

- 5 Within one month of the date of this decision, a scheme detailing refuse provision for patrons to be provided within the site, shall be submitted to and approved in writing. The scheme shall be carried out in accordance with the agreed details within one month of approval of the scheme and thereafter maintained.

GROUND:

In the interest of visual amenity in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

- 6 Within one month of the date of this decision a scheme for the provision of a Closed Circuit Television System shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the position of cameras and their coverage. The scheme shall be carried out in accordance with the agreed details within one month of approval of the scheme and shall thereafter maintained.

GROUND:

In accordance with Policy D1 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The application site is located on the north eastern side of Harbour Street, Ramsgate. The building subject of this application is contained over four levels. The entrance to the existing shop, Harbour Street Bazaar, and current taxi entrance is under a canopy area on the ground floor.

Harbour Street is characterised by commercial operations at ground floor including cafes/restaurant/takeaways, public houses, shops and offices and some residential units above.

The site is located within the confines of the Ramsgate Conservation Area.

RELEVANT PLANNING HISTORY

F/TH/99/1076 Change of use and conversion from storage of 1st, 2nd and 3rd floors to hotel accommodation. Withdrawn

PROPOSED DEVELOPMENT

Planning consent is sought for the part retrospective change of use of part of the premises from retail to taxi office (sui generis). The current taxi office operates from a section of the ground floor within the southern corner of the building, adjoining the passageway which leads to the rear of the site. It is understood from the applicant's agent that this use has been operating since 2012 from 10pm Thursday, Fridays and Saturday until 4am the following day.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006 (Saved Policies)

D1 - Design Principles

TC7 - Margate, Ramsgate and Broadstairs Town Centres

NOTIFICATIONS

Twenty Six letters of representation have been received. The following concerns have been raised:

- Impact upon residential amenities
- Impact on retail function and regeneration of the core town centre area
- Impact upon the Conservation Area
- Anti-social behaviour
- Wrong location for a taxi office
- Bodily fluids left in Harbour Street evident in the mornings
- Proposed hours of use incompatible with sleep
- Use resulting in emotional and physical illness of residents
- Insufficient space for stopped cars
- Increase in litter

One petition containing 32 signatures submitted by Cllr Beverly Martin. The petition objects to the proposal on the basis of anti-social behaviour, noise, rubbish and traffic problems.

CONSULTATIONS

Ramsgate Town Council: Ramsgate Town Council disagree with this application on the grounds that there is no empirical evidence that the need for taxi offices is not being met with the taxi rank in the harbour area - a currently unused, but still licensed taxi rank in the turning circle at the end of Harbour Parade and a buzzer facility in York Street.

If TDC is minded to grant planning permission, RTC insist on a full Highways Impact Statement.

Policy D1 states that new development should include measures to prevent public disorder. As the build-up of often inebriated and objectionable behaviour is associated with crowds waiting for taxis in this area, RTC insist that marshals be employed to manage the flow of customers and that the pickup point be moved away from Harbour Street to Harbour Parade or Leopold Street to prevent the build-up of crowds in an area that disturbs the sleep of residents.

Ramsgate Town Council recommends that the operational time of the office is reduced to 11.30 pm or 12 midnights to mitigate late night disturbance to residents.

Additional comments based on Planning Statement submitted by the applicant can be summarised as follows:

Concern about anti-social behaviour resulting from revellers waiting for a taxi
Concern about taxis queuing along Harbour Street
Applicant has not co-operated about on-going issues of noise and anti-social behaviour
Consider the proposal harmful to the night time economy – investors will not put money into an area where such problems exists
Office in wrong location
The current taxi office is not in compliance in design with the TDC objectives for Harbour Street as a conservation area

TDC has an overriding duty under s17 of the Crime and disorder Act 1998

Conservation Officer: No objection.

KCC Highways and Transportation: No comments

Environmental Health: I understand that Community Safety has concerns around the site and antisocial behaviour from customers using the taxi office have offered comments in this regard.

Environmental Health will not be objecting to the application as we do not believe that the office is in an inappropriate location and it serves a wider concern around the night time economy and public nuisance and the dispersal of people from the vicinity.

