

PLANNING APPLICATION NUMBER:P09/0367

Type of approval sought	Full Planning Permission
Ward	NETHERTON WOODSIDE & ST ANDREWS
Applicant	Mr Ahmed Raza, Netherton Cars (Taxis)
Location:	156, HALESOWEN ROAD, NETHERTON, DUDLEY, WEST MIDLANDS, DY2 9PS
Proposal	CHANGE OF USE TO TAXI BOOKING OFFICE (RE-SUBMISSION OF REFUSED APPLICATION P08/1867) (RETROSPECTIVE)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is bordered by commercial/business units to the south, a haulage repair business adjoining the site to the west and the grounds of a three storey residential apartment block to the north. The site is accessed off Halesowen Road (to the east) and opposite the site is a car sales business. Either side of the car sales business are long lines of residential properties along Halesowen Road.
2. There is also a public right of way immediately bordering the southern boundary that runs from Halesowen Road to Old Level Way. The site is 400 metres from Netherton Local Centre. Prior to the taxi booking office use with ancillary parking, the application site had been a vacant yard with offices. Before the site became vacant the yard had been used for car sales.

PROPOSAL

3. This is a retrospective application for a change of use to taxi booking office and associated parking. The taxi booking office is located in an existing two storey structure on site. The parking facilities on site would comprise a total of 9no. spaces for 8no. employees over a 24 hour period.

HISTORY

4.

APPLICATION No.	PROPOSAL	DECISION	DATE
P08/1867	C.O.U. to taxi booking office (Retrospective)	Refused	10/02/09
P06/1426	C.O.U. to taxi booking office	Refused	13/05/08

5. The application P06/1426 was refused planning permission for the following reason:-

'By virtue of its nature and location of the site adjoining and in close proximity to residential dwellings the use would be likely to result in general noise and disturbance, due to the number of taxis and the 24 hour operation, in particular during the evening and at night when residents can reasonably expect ambient noise levels to be lower. It is therefore considered that the impact of the site's location, number of taxis and hours of operation would be detrimental to the amenities the occupiers of adjoining and nearby residential properties could reasonably expect to enjoy. The development is therefore contrary to Policies DD4, DD5 and EP7 of the adopted UDP (2005).'

6. The application P08/1867 was refused planning permission for the following reasons:-

1. The 1:200 site plan is inaccurate and as such an inadequate plan could have adverse consequences on the on-site vehicular parking, the public right of way and layout of the site as a whole. As such it is not possible to fully assess the impact of the development, contrary to Policies AM13 and DD6 of the adopted UDP (2005).
2. The lack of an undertaking to make a contribution towards planning obligations would result in the proposed development increasing the demand on local

facilities with no compensation or enhancement, thus resulting in harm to the wider community, and is contrary to Policy DD7 of the adopted Unitary Development Plan (2005).

PUBLIC CONSULTATION

7. Public Consultation time expired 28 April 2009.

Two letters of objection have been received stating that the issues are the same as in the previous refusal. These issues were:-

- Sited on a main road
- Adjoining and close to residential properties
- Existing traffic congestion
- Noise and disturbance
- Hours of operation
- Pollution

OTHER CONSULTATION

8. Head of Environmental Health and Trading Standards:-

‘Environmental Protection offers no objection in principle to the granting of planning permission for the proposed development. However, as this site is in the vicinity of residential properties, I would recommend that, should planning permission be granted, it is for a temporary period of twelve months. This would allow the impact of the development to be fully assessed before a permanent change of use is permitted.

A similar application for change of use was submitted in 2006 and at that time Environmental Protection recommended refusal. The application was subsequently refused. Since 2006 the site has operated as a taxi office (except for a short period following refusal of the application) and no complaints of noise nuisance have been received by Environmental Protection. It has therefore been demonstrated that, with

good management practices, it is possible to undertake the proposed use without loss of amenity to neighbouring residents.'

9. Group Manager (Development):- no objections have been received

RELEVANT PLANNING POLICY

10. Unitary Development Plan (2005)

AM13 – Public Rights of Way

AM14 – Parking

DD4 – Development in Residential Areas

DD5 – Development in Industrial Areas

DD6 – Access and Transport Infrastructure

DD7 – Planning Obligations

EP1 – Incompatible Land Uses

ASSESSMENT

11. The key issues for consideration in this application are as follows:-

- Principle
- Impact of Residential Amenity
- Access/Parking
- Planning Obligations

Principle

12. The application is retrospective as the site is already in use as a taxi base. The site as a whole is of an industrial/commercial nature whereby it would ordinarily be safeguarded for industrial employment land use under Borough-wide Policy EE3 – Existing Employment Use. This policy is seen as being more flexible in its approach towards alternative land use proposals as compared to the higher order Policies EE1

and EE2. It is however important that for both residents and employment operations that any planning decision does not create a situation where there could be conflict between users in the future.

Impact on Residential Amenity

13. As can be seen by paragraph 5, the application P06/1867 for a taxi base was refused on the grounds of residential amenity. However, in the time the taxi base has been operating without planning permission no complaints of noise nuisance have been received by the Environmental Health Division. They are therefore of the opinion it has been demonstrated that, with good management practices, it is possible to undertake the proposed use without loss of amenity to neighbouring residents.
14. As such Environmental Health offers no objection in principle. However, as the site is in the vicinity of residential properties it is recommended that should planning permission be granted, it is for a temporary period of 12 months. This would allow the impact of the development to be fully assessed before any permanent change of use would be considered.

Access/Parking

15. In respect of the previous refusal the 1:200 site plan submitted was not to scale and inaccurate. As such an inaccurate plan could have had consequences on parking, the adjoining Public Right of Way and the layout of the site as a whole. The neighbouring apartment block also was not accurately represented on the 1:200 plan and this is important in respect of assessing any impact upon this block.
16. The plan submitted in this application is to scale and accurately represents the site and the adjoining Public Right of Way. The boundaries of the site would not be changed and as such the Public Right of Way would not be affected by the taxi base use. No objections have been raised to the parking layout.

Planning Obligations

17. Due to the temporary nature of the planning permission it is considered at this stage to request a contribution towards Transport Infrastructure Improvements would be unreasonable. If however a permanent planning permission is approved at a later stage a contribution would be requested.

CONCLUSION

18. It is considered that the use is acceptable at this location and a 12 month temporary permission would not adversely affect residential amenity, and allow a reassessment in 12 months time, in accordance with adopted UDP policies.

RECOMMENDATION

19. It is recommended that the application be approved subject to:-

REASON FOR APPROVAL

It is considered that the use is acceptable at this location and a 12 month temporary permission would not adversely affect residential amenity, and allow a reassessment in 12 months time.

The decision to grant planning permission has been taken with regard to the policies and the proposals in the adopted Dudley Unitary Development Plan (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further details on the decision please see the application report.

INFORMATIVE

The development hereby permitted shall be in accordance with the 1:200 amended site plan (date stamped 27/03/09), unless otherwise agreed in writing by the Local Planning Authority.

