

PLANNING APPLICATION NUMBER: P16/0253

Type of approval sought	Full Planning Permission
Ward	Norton
Applicant	Mr Wajid Nasser
Location:	PUBLIC CAR PARK REAR OF 1 TO 21, HEATH LANE, STOURBRIDGE, DY8 1RF
Proposal	CHANGE OF USE OF PUBLIC CONVENIENCE BUILDING TO TAXI BASE (SUI GENERIS) WITH ELEVATION CHANGES TO INCLUDE NEW WINDOWS TO THE FRONT ELEVATION
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The 63 square metres application site relates to the now vacant former public conveniences located within the western side of the Public Car Park off Heath Lane and to the rear of the premises of No's. 1 to 21 Heath Lane. The building is a relatively modern single storey building of circa 1970's construction and of facing brick construction surmounted with a pitched roof over with the ridge running from flank to flank.
2. The site is located within a mixed use commercial and residential area which forms the Oldswinford Local Centre.

PROPOSAL

3. The application seeks full planning permission for a change of use of the existing public convenience building (Use Class: Sui Generis) to a taxi base office (Use Class: Sui Generis) with elevation changes to include new windows to the front elevation of the building.
4. The planning application form states that the development would result in one full time employee whilst the opening hours are inferred as 24 hours.

HISTORY

5. Application Site

APPLICATION No.	PROPOSAL	DECISION	DATE
LA/71/105	Full planning permission for a public car park	Approved with conditions	28 January 1972
LA/72/66	Full planning permission for the erection of public conveniences for both sexes	Approved with conditions	22 May 1972
P15/1317	Full planning permission for the change of use of the existing public convenience building (Sui Generis) to A1, A2, A3 and B1 with elevational changes to include new windows and doors to front elevation	Approved with conditions	22 October 2015

6. The planning application submitted under planning reference P15/1317 has not been implemented but remains extant and therefore is a material planning consideration in the determination of this planning application.

PUBLIC CONSULTATION

7. The application was advertised by way of neighbour notification correspondence being sent to the occupiers of 30 properties within close proximity to the site and by the display of a site notice.

8. In response to the consultation exercise, correspondence has been received from 6 local occupiers raising concerns to the proposed development. The material planning considerations are summarised below;

- Parking – The area immediately fronting the property is a car park used by the clients and customers of the businesses in Oldswinford and also the local college. This facility forms a strategic part of the function of these businesses as it is used as a tool to entice clients and customers to the area. It is freely open to the public but concern is raised that taxi's may wait adjacent to the building or within the wider car park thereby impacting upon numerous spaces for customers to the area;
- Access – Concern is raised over additional traffic movements, existing pedestrian movements within the car park wider Local Centre and the access to the car park which is narrow;
- Noise Pollution – Concern is raised over noise pollution that would be caused by additional traffic created by the development which would also occur outside of typical business hours in the locality;
- Public Accessibility / Anti-Social Behaviour – Concern is raised over customers who may come to the base to request a taxi as there are no facilities at the base for the customers;
- Public Accessibility / Anti-Social Behaviour – Concern is raised that the proposal may results in the congregation of groups people hanging around in the car park late, probably late at night after a night out within the Local Centre, which may then lead to anti-social issues occurring; and
- Operation – The system proposed to be used by the taxi company is already an industry standard software system and in no way controls any of the above so is irrelevant in support of the application.

9. In addition to the above, an 8 signatory petition has been received from the occupiers of Heath Lane and Hagley Road raising concerns to the proposed development. The material planning considerations are summarised below;

- Unsociable hours disturbance caused;
- Overbearing nature of the proposal;
- Unwanted light, sound, litter, noise, fumes and parking;

- Traffic generation;
- Late night activity;
- Dangerous access
- Access and Parking;

10. Notwithstanding the above, correspondence has been received from 8 local occupiers supporting the scheme and as summarised below;

- Anti-Social Behaviour – The toilet block has been vacant for some time and subject to anti-social issues relating to vandalism and graffiti. The building is currently an eye soar and by bringing it back into use would improve natural surveillance within the car park and thereby improve safety within the area.
- Operation – The system proposed to would not affect parking as vehicles would operate remotely, an industry standard software system.

11. Following the request of the Local Planning Authority, amended plans have been requested and received detailing the following:

- A red line amendment to the application site to now include access; and
- The public reception and waiting areas being removed so that the building would be an administrative base of the taxi operation only and not open to the public.

12. Receipt of the amended plan resulted in the need for further public consultation in the form of letters being sent to the same properties located within close proximity to the site, as well as, anyone who previously registered an interest in the scheme. The final period for comment expired on 15 April 2016. A further 7 representations have been received from local residents reaffirming original concerns with material planning considerations summarised below;

- Noise Pollution – Concern is raised over noise pollution that would be caused by additional traffic created by the development which would also occur outside of typical business hours in the locality;

- Anti-Social Behaviour – Concern is raised regarding members of the public still attending the site for a taxi, which may lead to an increase in noise and anti-social behavioural issues;
- Parking – Public car parking spaces would still be occupied by taxis creating parking issues through removing off street parking serving the Local Centre;
- Access - Concern remains over additional traffic movements, existing pedestrian movements within the car park wider Local Centre and the access to the car park which is narrow;

OTHER CONSULTATION

13. Highway Engineer: No objections raised as the scheme has been amended to omit the public reception and waiting areas so that the building would be an administrative base of the taxi operation only and not open to the public. Therefore, it is acknowledged that providing the site is used as an administrative base for the taxi operation only, no significant vehicle movements would occur as a result of the development.
14. Head of Environmental Health and Trading Standards: The site, previously a public convenience, is located within a public car park in a mixed use area. To the North of the site are a number of commercial properties with residential properties backing onto the public car park from the South, South East and Western sides. The facade of the nearest residential property is situated approximately some 25 metres from the proposed development site and a number of residential properties are situated within 50 metres of the proposed development site. Between these residential properties and the proposed development site is the public car park.
15. The application for change of use of the development site to a taxi base specifies 24 hour. It is noted that the applicant states that the site would be used to receive and allocate jobs and that it is not intended to be used for the parking of taxis, rather drivers would be contacted via mobile phone or radio to attend pickups. Furthermore, the scheme has been amended to omit the public reception and waiting areas so that the building would be an administrative base of the taxi operation only and not open

to the public. Therefore, it is acknowledged that providing the site is used as an administrative base for the taxi operation only, as proposed, it should not give rise to disturbance and annoyance at nearby noise sensitive properties. However the nearest residential properties are situated within 25 metres of the proposed development site and concerns do remain about noise, particularly at night time and upon any intensification of the business, from taxis accessing and waiting / idling on the site.

16. The Head of Environmental Health and Trading Standards would; in principle, support the change of use if conditions were applied to address the above mentioned sources of noise from the commercial activity and protect residential amenity, i.e. to restrict any public access to the site and to prohibit pickups and the waiting of taxis.
17. West Midlands Police: As a base, it makes good use of the building and no objections to the scheme are raised now given the omission of public accessibility to the building. Conditions would need to be applied to deter commercial activity and protect residential amenity through noise abatement, i.e. to restrict any public access to the site and to prohibit pickups and the waiting of taxis.

RELEVANT PLANNING POLICY

National Planning Guidance (2012)

- The National Planning Policy Framework

Black Country Core Strategy (2011)

- The Vision
- Sustainability Principles
- The Spatial Objectives
- CSP4 Place Making
- TRAN2 Managing Transport Impacts of New Development
- ENV 2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality
- CEN5 District and Local Centres

Saved Unitary Development Plan (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- EP7 Noise Pollution

Supplementary Planning Documents (SPD)

- Parking Standards (2012)

ASSESSMENT

18. Key Issues

- Background
- Principle
- Design
- Neighbour Amenity
- Access and Parking

Background

19. Accompanying the planning application is a covering letter produced by the planning agent, dated 19 February 2016, which provides an overview of the proposed operation at the application site. Within this covering correspondence, it states that the purpose of the building is to act as a base for the operative who would receive bookings and allocate drivers to particular jobs. The taxi firm which would use the base only has a small number of cars as they cater for the 'luxury' end of the market.

