

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>MR. D. WOODHOUSE 'B'</b>	Taxi booking office only - 26A New Road, Rubery	Res	<b>B/2007/1085</b> 27.11.2007

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

Requested to be considered by Planning Committee by Councillor P. M. McDonald.

#### Consultations

WCC (HP)	Consulted on: 04.10.2007. No objection received on 21.11.2007.
CEHO	Consulted on: 17.10.2007. No response received to date.
EDO	Consulted on: 17.10.2007. No objection received on 17.10.2007.
Publicity	3 letters posted on: 04.10.2007 (expire on: 25.10.2007). 35 letters of objection received. Summarised as follows - concerned about:- <ul style="list-style-type: none"> <li>Noise, pollution, litter, road and pedestrian safety, parking, congestion, additional vehicles, attracting drunk and disorderly behaviour, already enough noise from the British Legion Social Club.</li> </ul>

#### The site and its surroundings

The application site refers to the existing 'Russells' upholstery shop which is next door to the 'Dragon Tattooist' and the 'Lilliput Day Nursery' which are all located in a designated Residential Area. This site is located towards the dead-end part of the road adjacent to the main dual carriageway A38, which cannot be accessed from New Road.

#### Proposal

This application refers to a proposed taxi booking office only and the building would not be available for members of the public to gain access. There would be two staff on site answering the telephone and this service would be operating twenty four hours per day.

#### Relevant Policies

WMSS	PA1
WCSP	CTC.1, D.26, SD.3, SD.4, SD.8
BDLP	DS13, DS3, S19, TR11
Others	PPS1, PPG4, PPS13

#### Relevant Planning History

B/2000/0005	Demolition of existing rear, single storey brick store and construction of new single storey light weight store; granted 17.04.2000.
B/1991/1099	Radio control room and private office, toilet and washroom; granted 10.02.1992.

## 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.

## Background to the site

The application site is used as an upholstery shop and it is noted that a similar application to this current scheme was granted in 1992, under Plan Ref. B/1991/1099. The supporting statement submitted by the applicant stated that Roundabout Cars moved out of the premises in 1997 and the office was used for general office work. With this in mind, it should be noted that the principle of the scheme would remain the same as beforehand and that Council policy has not fundamentally changed since this period, which is something that significant weight should be attached to.

The current use of the main building is A1 and this proposal would involve a material change of use of one of the rooms to a *suis generis* use. This is not a taxi-rank and the single office would be used to take telephone bookings only, with no access for members of the public to enter the building.

Given the limited use of the site, it is considered 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, although it is acknowledged that a significant number of objections have been received which have been summarised above.

## Highway Safety

The Highways Partnership have raised no objection to this matter. 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 members of the public for the purposes of booking taxis, it is considered 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, and 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

It is considered that the proposed change of use would be acceptable in principle for the reasons indicated above. For the following reasons, it is recommended that permission be granted.

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

1. The use hereby permitted shall cease on or before the expiry of one year from the date of this consent unless otherwise agreed in writing by the Local Planning Authority.
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.

**Reasons**

1. In order to protect the amenities of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.
2. To safeguard the amenity of neighbouring occupiers and to ensure that the operations on site do not prejudice highway safety in accordance with policies DS13 and TR11 of the Bromsgrove District Local Plan.

**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, SD.3, SD.8
BDLP	DS13, DS3, S19, TR11
Others	PPS1, PPG4, PPS13, RR3

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.