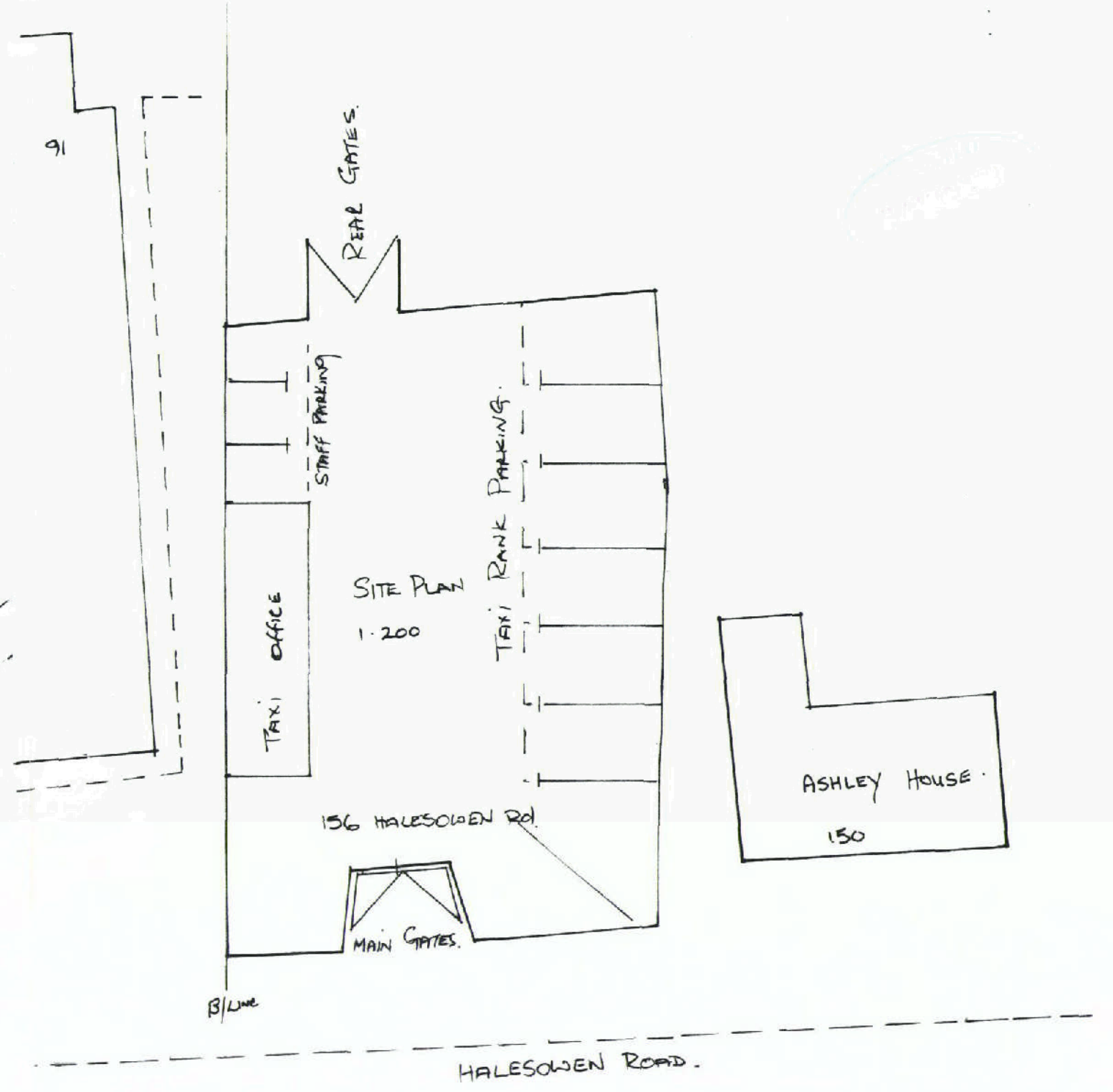
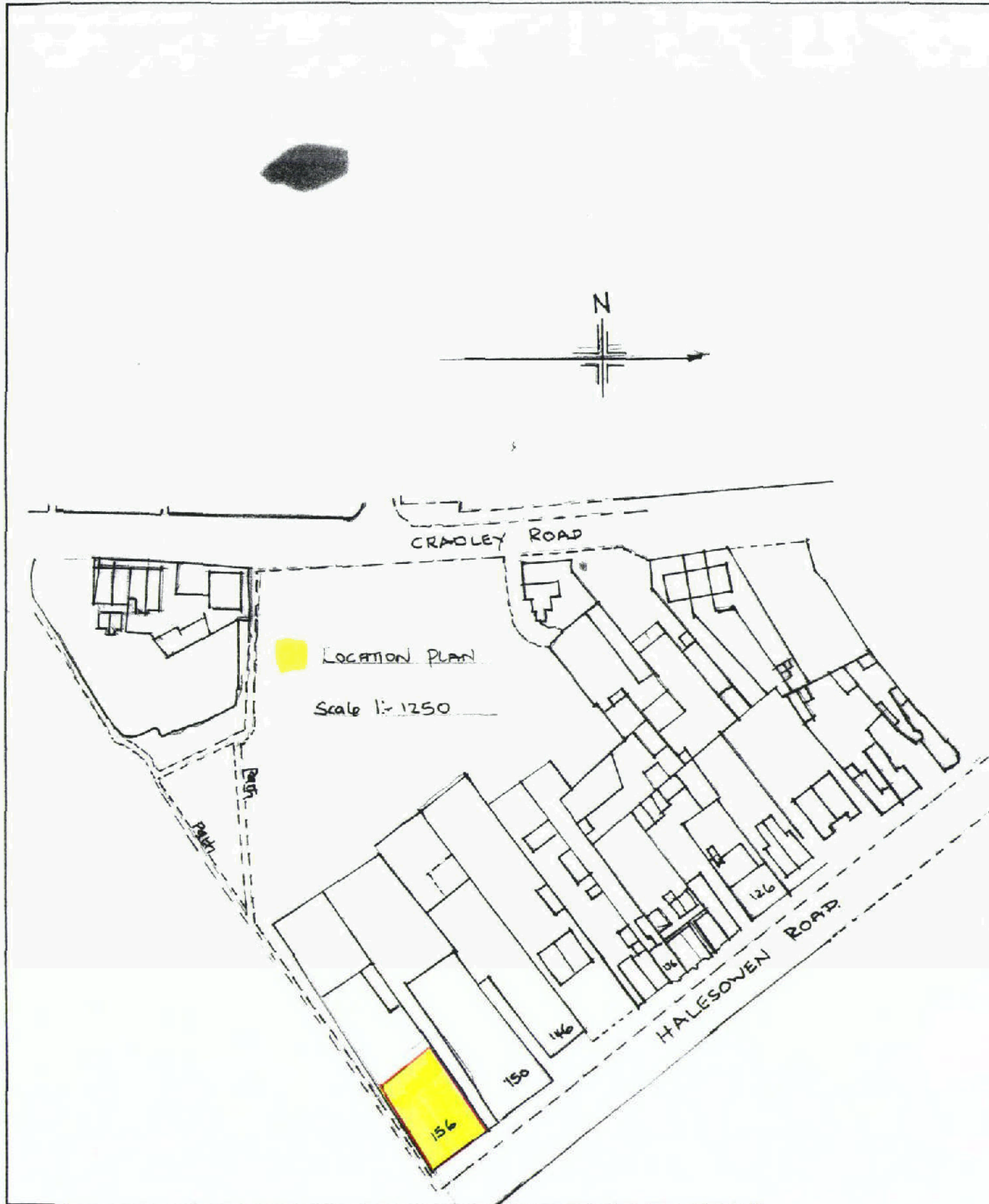
Conditions and/or reasons:

1. The use hereby permitted shall cease on or before 1 June 2010.
2. Within one month of the date of this planning permission the area shown for parking in the approved 1:200 site plan will be graded, levelled, surfaced, drained and marked out in accordance with the agreed scheme and that area shall not thereafter be used for any other purpose unless otherwise agreed in writing by the local planning authority.

P09/0367 Location Plan



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MR AHMED RAZA					
PROPOSED Change of USE TO TAXI					
BOOKING OFFICE @ 156 HALESOWEN ROAD					
No.	NETHERTON DUDLEY	DESCRIPTION DY2 9 PS.	CHK'D	APP'D	DATE
REVISIONS AMMENDED SITE PLAN					

29 0 08	1:1250
	1:200
DRAWING No	