20. The site would not be used for the parking of taxis with drivers in the building waiting for a call as the drivers would be contacted by mobile phone or radio when they are at home or on another call. Their whereabouts, to ensure efficient use of the vehicles, would be confirmed by use of a Global Positioning System (GPS).
21. Details of the electronic booking / allocation system to be used have also been submitted referencing the 'Taxi Dispatch System' which 'Intelligently dispatched jobs and locates vehicles on demand'.
22. The building would be used purely as a booking office and would be staffed 24 hours a day by no more than one member of staff at any one time. There would be an office and toilet only.

Principle

23. The site stands vacant from its former use as a public convenience. The site is therefore classed as previously developed land (pdl) as recognised in the definition set out in Annex 2 (Glossary) of the National Planning Policy Framework 'Previously developed land'. Paragraph 17 of the NPPF (indent 8) encourages the use of pdl.
24. The NPPF, Annex 2 (Glossary) includes that local centres can be considered a town centre for the purposes of the NPPF, and that main town centre uses include retail, restaurants and offices. Paragraph 24 of the NPPF sets out a sequential approach – with a first preference being that proposals for main town centre uses be located within town centres. The land uses being proposed a taxi base office (Use Class: Sui Generis) can be supported in this regard as outlined within the NPPF.
25. The application site is located within Oldswinford Local Centre whereby Black Country Core Strategy (BCCS) Policy CEN5 'District and Local Centres' applies. The supporting text to Policy CEN5 of the BCCS highlights a local centre's role in providing for day-to-day convenience shopping and local service needs, and Policy CEN5 itself gives in principle support to appropriately scaled retail, office and leisure land uses.

26. The small scale of the application building, some 63 square metres, and the land use being proposed can be supported in as it broadly complies with the aspirations of Policy CEN5 of the BCCS and the NPPF. Furthermore, in confirmation of this provision and reflecting a previous approval on this site to either Use Class A1 (Shops), Use Class A2 (Financial and Professional Services), Use Class A3 (Restaurants and Cafés) and Use Class B1a (Office) under planning reference P15/1317, the revised proposal can be viewed favourably by virtue of supporting and helping the services on offer within the Oldswinford Local Centre and is therefore considered entirely appropriate in line with the aspirations of both national and local planning policy.

Design

27. Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) of the BCCS requires that all development demonstrates a clear understanding of historic character and local distinctiveness and demonstrates how proposals make a positive contribution to place-making and environmental improvement through high quality design.
28. Saved Policies DD1 (Urban Design) and DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan seek to ensure that new development applies principles of good urban design making a positive contribution to the character and appearance of the area, ensuring that the scale, nature and intensity of use of the proposed development would be in keeping with the surrounding area and that the proposed development would not result in a detrimental effect upon highway safety.
29. The site is located within a sustainable location and would bring back into use a small scale vacant redundant building. The modular building is afforded limited architectural detailing. The proposed external alterations to the front elevation of the building relating to the building up of a recessed entrance and the insertion of 2 no. windows in the wall facing the public car park would be both modest and sympathetic to allow for the sensitive conversion of the building.

30. By virtue of the buildings 'backland' position, located within the Public Car Park serving the Local Centre, it is considered that the change of use and conversion of the building would not form a prominent or conspicuous feature to the detriment of the area and would indeed improve the wider area and general vitality and viability of the area. The associated use would also further enhance natural surveillance across the car park from users of the building.

Neighbour Amenity

31. The Head of Environmental Health and Trading Standards recognises the site is located within a residential / commercial area. To the North of the site are a number of commercial properties with residential properties backing onto the public car park from the South, South East and Western sides. The facade of the nearest residential property is situated approximately some 25 metres from the proposed development site and a number of residential properties are situated within 50 metres of the proposed development site. Between these residential properties and the proposed development site is the public car park. The development therefore, has the potential to impact upon surrounding occupiers; however, it is considered that following amendments to the scheme to omit the public reception and waiting areas so that the building would be an administrative base of the taxi operation only, over a 24 hour period, and not open to the public.
32. Therefore, it is acknowledged that providing the site is used as an administrative base for the taxi operation only, as proposed, it should not give rise to disturbance and annoyance at nearby noise sensitive properties. Notwithstanding this, the nearest residential properties are situated within 25 metres of the proposed development site and concerns do remain about noise, particularly at night time and upon any intensification of the business, from taxis accessing and waiting / idling on the site; however, this through the application of planning conditions to restrict any public access to the site and to prohibit pickups and the waiting of taxis; the above mentioned sources of noise from the commercial activity would ensure residential amenity would be protected and would thereby accord with the aspirations of Policy ENV 8 (Air Quality) of the BCCS and Saved Policies DD4 (Development in

Residential Areas) and EP7 (Noise Pollution) of the Dudley Unitary Development Plan.

