

**Planning Committee:** 26 July 2011

**Item Number:**

**Application No:** W 11 / 0639

**Town/Parish Council:** Kenilworth  
**Case Officer:** Victoria Lane

**Registration Date:** 03/06/11

**Expiry Date:** 29/07/11

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**42 Warwick Road, Kenilworth, CV8 1HE**

Change of use from office to Taxi control office FOR Mr M Toseem Liaqat

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This application is being presented to Committee due to the number of objections received.

**SUMMARY OF REPRESENTATIONS**

**Town Council:** Members commented that given its location, they had no objection in principle to the application. However, they sought the application of a specific condition to ensure that taxis were not parked to the rear / adjacent to the premises to ensure amenity and preserve the right of way to the garages.

**Public Response:** Six letters of objection have been received from No.s 1, 3, 9, 12, 13 and 19 Randall Road with regards to the increase in traffic in the area, the potential for groups of customers waiting in the early hours of the morning outside the site, increased risk of anti social behaviour, no requirement for further taxi companies in the local area and it being an inappropriate use in a residential area. One letter from No. 21 Randall Road raised a general observation that should permission be granted it must be on the basis that it is a radio operating centre only where no taxis, drivers or customers are permitted to visit the premises at any time to maintain the residential amenity and highway safety in the area.

**RELEVANT POLICIES**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

**PLANNING HISTORY**

The site has various planning history associated with it as follows:

W/89/0704 - Change of use of ground floor into 3 retail units (2 fronting Randall Road) with upper floors as offices (B1); alterations to elevations including separate access to upper floors - Granted

W/90/0499 - Alterations to shop front at Unit 1 - Granted

W/90/0500 - Display of internally illuminated fascia sign logos and projecting box sign at Unit 1 - Granted

W/90/0673 - Display of externally illuminated fascia lettering and logos together with a projecting sign for Unit 1 - Granted

W/90/0772 - Use of premises to include the preparation and cooking of food for outside catering for Unit 2 - Granted

W/92/1036 - Change of use of ground floor to a pizza takeaway with home delivery service at Unit 2 - Refused

## **KEY ISSUES**

### **The Site and its Location**

The application site is a three storey traditional building occupying a corner plot on Warwick Road and Randall Road. The ground floor space comprises of retail units with the first and second floors operating as serviced offices managed by Citibase. The application site is for Unit 11 and has a secure entry system in place at ground floor. There is no parking available for the site, however it occupies a town centre location. The site is not within a Conservation Area and is not a Listed Building.

### **Details of the Development**

The application seeks permission for a change of use to an 24 hour taxi control office. The office measures 28 square metres.

### **Assessment**

The main issues for consideration are as follows which will be assessed in turn.

- 1) Principle of the change of use;
- 2) Increase in traffic generation and parking on the site;
- 3) Noise pollution and unsociable behaviour

#### **1. Principle of the change of use**

Unit 11 of the application site is a vacant two person office with the benefit of B1 (office) use. A taxi control office is a sui generis use and therefore requires planning permission. Policy TCP9 sets out that change of use of existing employment land and buildings will be permitted except within the Town Centre Employment Areas. I note that the site falls within the Kenilworth Town Centre Employment Area, however the change of use will still be employment based within an existing suite of serviced offices and as such is not considered to be contrary to Policy TCP9. I therefore consider the proposals to be in accordance with Policy TCP9 of the Warwick District Local Plan 1996 - 2011.

#### **2. Increase in traffic generation and parking on the site**

Six objections from local residents relate to concerns over the potential increase in traffic and parking on the site. There is limited parking available on or near the site with double yellow lines along Randall Road. I note the concerns from the local residents about the proximity of the site to the junction of Warwick Road and Randall Road and that it is a major bus route. At my site visit I witnessed people parking illegally on the double yellow lines.

The applicant has submitted written confirmation stating that no taxis will be parked on the site and that the application is solely for the taxi control office. On this basis I am satisfied that there will not be a significant increase in traffic and parking on the site, given that there is no reason for taxis to park at the site. As such, the proposals are considered to be in accordance with Policies DP7 and DP8 of the Warwick District Local Plan 1996 - 2011.

### 3. Inappropriate use in a residential area and over provision in the surrounding area

Five objections have been received relating to the increase noise and potential unsociable behaviour from customers congregating on the site, particularly late at night after consuming alcohol. The applicant has submitted written confirmation that no access will be granted to the general public. The office is accessed via a secure entry system at ground floor and the taxi control office will not be advertising the company through the provision of fascia or projecting signs, therefore there is no reason for the public to congregate in the area, particularly as taxis will not be parked in a taxi rank outside where there is no provision for one.

Given that there is no reason for the public to visit the site and all operations will be carried out via electronic communications systems, I consider the potential for noise and unsociable behaviour to be limited in relation to this use. I therefore consider the proposals to be in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996 - 2011.

### 4) Other Issues

Five objections have been received commenting on the over provision of taxi companies in the surrounding area and that it is a wholly inappropriate use in a residential area. Whilst the site is close to residential properties on Randall Road, it does fall within Kenilworth Town Centre, where employment uses are acceptable. I am of the opinion that given that the site will be solely for one or two members of staff with no taxis parking or visits from the general public due to the secure entry system, I consider the use to be acceptable in this location. No information has been submitted as to the number of local taxi companies, however, this cannot be a material planning consideration when the application relates solely to the change of use of the property with no provision of a taxi rank or public access.

The control office will be operated on a computer based system with electronic communications equipment. As such, no antenna equipment is required to be installed on the roof of the application site and the operation will be solely contained within the application site.

The applicant is applying for a 24 hour use, which given that the use would be solely contained within the secure entry serviced offices, I do not consider it will have a detrimental impact upon the residential amenity of nearby residential properties. As such, I consider the proposal to be in accordance with Policy DP2 of the Warwick District Local Plan 1996 - 2011.

One comment has been received from a resident of No. 21 Randall Road whereby the application should be approved, it should be solely for the taxi control office and that no taxis, drivers or customers should be permitted to visit the site at any time. I consider this comment to reflect the requirements of the proposal and as such to maintain the interests of residential amenity and highway safety at this busy junction, a condition would be appropriate to require the operation to be solely for the control office.

### **RECOMMENDATION**

GRANT, subject to the conditions listed below.

## **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) First Floor Plan, and specification contained therein, submitted on 16th May 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development relates solely to the taxi control office and as such no taxi, drivers or customers are permitted to visit the premises at any time **REASON :** To protect the residential amenity of nearby properties and in the interests of highway safety in accordance with Policies DP2, DP7 and DP8 of the Warwick District Local Plan 1996 - 2011.

## **INFORMATIVES**

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of residential amenity and highway safety which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

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