I would, however, suggest the following conditions are attached to any consent to mitigate potential for nuisance to dwellings above the commercial premises in Harbour Street

Recommended conditions:

- o Bins to be positioned internally and externally and have a trade waste contract
- o Adequate toilet provision for patron use
- o Lobby door and door closures to be installed at the entrance
- o Restricted hours open:
Sunday to Thursday to 1am
Friday, Saturday & Bank Holiday Sunday to 3am

I would also welcome consideration of the following matters:

- o Private hire vehicles must not wait outside unless they have a prepaid fair
- o Signage erected at the front of the office requesting customers respect the neighbours and keep noise to a minimum

Thanet Community Safety Partnership: The Harbour Street area suffers with complaints of crime and disorder, nuisance behaviour, alcohol related disorder and group congregation. Due to the layout of the property and immediately surrounding location, it is not felt to be conducive with crime prevention or allowing the easy dispersion of potentially intoxicated groups.

Furthermore, alternative nearby locations exist (Turner St offices, Hackney Carriage Rank) that serve to fulfil the safe passage of persons from the night time economy without the need for this office.

It is the view of the Community Safety Unit that to allow this planning application would add to the cumulative impact and have a negative impact upon residents of Ramsgate.

Following consultation with Kent Police, it is felt that to grant this application would be detrimental to Harbour Street and have a negative impact on residential properties in the surrounding area. There is already cumulative impact within Harbour Street and Harbour Parade due to the amount of licensed premises there (11, soon to be 12 with the opening of Wetherspoon's) and the current Harbour Street taxi office acts as a draw after closing time with queues of rowdy people forming, waiting for taxis.

This is contrary to the licensing objectives, as set out in Section 4(2)(a)-(c) Licensing Act 2003, namely the:

- o Prevention of crime and disorder
- o Public safety
- o The prevention of public nuisance

Which has been consistently submitted alongside recent new or amended applications. Whilst it is recognised that the wider impact on residents cannot directly be attributed to one business, but endemic of having a busy Night Time Economy, what can be demonstrated is the cumulative impact of a number of licensed premises and the impact the patrons of these have on residents whilst waiting a considerable time to get a taxi home, especially when there is another taxi office run by United Cars (the applicant) a mere 300 metre walk away.

This report is submitted on consideration of anticipated outcomes. Officers and members have a duty to consider the perception and impact on Thanet residents when making binding decisions such as these.

Additional comments: I wish to update you with regards to our current position.

Since receiving a number of initial complaints from residents and the wider community, we have carried out a number of multi-agency operations with partners to conduct visits and inspections in the night time economy in Harbour Parade and Harbour Street, Ramsgate. This has included additional presence in high visibility and plain clothes, outside the taxi office during a peak socialising period -Christmas and New Year.

The Community Safety Unit issued a Community Protection Notice on the 15th of September, which then prompted a meeting with the operators. Following this meeting and in light of the steps now taken and assurances delivered upon, this notice was then subsequently withdrawn due to the operators voluntarily undertaking a number of measures to better safeguard their business premises and immediate neighbouring vicinity.

The following steps have now been completed by the operators:

- * Signs have been installed asking patrons to keep quiet

- * The operators have purchased and implemented a body worn camera for the taxi marshal to wear whilst on duty
- * Footage has been regularly provided to the council and police without request on occurrence of any incident near by
- * Patrons are regularly being asked to 'move on' if not waiting for a taxi and 'keep quiet' if doing so. (This has also been observed independently by out of hours officers from the Authority on call)
- * The taxi office are now keeping an incident log and reporting any incidents to us and police as appropriate (although it is worth noting they have had little cause to do so)
- * Measures have already been taken to expand the internal waiting area to reduce any street congregation when waiting for taxis.
- * Further evidence has also now been received demonstrating alternative premises as being involved with congregating of groups

Two further actions were also discussed as longer term safety measures to assess the feasibility of implementation at a later date:

- * Installing fixed CCTV to the premises
- * Employ a security guard during peak times if required

We understand the fixed CCTV goes live next week (there was a delay due to the Christmas period) but works have been instigated.

With regards to employing a security guard, the operators were willing to finance and have taken steps to fill this post, however have struggled with recruitment. In light of the reduced complaints and effectiveness of the body worn camera, it is now no longer deemed necessary.

Whilst we still hold reservations about the citing of a taxi office, with vehicular collection points, on a narrowing road where vehicular access is restricted and patrons may be potentially under the influence of alcohol. Collecting patrons is not in contravention of any currently enforceable traffic regulations.

We feel that the operator has taken all steps asked to work jointly with the police and council and suitably safeguard the operation of his business to reduce the impact on crime and disorder.

In light of the lack of complaints, calls or incidents reported to the council and police in recent weeks, or absence of any recent incident diary sheets being returned, (there were only 2 calls recorded over the Christmas period which could not be substantiated by officers that were present in the location at that time) it can be assumed there has likely been an improvement in the area, and the CSU no longer has the justification or grounds to make a formal objection to these permissions.

We would still encourage temporary permission to be granted, alongside the conditions set out by the Environmental Health department, in case circumstances change and whilst further intervention in the locality is continued by agencies.

Kent Police: This is a change of use from a retail unit to what appears to be an extension to an existing taxi office, in order to provide larger accommodation. I am aware that this premise is at the heart of the most problematic area in the night time economy in Thanet.

Research shows that there is significant increase in activity around this location in the early hours of the morning. This in turn is increasing anti-social behaviour, crime, disorder and noise complaints. The local residents have had to endure these incidents regularly and if this application was approved then the issues that already occur could significantly increase.

The area is a hotspot that many agencies are aware of, the aim is to try to reduce all of the on-going issues. By allowing this proposed application would make this a difficult challenge.

COMMENTS

This application is reported to planning committee at the request of Councillor Hunter Stummer-Schmertzing. This is on the basis of anti-social behaviour caused late at night in an area of residential use. The main considerations relevant to the determination of this application are the acceptability in principle of change of use, impact upon Conservation Area, impact upon living conditions and crime and disorder.

Principle

A taxi business or a business for the hire of motor vehicles is specifically excluded from any Use Class of the Use Class Order 2015. Such uses are thus sui generis, with no permitted change which allows their impact to be fully assessed through a planning application.

Saved policy TC7 deals with Margate, Ramsgate and Broadstairs Town Centres. This policy states that the main aim is to adopt a stronger role in leisure, culture, heritage and tourism, as part of holistic approach regeneration. Development or change of use that supports this aim will be permitted subject to satisfactory design, access and where appropriate parking and servicing arrangements. The town centre management of public spaces and land use of the town centre management will be supported to create an attractive and vital town-centre environment.

In terms of the NPPF paragraph 23 details that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. More generally the Framework states that the purpose of planning system is to contribute to the achievement of sustainable development.

The use of the building would involve the loss of approximately 13 sqm of storage space in association with the shop. In this instance, this small loss is not considered to be so significant as to result in demonstrable harm to the nature and substance of the town centre as a whole. Use of the building as a taxi office is seen as playing a role in the night time economy of Ramsgate. Principle of use in the town centre is acceptable subject to the acceptability of the change of use is therefore dependent upon its impact upon the Conservation Area, neighbouring premises (in particular residential) and crime and anti-social behaviour.

Impact upon Conservation Area

Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any function under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

This application proposes development which could affect the conservation area.

The application seeks to secure planning approval for change of use only. No external alterations are proposed for the change of use and therefore there will be no impact in this regard. Accordingly no material harm to the designated heritage asset has been identified and having due regard to Section 72 of the Planning (Listed Building and Conservation Area) Act 1990.

If advertisements are erected and displayed these would be subject to the Adverts Regulations.

Living Conditions

At paragraph 17 of the NPPF, under the title of 'core planning principles' the government requires new development to provide 'a good standard of amenity for all existing and future occupiers of land and buildings.'

The key issue raised by objectors is the noise, disturbance, anti-social behaviour, including criminal damage to property that has been experienced.

Within the supporting statement to the application it is detailed that the additional space for the use will allow seating for up to 31 persons and standing space. In terms of operation, it is detailed that the system is operated by a single person, in control of a hand held device, which relays the customer information, along with a unique code number to the main office in Turner Street from where the booking is passed to one of the firm's fleet. When the taxi arrives, it is stated that the operative is able to identify and alert the specific customer and booking with the taxi, which ensures that the taxi driver does not have to park or wait, or attempt to identify the relevant customer. It is put forward that this limits pick-up times and limits potential for confrontation.

The area in which the application is situated is within the town centre of Ramsgate. Adjoining uses at ground floor level are commercial; however, above many of these buildings are residential flats.

In terms of noise generation, this could be generated by noise from the taxi vehicles themselves, in the form of engines idling. Given that vehicles would be stationary for a limited time whilst picking up customers this is not considered to result in material harm.

It is appreciated that noise and disturbance from the use could be generated from within the building and by patrons congregating outside the premises as a result of the change of use.

The impact of this proposal upon those in the adjacent properties is likely to be exacerbated by the fact that other night time uses are in close proximity to the site and also patrons of other establishments will be passing by the premises in the evenings/early hours, which could exacerbate any potential problems and this is reflected in the representations received. The taxi office generates night time noise in a part of Harbour Street that currently has existing uses that also generate such noise/activity. Measures suggested by the Environmental Health including door closures could be controlled by condition. It is however not considered reasonable to attach a condition relating to the provision of adequate toilet provision.