Access and Parking

33. The site fronts onto a public car park serving the Local Centre. Therefore, it is considered, on balance, that there would be no adverse impact upon highway safety as a result of the development as ample off street parking is available to employees of the administration office building and the site would be accessed via the existing access arrangements serving the car park. Notwithstanding this, no objection is raised by The Group Engineer Highways. The scheme as proposed would therefore be in accordance with Policy TRAN2 (Managing Transport Impacts of New Development) of the BCCS, Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan and the Parking Standards Supplementary Planning Document.
34. Notwithstanding the above, it is inferred through public representations received that users of the premises would park within and take-up valuable car parking spaces within the public car park, which in turn provides an important community asset which in turn serves the Oldswinford Local Centre. It is stated within covering correspondence accompanying the planning application that vehicles would typically operate remotely and would not operate from out of the taxi booking office and the associated public car park. Therefore, on balance, it is considered that the proposed administration office building would not, unreasonably impact upon the operation safe operation of the public car park as no significant vehicle movements would occur as a result of the development. A view substantiated by the Highway Engineer who raises no objection to the scheme.

CONCLUSION

35. The site is located within a mixed use area and the proposed uses at the site would not be out of context within this Local Centre location. The proposed alterations would be both modest and sympathetic to the host property and the proposed development would result in a compatible use to further improve and enhance the

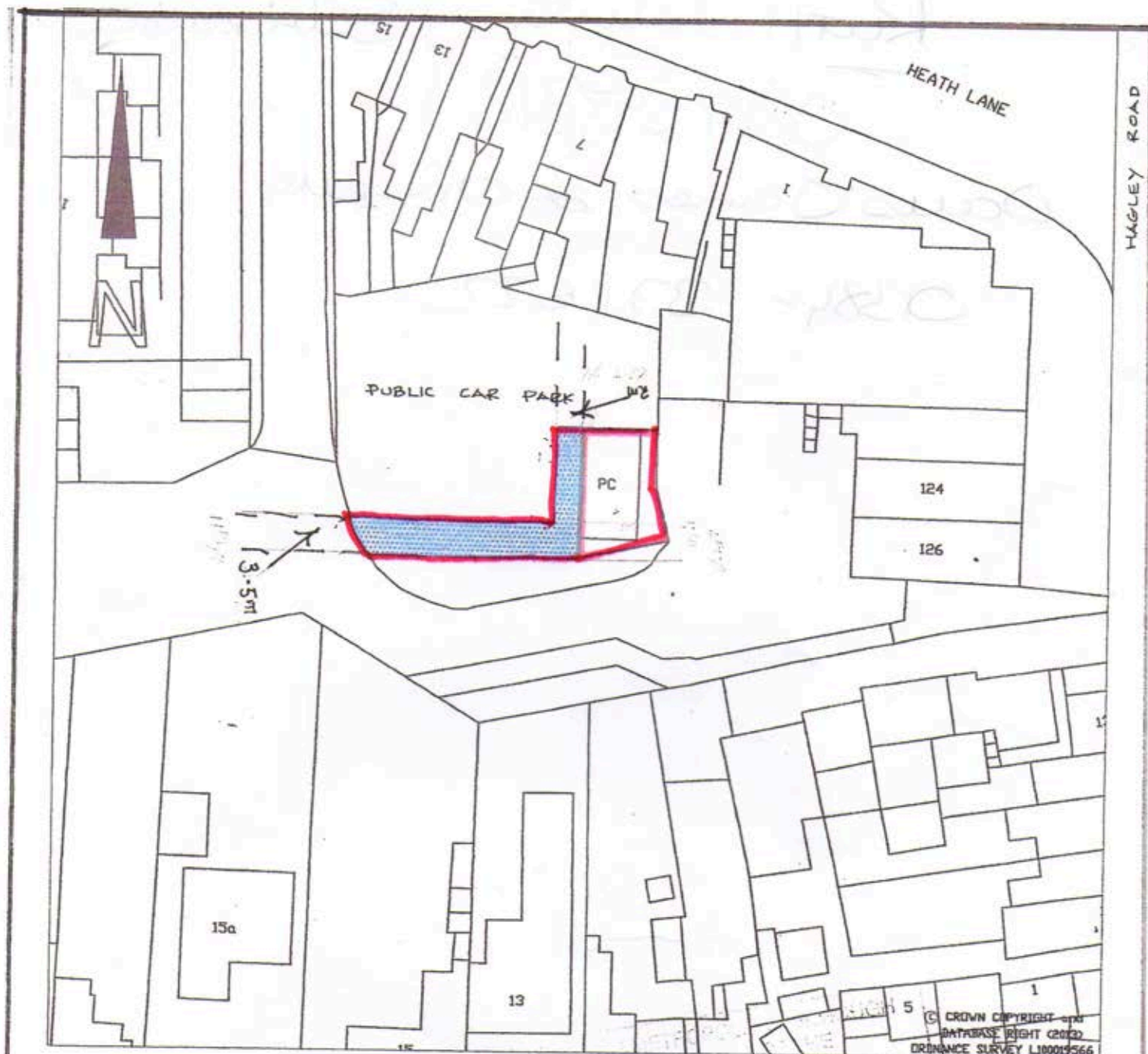
vitality and viability of the Local Centre. The development is appropriate in scale to the existing transportation infrastructure with offsite parking well served by the adjacent public car park.

