBLICITY EXPIRY DATE</b><br>24/11/17 | <b>OFFICER SITE VISIT DATE</b><br>18/09/17 |
| <b>RELEVANT PLANNING HISTORY:</b>   |  |  |

- MA/08/1647 - Erection of single storey rear extension - Approved
- MA/91/1015 - Security roller shutter blind for front door - Approved
- MA/91/0313 - Erection of roller shutter blinds – Refused
- MA/84/1610 - Internally illuminated projecting sign - Refused

## MAIN REPORT

### 1.0 SITE DESCRIPTION

1.01 27 Pudding Lane is on the western side of the road and is currently occupied by a tattoo parlour. To clarify, the first floor area extends over the neighbouring commercial premises. For the purposes of the Maidstone Borough Local Plan (2017), the proposal site is within a Secondary Retail Frontage area. The proposal site also falls within Maidstone Centre Conservation Area and an Area of Archaeological Potential. There are residential properties in Pudding Lane, including apartments at 31-33 Pudding Lane, to the north of the site; at 'Star House', which is across the road; and there are flats on the corner of Pudding Lane and Medway Street, some 35m to the south of the site.

### 2.0 PROPOSAL

2.01 This proposal is for the change of use of the premises to a 24hr private hire minicab firm. The business operation is currently working out from an office in Medway Street and it is intend to move to these premises and operate in the same way. In summary:

- It is 24hrs (as it is currently on Medway Street);
- Downstairs area would be used for customer waiting room with controllers issuing journeys to Maidstone Borough Council licensed drivers to pick up from office and take to their address;
- Upstairs area would be used as offices and staff room for company staff only;
- For security and public order there will be security on entrance door during very busy times; and it is intended to have up to 16 CCTV cameras;
- Site has 2 parking bays at rear, used for vehicles that are at office waiting for customers;
- Vehicles are booked by phone, mobile app, and email as well as customers coming to office;
- Pick-up would be from the road.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2017): SP4, SP18, DM1, DM4, DM23, DM28
- National Planning Policy Framework
- National Planning Practice Guidance

### **4.0 LOCAL REPRESENTATIONS**

4.01 **Local Residents:** 2 representations sent raising concerns over noise/disturbance.

### **5.0 CONSULTATIONS**

5.01 **KCC Highways:** Raise no objection.

5.02 **Environmental Protection Team:** Raise no objection.

5.03 **Community Protection Team:** Have confirmed that no noise complaints about current operation of taxi firm in Medway Street have been received.

### **6.0 APPRAISAL**

#### **Main issues**

6.01 Policy DM28 of the Maidstone Borough Local Plan (2017) allows for development within a secondary frontage area where:

- *Proposal is for retail use, professional & financial services use, or café and restaurant; or*
- *Proposal is for drinking establishment or hot food takeaway provided development, either alone or cumulatively with other A4 and A5 uses in frontage, does not have adverse impact on local amenity; or*
- *Proposal is for leisure or community use which accords with policy DM33.*

*In all cases, proposals should establish or retain an 'active frontage' to the street.*

6.02 A private hire minicab firm is a sui generis use and to permit such a use here would be considered a departure from the Local Plan. The details of this planning application will now be assessed.

#### **Residential amenity**

6.03 There are residential properties within the vicinity. However, the proposal largely involves a booking office with a small number of phone operators. When customers do come to the office, there will be a waiting room inside the building, and anti-social behaviour would be dealt with by private security. There is the potential of customers to congregate outside the building, particularly at busy times (when pubs close for example), however, the Environmental Protection Team have not raised an objection to the proposal in this respect. It is also considered that the taxi pick-ups on the road would not generate significantly more levels of noise and disturbance, compared to the current situation, to adversely impact upon local residents. The proposal site is within Maidstone town centre which has an active night time economy, and local residents are already exposed to a variety of noise sources, including from nearby pubs and restaurants. Pudding Lane is also already a main thoroughfare at night. The existing mini-cab business (on Medway Street) is only some 80m away from the proposal site. The Community Protection Team has confirmed that no noise complaints have been made at these current premises, which are in a similar location, and close to residential properties. The Environmental Protection Team has also raised no objection to the proposal in terms of noise impact upon local residents.

- 6.04 Given the nature of the proposed use, it has to be in a town centre location. With the existing business also within close proximity of residential properties and not generating any form noise complaints, the proposal is considered to be acceptable on residential amenity grounds.

#### **Highway safety implications**

- 6.05 The proposal site benefits from 2 off-street parking spaces to the rear of the site. Customers would be picked up from the street if they have called into the offices, otherwise vehicles are out picking customers up from other addresses. The site is in a town centre location and no objection is raised in terms of parking provision, given the proposed use's nature. Furthermore the Highways Authority has raised no objection and so no objection is raised in terms of highway safety.

#### **Other considerations**

- 6.06 Given the nature of the proposal and that there are no external changes for consideration, no objection is raised in terms of its impact upon the setting of the Maidstone Centre Conservation Area and upon the surrounding area, or upon the Area of Archaeological Potential. The proposal will also maintain an active street frontage.

### **7.0 CONCLUSION**

- 7.01 The proposal is contrary to policy DM28 of the Maidstone Borough Local Plan, in that its use is not for a retail use (A1), a professional and financial services use (A2), a café and restaurant (A3) use, a drinking establishment (A4), or a hot food takeaway (A5). However, it is considered that the proposal would not have an adverse impact upon the residential amenity of local residents, or a detrimental impact upon highway safety. The proposal would see the retention of the property's 'active frontage' to the street, keeping an important feature of vibrant and attractive town centre streets. The proposal would be relocating an existing taxi firm already in the locality and this use is considered to be appropriate for its town centre location. The proposal is acceptable in terms of all other material considerations such as are relevant, and approval of the application is therefore recommended.

### **8.0 RECOMMENDATION - APPROVE**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Case Officer: Kathryn Altieri

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.