



Application Number and Registration Date	MO/2019/0157 (Detailed) 31-Jan-2019
Applicant	Magnum Cars Dorking Ltd
Case Officer	David Webb
Amendments /amplifications	
Committee Date	1 May 2019
Ward(s)	Dorking South Within 20m of Dorking North Ward
Proposal	Change of Use from Retail (Use Class A1) to Sui Generis use (Taxi office).
Site Description	186, High Street, Dorking, Surrey, RH4 1QR

RECOMMENDATION: Approve subject to conditions

Summary

The application site is located on the southern side of Dorking High Street and was formerly a pet shop. The premises have been vacant since 2016. Marketing for the unit started in 2016 after the former tenant vacated and a prospective new tenant has been found who runs a taxi business.

The tenant is seeking a change of use of the unit from A1 (retail) to Sui Generis use as a taxi office where bookings and administration for the business would take place. The taxi office would be available to take bookings from passing trade, by their website and over the phone, but no taxi would pick up patrons from outside the shop unit. If a booking is made from the premises pick-ups would take place from the taxi pick-up areas outside the White Horse Hotel, Dorking. Between 22:00 and 08:00 the applicant has stated in their draft Management Plan that the entrance would be closed for customers wanting to book taxis and a notice would be installed stating bookings can only take place online or over the phone.

The change of use of the premises would comply with guidance within the NPPF in terms of 'building a strong competitive economy' and 'bringing vitality to town centres', as well as with the Council's Economic Prosperity Strategy.

Environmental Health has considered the proposal and subject to a condition requiring the premises to be operated in accordance with a formal Management Plan (details are being finalised with the Environmental Health team) and a condition restricting patrons from booking from the premises between 22:00 and 08:00, they have no objection.

The Economic Development Team support the proposal as it would retain employment land and also bring a long-vacant unit back into use which is in accordance with the District's Economic Prosperity Strategy.

Permission is therefore recommended.

1. Development Plan

- 1.1. Built up area
- 1.2. Conservation Area

2. Relevant Planning History

No relevant history		
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3. Description of Development

- 3.1. The application site is located on the southern side of Dorking High Street and is set within a mid 20th century row of shop units which is in the designated Secondary Shopping Frontage. The premises were formerly used as a pet shop until 2016. Since then the unit has been vacant.
- 3.2. The current application seeks permission for a change of use from A1 (retail) use to Sui generis use as a taxi office.
- 3.3. No external changes are proposed to the shop front.

4. Consultations

- 4.1. Surrey Highway Authority: No objection or requirements
- 4.2. MVDC Historic Environment Officer:

'No objection. The proposal would not harm the special character or appearance of the Conservation Area.'

Informative: to remind the applicant that any associated new signs may need advert consent etc.'

- 4.3. MVDC Economic Development team:

'Economic Development support this application as the employment land is retained despite the change in use of the unit. Furthermore the application will enable a business to occupy the unit which has been vacant since 2016.'

- 4.4. Mole Valley Access Group: Commented regarding accessibility, no adverse comments or objections.

5. **Representations**

- 5.1. 12 representations were received from 15 addresses raising the following summarised concerns:

- Increased traffic / accidents

Officer comment: vehicles that park outside the proposed taxi office will be committing a highway offence as there are restrictions outside of the premises.

- Waiting cars will park in nearby streets/carparks

Officer comment: The submitted draft Management Plan states that taxis will be GPS tracked to ensure nearby cars are prioritised to a job. Parking close to the taxi office will result in them not appearing on the GPS tracker, this will discourage drivers from parking in the taxi rank.

- Crowds of people outside the shop

Officer comment: Patrons will not be able to book from the office after 10pm and no patron would be picked up from the premises. Conditions are recommended stating this.

- Take jobs from people local to Dorking/ would increase the number of taxis

Officer comment: Market forces are not a planning matter.

- Anti-social behaviour

Officer comment: Not covered under planning policy, anti-social behaviour is a policing matter.

- Taxi rank should be extended

Officer comment: Mole Valley District Council do not have jurisdiction over the District's highway network. This application is for a change of use of a ground floor premises.

- Taxi office is unnecessary

Officer comment: Market forces are not a planning consideration.

6. **Main Planning Policies**

6.1. Government Guidance

National Planning Policy Framework

Section 6: Building a strong competitive economy

Section 7: Ensuring the vitality of town centres

6.2. Mole Valley Core Strategy

CS12: Sustainable Economic Development
CS14 – Townscape, Urban Design and the Historic Environment

6.3. Mole Valley Local Plan

E1 – Existing Industrial and Commercial Land Uses
ENV22 – General Development Control Criteria

6.4. Other Documents

Dorking Town Area Action Plan – DT3 – Primary and Secondary Shopping Frontages

7. Main Planning Issues

- 7.1. The main planning issues for consideration are the principle of the development; the impact upon the Conservation Area and possible impacts on neighbouring properties.

Principle of development

- 7.2. Paragraph 80 of the National Planning Policy Framework, under ‘building a strong, competitive economy’, states:

‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.’

- 7.3. The proposal is to bring back into viable commercial use floor space which is in a sustainable location in Dorking town centre. Marketing of the unit has been ongoing since 2016 with this taxi company making the only serious offer. It is considered that this proposal would support sustainable economic growth in Dorking by a company looking to invest in the District and is therefore acceptable in policy terms.

- 7.4. Para 85 of the NPPF under section 6 ‘Ensuring the vitality of town centres’ 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. This section goes on to say that planning policies should:

‘allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability.’