RECOMMENDATION

36. It is recommended that the application be APPROVED subject to conditions.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following plans: '16:08:01 A15071272-01' and 'XVDD10305'
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
4. The taxi office hereby approved shall not at any time be open to members of the public.
5. No taxi shall pickup or drop of passengers at the development site at any time.
6. The development site shall not at any time be used as a waiting area by any taxi awaiting any bookings, collections or pickups, or awaiting the allocation of any bookings, collections or pickups.



AREA EDGED RED 70 SQ.M. APPROX
 AREA SHADED BLUE RIGHT OF ACCESS

LOCATION AND BLOCK PLAN

4 Ednam Road
 Dudley
 DY1 1HL

Dudley
 Metropolitan Borough Council

DIRECTORATE OF THE
 URBAN ENVIRONMENT

Project
 Title

PUBLIC CONVENIENCES TO THE
 REAR OF 5-7 HEATH LANE, STOURBRIDGE

Drawing No.
 XVDD10305

Drawn By
 JB

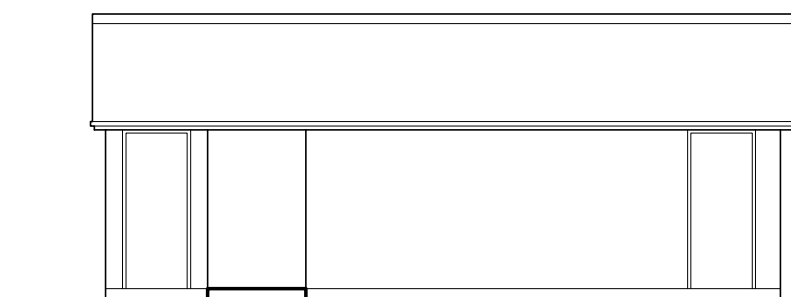
Checked By
 DJB

Revision No.