As this is a partly retrospective planning application, it is evident from representations received that there are some issues with the operation of the use in the past and currently, in terms of noise and disturbance. The Council's Environmental Health team have advised that they have no objection to the proposal, as detailed above. I concur with this view that this is a town centre location, with a mix of both commercial and residential uses (upper floor) and such a facility would be compatible within the area concentrated with late night venues, and therefore subject to conditions the impact on residential properties is acceptable.

Crime and Disorder

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. In this particular case Kent Police have fed into the consultation process as well as the Council's Community Safety Team who have been working with the applicant. Formal objections to the application have not been made by Kent Police, although areas of concern have been raised and are noted. The applicant has agreed separately with the Council's Community Safety team and the following measures have been completed by the operator:

- * Signs have been installed asking patrons to keep quiet
- * The operators have purchased and implemented a body worn camera for the taxi marshal to wear whilst on duty
- * Footage has been regularly provided to the council and police without request on occurrence of any incident near by
- * Patrons are regularly being asked to 'move on' if not waiting for a taxi and 'keep quiet' if doing so.
- * The taxi office are now keeping an incident log and reporting any incidents to us and police as appropriate
- * Measures have already been taken to expand the internal waiting area to reduce any street congregation when waiting for taxis.
- * Further evidence has also now been received demonstrating alternative premises as being involved with congregating of groups

Since the original comments of the Council's Community Safety team it has now been confirmed that the operator has been working with them to resolve issues and a number of measures have now been implemented. The Council's Community Safety team have advised that complaints, calls and incidents have reduced, with only two being logged over the Christmas period. I am of the view that this shows that the introduction of the highlighted

measures have made marked improvements to the situation, as you would expect to see a peak in incidents in the festive period, which is probably one of the busiest times of year.

From representations made by third parties it is clear that there are anti-social behaviour within the Harbour Street area, however, these cannot be solely pin pointed down to the existing taxi office, but is considered to be the cumulative impact of the taxi office, pubs/clubs and late night eating establishments. The proposed provision of a larger area for patrons to wait inside for their transport home will in effect remove some people off the street and could reduce some impacts by providing an increased waiting area. It is considered that a larger waiting area would provide a safe indoor waiting point which would lead to a reduction in people at existing congregation points. Given that the applicant has willingly entered into a dialogue with the Local Authority to improve the proposed operation it is considered prudent in this case to permit a temporary permission for a period of one year and subject to a further condition requiring the installation of CCTV up to an evidential standard. Should problems persist during this year should a further permission be sought it could be legitimately refused.

Separate provisions under different statutory regulations will also work in conjunction with any permission issued.

Other material considerations

The taxi office involves vehicles being parked near to the premises at some time, for pick-ups. The proposed operation is that vehicles visit the site as and when required, so large numbers of vehicles are not lined up. Harbour Street, which is pedestrianised, is subject to a Traffic Regulation Order which prohibits vehicles between 10am-5pm Monday-Saturday. Given the proposed operation hours this is unlikely to be in conflict with the proposal. It is acknowledged that only one vehicle could stop outside the premise at any one time but this is unlikely to result in a conflict with other vehicles as vehicles will only momentarily be stopped whilst picking up and would not be stationary for a long period of time.

The Council's Licencing Officer has confirmed that a separate licence is not required for this site as it would operate as a satellite office for the main premise in Turner Street.

Conclusion

The proposed use would bring an additional night-time use into Harbour Street. Whilst Kent Police do not object to the proposal, concerns are raised by residents, the town council and Community Safety Team. However during the course of the application discussions have taken place with Kent Police and the Council's Community Safety team and measures have been suggested to improve the current operation. Also the additional floor space proposed for customers to wait has the potential to remove people from existing congregation points and aid dispersal of people in the early hours.

Given the site's town centre location, it is considered that any noise generated is compatible with the location of the premises. No outstanding issues remain in terms of noise. The proposal is also deemed acceptable in terms of highway safety and impact upon the Conservation Area. On the basis of the above it is recommended that Members approve the

application for a temporary period of one year with safeguarding conditions being imposed including opening hours, installation of CCTV and provision of bins. The operation can then be reviewed to see if these mitigation measures are sufficient to enable no material harm to occur in terms of anti-social behaviour. Should significant concerns remain the application could be refused at this point.

Case Officer

Gill Richardson

TITLE: F/TH/16/1414

Project 24 Harbour Street RAMSGATE Kent CT11 8HA

Scale:

