

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
David Woodhouse 'A'	One office to be used as a booking office for taxis - 406A Birmingham Road, Marlbrook, Bromsgrove	RES	<b>B/2007/0866</b> 03.10.2007

**RECOMMENDATION:** that permission **GRANTED**.

Requested to be considered by Planning Committee by Councillor A. N. Blagg on 9th September 2007.

### Consultations

WCC(HP)	Consulted on 09.08.2007. No response to date.
CEHO	Consulted on 09.08.2007. No objection received on 16.08.2007, subject to a condition being implemented:- No licensed taxis or private hire vehicles shall be parked on or remain at the site in order to protect the amenities of the neighbourhood.
LP	Consulted on 09.08.2007. No response to date.
EDO	Consulted on 09.08.2007. No objection received on: 20.08.2007.
Publicity	3 letters posted on 10.08.2007 (expires on 31.08.2007). Site notice posted on 21.08.2007 (expires on 11.09.2007). 28 objections received including a petition of 17 residents from Marlgrove Court, briefly summarised as follows. Concerned about: - <ul style="list-style-type: none"> <li>- Operation of taxi rank and taxi office.</li> <li>- Noise and nuisance from taxis going to and from the site through out the day and night.</li> <li>- Pedestrian and public safety regarding access to the site.</li> <li>- People will be 'hanging' around waiting for cabs.</li> <li>- TV interference from radio signals.</li> <li>- Loss of current enjoyment to our property and for the residents of Marlgrove Court.</li> <li>- Additional noise, litter.</li> <li>- Lack of current parking provision.</li> <li>- Litter, pollution.</li> </ul>

**Officers response:** Please note that this application refers to the change of use of one room only to form an office only to take taxi bookings only. No taxis will be parked on site and the building will not be open to members of the public. It will be a phone line only.

### The site and its surroundings

The application site refers to the existing 'Abbey' vehicle rental business which is located in a designated Residential Area. To the right of the site lies a vehicle repair garage and to the left of the site lies a fairly new housing development known as Marlbrook Court.

## Proposal

The application refers to a proposed change of use for one office to be used as a booking office for taxis. The current use for vehicle rental is sui generis and the change of use of one room to take telephone calls for taxis is defined in the Land Use Gazetteer as sui generis. Within the definition of a sui generis use there is no possible change and planning permission would therefore be required. This change of use of the room only would not be visited by members of the public. The hours of operation which have been submitted though an additional supporting statement will be from 06:00 hours - midnight, 7 days per week and would be operated by one staff at any one time.

## Relevant Policies

WMSS PA1  
WCSP CTC.1, D.26, SD.3, SD4, SD.6, SD.8  
BDLP DS13, DS3, S19, TR11  
Others PPS1, PPG4, PPG13, PA1, RR3

## Relevant Planning History

B/2001/0375 Internally illuminated anodized aluminium box sign. Advertisement Consent. Granted: 11.05.2001.  
B/1997/0872 Leasing, contract hire, hire purchase and vehicle sale. Granted: 11.05.1998.  
B/1996/0250 To change the building from residential to office use. Granted: 25.06.1996.

## Notes

Policy S19 of the Bromsgrove District Local Plan states that in areas where residential uses predominate the District Council will not allow employment or other land uses which would adversely affect residential amenity whether through noise, smell, safety, traffic or health reasons.

In this instance the site is used for vehicle rental and car sales and these vehicles are located on the front of the site. There is also an existing building and it is the applicants intention to use one of the rooms as an office to take bookings only for taxis which would be located around the Bromsgrove District in their designated taxi ranks.

The current use of the site is sui generis and the proposal would involve a part change of use of the building to B1. This proposal would not involve the parking of taxis on or nearby to the site and would not be available for public access. This change of use would allow for the taking of telephone calls for the purposes of booking taxis.

It is my view therefore that the proposal would not unduly harm the amenities of neighbouring occupiers or the street scene to any greater extent than the existing use on site and neighbouring occupiers and for the following reasons, I recommend that permission be granted.

## Highways Partnership

I have consulted the Highways Partnership on this matter and await a formal response. However given the fact that this is not a proposed taxi rank and would not be used for the storage of taxis or would be accessed by member of the public for the purposes of booking taxis, I consider that the proposal would not prejudice highway safety to any greater extent than the existing use.

Planning legislation cannot stop vehicles from parking outside the application site and this could involve vehicles potentially parking on the highway or pavement. Historically there has been incidents of vehicles parking on the grass verge opposite the site but this grass verge area has now been subject to the implementation of a small wooden fence which now alleviates potential parking problems on that strip of land. However this proposal relates to a telephone facility only and there would not be taxis or members of the public visiting the site in any instance.

I note that this proposal would not stop vehicles parking on the highway where they would come and go on a regular basis as this would be incidental to the use of the highway as a public thoroughfare. However there could be the possibility of taking action under other legislation such as the Anti Social Behaviour Act 2003 if this is considered necessary.

## Conclusion

I am mindful to consider that the proposed change of use would be acceptable in principle for the reasons indicated above and for the following reasons, I recommend that permission be granted.

**RECOMMENDATION:** that permission **GRANTED**.

1. C099
2. Notwithstanding the granting of this permission, the parking and / or use of taxi vehicles will be strictly prohibited from the site at all times and will remain so in perpetuity.

## Reason

2. To safeguard the amenity of neighbouring occupiers and to ensure that the operations on site do not prejudice highway safety.

## Notes

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS PA1.

WCSP: CTC.1, D.26, SD3, SD4, SD6, SD8.

BDLP2004: DS13, DS3, S19, TR11.

Others: PPS1, PPG4, PPG13, PA1, RR3.

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It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission