

## **MC/23/2618**

**Date Received:** 22 November 2023  
**Location:** 39B Bush Road, Cuxton, Rochester, Medway, ME2 1LP  
**Proposal:** Change of use from hairdressers (Class E) to office for use as a taxi company (Sui Generis).  
**Applicant** Mr Neil Goosey  
**Agent** Mr John Tomlin  
Kentec Draughting Services LTD  
10-12 High Street  
Snodland  
ME6 5DF  
**Ward:** Cuxton  
**Case Officer:** Arron Nicholls  
**Contact Number:** 01634 333184

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 13<sup>th</sup> March 2024.**

### **Recommendation – Approval with Conditions**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
Received 22 November 2023:  
7614-P-01 Existing and proposed plans  
Received 18 January 2024:  
7614-P-02 Parking layout

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The use hereby permitted shall only operate between the hours of  
Monday to Thursday 07:00 to 23:30  
Friday and Saturday 07:00 to 01:00  
Sundays and Bank Holidays 08:00 to 22:00

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 The office use shall be operated as a taxi office for pre booked taxis only, and at no point shall the office be used by members of the public for the purpose of walk-in bookings or as a waiting room for pre booked taxis.

Reason: In the interests of amenity protection in accordance with Policy BNE2 of the Medway Local Plan 2003 and paragraph 135 of the National Planning Policy Framework 2023.

- 5 The office use shall be used for the booking of taxis only, at no point should the premises be used as a waiting room or office by taxi drivers employed in association to the office use.

Reason: In the interests of amenity protection in accordance with Policy BNE2 of the Medway Local Plan 2003 and paragraph 135 of the National Planning Policy Framework 2023.

**For the reasons for this recommendation for Approval please see Planning Appraisal Section and Conclusions at the end of this report.**

### **Proposal**

This application seeks a planning permission for the change of use from hairdressers (Class E) to office for use as a taxi company (Sui Generis).

The proposed layout includes:

- Ground floor: taxi office, office two, kitchen, bathroom and store.

### **Relevant Planning History**

No relevant planning history.

### **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

**Four** letters of representation have been received citing concerns in relation to.

- Increase in vehicular movement.
- Limited parking in the surrounding area.
- Noise from the proposed use impacting on neighbouring properties amenity.
- Unsociable hours.

**Cuxton Parish Council** have objected on the following grounds:

Increased vehicle movements / lack of parking, noise disturbance and impact upon the amenity of neighbouring residents.

### **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework December 2023 (NPPF) and are considered to conform.

### **Planning Appraisal**

#### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is within the village boundary as defined in the proposal maps to the Local Plan and is located within a pair of shops that are identified as a village centre and covered by Policy R10 of the Local Plan. The application property is used as a barber on the ground floor and the adjacent property as a hairdressers. The upper floors are in use as separate flats. The rear area, with access off May Street, is used as a parking area for residents of the flats and employees of the 2 hairdressers. Policy R10 seeks to resist the loss of existing shopping facilities in A1, A2 and A3 use. With the Local Plan dating back to 2003, these policies were written prior to the amendments to the Use Classes Order. As of 1 September 2020, the Use Class Order has been amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The effect of this amendment is to replace Use Classes A1, A2, A3, B1 and elements of D1 and D2 with a new Use Class (Class E) (Commercial, Business and Service). The new Use Class E allows for a mix of uses to reflect changing retail requirements. The application site is currently a retail unit operating as a barber, therefore the lawful use of the application site now falls within the new Use Class E.

The NPPF supports sustainable economic growth with paragraph 85 of the NPPF outlining that decisions should help create conditions in which businesses can invest, expand and adapt. Paragraph 88 of the NPPF relates to supporting a prosperous rural economy and part c) of that policy seeks to retain and develop accessible local services such as local shops.

While the proposal would result in the loss of a unit in class E use, it would provide for sui generis use that will provide a service/facility of benefit to the village and in that respect the proposed change of use is considered appropriate in this location. It will also retain a unit in a viable use rather than laying empty.

No objection is raised in principle to this proposal, however the impact of the proposal in terms of design, its character and appearance of the street scene as well as its impact on residential amenity needs to be considered further.

### *Design*

Development Plan policy places considerable emphasis on the importance of achieving high quality buildings and places. Paragraph 131 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 135 adds that developments should add to the overall quality of the area, be visually attractive, and sympathetic to local character, including the surrounding built environment and landscape setting.

The application is not proposing any external changes to the building and will utilise the existing shopfront. The proposed change to any shopfront signage would be subject to either deemed consent or would require a separate advertisement consent application, depending on its size and illumination.

Therefore, the proposal would not cause detrimental harm to the appearance of the host dwelling or the surrounding area and would be in accordance with Policies BNE1 of the Local Plan and paragraphs 131 and 135 of the NPPF.

### *Amenity*

The impact on neighbouring properties has been considered with regard to privacy protection, loss of outlook, loss of daylight/sunlight and overshadowing, Policy BNE2 of the Local Plan and paragraph 135 of the NPPF relates to the protection of these amenities.

As there are not proposed to be any external changes to the property, it is not considered that the proposed change of use would have a detrimental impact on neighbours in terms of loss of daylight, outlook, sunlight and privacy.

With regards to noise and activity levels, there is likely to be a decrease in day-to-day activity levels in comparison to the existing use as a barbers. The applicant has confirmed that the proposed taxi office would operate with three full time office staff on site, with all bookings managed via a mobile phone application, with taxi drivers operating from their own home addresses. They have also confirmed that the office will not accept any walk-in bookings.

The proposed operating hours would be 07:00 to 23:30 Monday to Thursday, 07:00 to 01:00 Friday and Saturday and 08:00 to 20:00 on Sundays and Bank Holidays. It is considered that the proposed hours, due to the nature of the business and level of associated activity would not be considered unreasonable in a mixed-use area.

In order to regulate the impacts of the proposal on amenity it is considered appropriate to impose conditions with respect to the operating hours, the office not accepting walk ins from members of the public and a restriction preventing taxi drivers visiting the office. Subject to the recommended conditions the proposed use is not considered to

adversely impact on the amenities of adjoining occupiers and the proposal would comply with Policies BNE2 and of the Local Plan and paragraph 135 of the NPPF.

### *Highways*

Access arrangements from the highway will remain unchanged, with some parking spaces provided to the rear of the building alongside unrestricted on street parking. Highways have advised that the parking demand associated with the change of use can be absorbed by the parking allocated to the site currently, with any additional demand accommodated on-street, given the availability of on-street parking nearby. Therefore, it is not considered the proposal would result in any unacceptable impact to highway safety or highway function. As such the proposal complies with Policies and T1, T2 and T13 of the Local Plan and paragraph 115 of the NPPF.

### **Conclusions and Reasons for Approval**

The change of use to taxi office will provide a service/facility for the village and the loss of the class E use will not harm the village centre (which includes all shops within the village). The proposal will not detrimentally impact upon highway safety or the flow of traffic. Furthermore, with the imposition of recommended conditions it is considered that the proposal would not be detrimental to the amenity of neighbouring occupiers. This being the case, this application is considered to comply with the objectives Policies BNE1, BNE2, R10, T1, T2 and T13 of the Local Plan and paragraphs 85, 90, 115, 131 and 135 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received (including one from the Parish Council), expressing a view contrary to officer's recommendation.

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>