- 7.5. Dorking Area Action Plan Policy DT3 states that the loss of retail floor space in the Primary Shopping Area will not be permitted. This site is within the Secondary Shopping Area in which policy DT3 encourages greater flexibility to changes of use. Whilst this policy does not specifically mention Sui generis uses, it does not preclude uses that do not fall within a specific use class.

- 7.6. Local Plan Policy E1 covers existing commercial land uses and states that the maintenance and renewal of Mole Valley’s economy will be met primarily by encouraging the re-use of suitably located land in built-up areas already in commercial use by

normally permitting development for: inter-alia, changes of use to other industrial and commercial uses or redevelopment, provided that any resulting new or intensified use can be accommodated in relation to the environmental, infrastructure and other development provision policies of the Plan. Core Strategy Policy CS12 supports this, stating that *'The sustainable growth of the District's economy will be supported through the provision of a flexible supply of land to meet the varying needs of the economic sectors.'*

- 7.7. Mole Valley's Economic Development team support the application as it proposes to bring vacant floor space back into use and would retain the land for employment purposes.
- 7.8. Overall the proposal would bring a vacant premises back into use which would take account of the local needs and wider community needs of the present and for future growth of the town. The principle of this change of use application is therefore acceptable in terms of the NPPF and Local Plan Policy E1 Core Strategy Policy CS12 and Policy DT3 of the Dorking Town Action Plan.

Impact upon neighbouring properties

- 7.9. Local Plan Policy ENV22 states the following in terms of neighbouring amenity *'does not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking or its overshadowing or overpowering effect, noise, traffic or other adverse environmental impact;'*
- 7.10. The premises would also be used for the administration of the business and where telephone calls would be received to route the company vehicles. It is proposed that this would take place during the following hours.

Monday - Friday: 06:00 until 00:00
Saturday: 06:00 until 02:00
Sundays and Bank Holidays: 06:00 until 00:00
- 7.11. The Environmental Health (EH) team were concerned that a taxi office could result in people waiting outside the premises, which is close to neighbouring residential properties. To overcome this concern EH requested a Management Plan be drafted which covers how the business will be run and how patrons would be handled at different times of the day. The Plan outlines that patrons would not be able to book taxis from the counter between 22:00 and 08:00 and will only be able to book online or via telephone. Internal signage would be installed on the rear of roller blinds (Advertisement consent is required) which will be pulled down once the counter is closed that will direct patrons to the company website and telephone number.
- 7.12. An Informative is recommended that notifies the applicant that this application is purely for the Change of Use, and does not include permission for the signage that will require separate Advertisement Consent.
- 7.13. Therefore the premises will have a limited impact on neighbouring properties after 22:00. Taxis are not able to pick up any patrons outside the premises at any time of day due to parking restrictions (white zig zag lines) on the High Street. This will lessen any disturbance to nearby neighbouring properties.
- 7.14. The applicants have advised that there would be 2no full-time and 2no part-time members of staff at the premises. The draft Management Plan states that after 22:00 there would be a member of staff organising the pick-ups and drop-off by manning the phones. This type of activity is akin to an office use albeit operating later at night. Given

the limited numbers of staff involved, it is considered that their comings and goings would not cause 'significant harm' to neighbouring amenity.

- 7.15. To conclude, subject to conditions relating to the opening hours for customers, and for the hours of operation for the running of the business and a condition requiring the formal submission of the Business Management Plan and its implementation, the change of use in this case is not considered to cause "*significant harm to amenities of occupiers of neighbouring properties*" and therefore is compliant with Policy ENV22 in this regard.

Impact upon the character of the Conservation Area

- 7.16. The proposal would not involve any external alterations to the building and therefore the proposal would preserve the special character of the Conservation Area; this is confirmed by Mole Valley's Historic Environment Officer (full comments above).

Conclusion

- 7.17. Overall the proposed use for the building is considered to be a suitable Town Centre use and subject to restrictions by way of planning conditions and no detrimental comments from Environmental Health and the Economic Development teams, the use is not considered to have a detrimental impact upon neighbouring properties.
- 7.18. The proposed change of use would not involve external alterations to the building and therefore the proposal would preserve the special character of the Dorking Conservation Area.

8. Recommendation

Permission be **GRANTED** subject to the following 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(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plan numbers: TLM/SRJ/02 contained within the application and no variations shall take place.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

3. The use hereby permitted shall not be open for the purpose of controlling and dispatching taxis outside the hours of 06:00 to 00:00 Mondays to Friday, 06:00 to 02:00 on Saturdays and 06:00 to 00:00 on Sundays and Bank Holidays; and shall not be open for access by the public outside the hours of: 08:00 until 22:00.

Reason: To protect the amenities of the area, and in particular the amenities of neighbouring residential properties in accordance with Mole Valley Local Plan policy ENV22.

4. Prior to commencement of operations a Business Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall be based on

The Magnum Carriages draft Management Plan submitted with this application and shall include the management and waiting of vehicles before patrons are collected along with details of how patrons are proposed to be managed in order to ensure they do not use the premises hereby permitted at any time between the hours of 22:00 and 08:00. Thereafter the approved Management Plan shall be implemented in full .

Reason: To protect the amenities of the area, and in particular the amenities of neighbouring residential properties in accordance with Mole Valley Local Plan policy ENV22.

Informatives

1. This permission does not purport to grant consent to the advertisement indicated in the submitted Management Plan accompanying the application and which must be the subject of a separate application for Advertisement Consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.