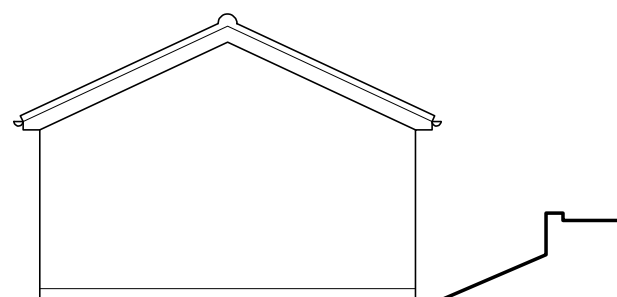
Date
 29/01/2014

Scale
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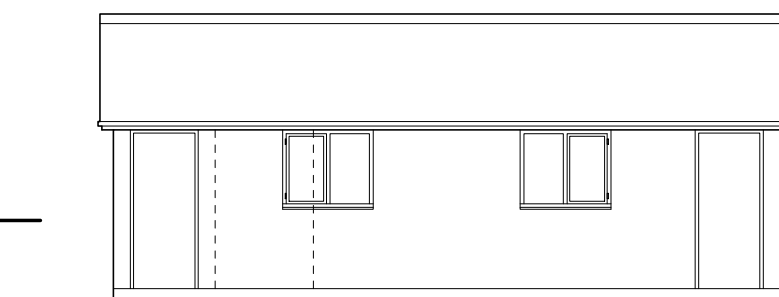
Do not scale. Figured dimensions only to be taken from drawing.
The contractor is to visit the site and be responsible
for taking & checking dimensions relative to this work.



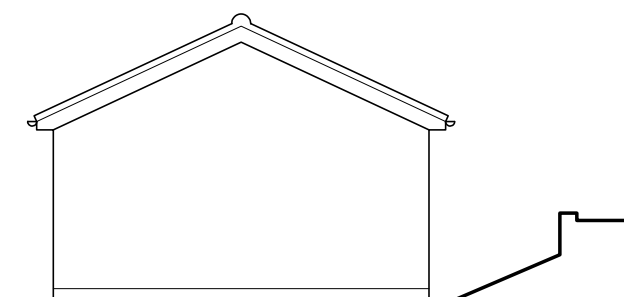
Front elevation
EXISTING



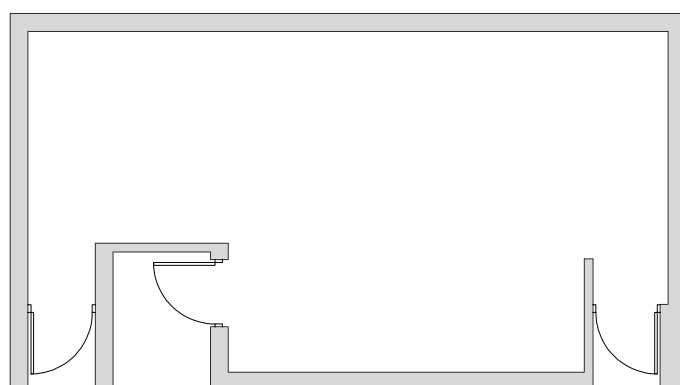
Side elevation



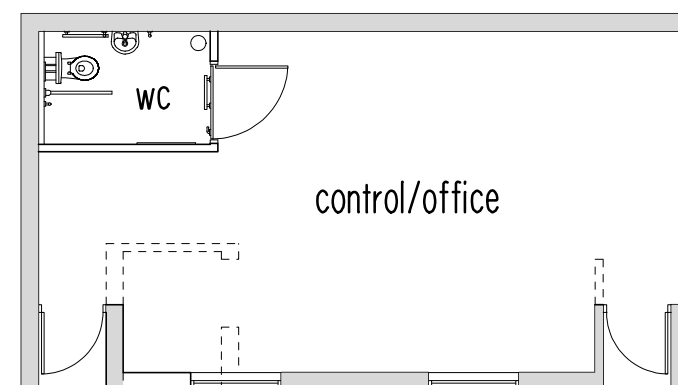
Front elevation
PROPOSED



side elevation



Floor plan
EXISTING

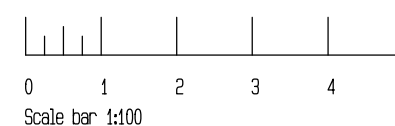


Floor plan
PROPOSED

A : 30/03/16 : Reception omitted.
Revisions:

WAJID NASEER
PROPOSED TAXI BASE
DISUSED PUBLIC TOILETS
HEATH LANE, OLDSWINFORD
EXISTING AND PROPOSED
16:08:01A

Scale 1:100 1:1250
Date February 2016



MFL Design

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