

# PLANNING APPLICATION NUMBER:P15/0104

Type of approval sought	Full Planning Permission
Ward	Halesowen South
Applicant	Mr Craig Parkes
Location:	<b>28-30, MOUNT STREET, HALESOWEN, B63 4NU</b>
Proposal	<b>CHANGE OF USE FROM B1 TO B2 (SERVICING/REPAIRS AND STORAGE OF CARS) (RETROSPECTIVE)</b>
Recommendation Summary:	<b>REFUSE</b>

## SITE AND SURROUNDINGS

1. The application premises consist of a two storey scale, former light industrial unit located within a street of generally terraced Victorian and Edwardian properties on Mount Street, Halesowen. The site is adjoined by terraced housing to either side and residential flats and garages to the rear. The unit is of facing brick construction and features large wooden folding doors across the greater part of the frontage, two windows serving a ground floor amenity area and small office on the first floor. The unit is surmounted by a corrugated metal pitched roof with large roof lights and measures 263sqm in total.
2. Mount Street is a narrow, one way residential street where none of the properties or premises has designated or off street parking. Currently cars are parked partway on the pavement to allow the passage of single file traffic. The application site is accessed from Mount Street immediately after a tight bend in the road which features parking restrictions, 8am – 6pm. The single yellow line restricting parking also runs along the full frontage of the application site, the frontage of which abuts the highway.

## PROPOSAL

3. The application seeks retrospective consent for a change of use from B1 (light industrial) to a B2 (general industrial) use for the purposes of servicing, repairing and storage of vehicles. The proposal involves no internal or external alterations. The previous use of the site was for a lawnmower repair shop with small trade counter and the current use has been in operation since 1<sup>st</sup> December 2014. The premises will employ 2 full-time and one part-time member of staff and the owner has stated that they undertake repairs on approximately 5 vehicles per week. The premises are stated to open 8am – 4.30pm Monday to Friday.

## HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
HB/55/618	A warehouse extension	Approved with Conditions	04/01/56
HB/51/248	Roofing over yard	Approved with Conditions	01/08/51
HB/56/475	Extension to existing warehouse	Refused	07/11/56
HB/64/899	Existing temporary warehouse and proposed office block	Approved with Conditions	15/01/65
HB/62/376	Warehouse extension	Approved with Conditions	11/08/62
HB/64/71	Use of premises as warehouse	Approved with Conditions	11/03/64
HB/63/35	Renewal of permission for roofing over yard	Approved with Conditions	12/02/63
HB/63/730	Extension to warehouse and additional office and WC	Refused	04/12/63
87/51448	Change of Use from warehouse to glass warehouse and workshop	Withdrawn	14/09/87
P06/1321	Change of use from warehouse	Approved with	18/08/06

	to repair workshop for garden machinery and lawnmowers with a small trade counter	conditions	
--	---	------------	--

## PUBLIC CONSULTATION

4. The new operation within the application site was brought to the attention of the Council when two complaints were made in early December from residents living on mount Street. The Enforcement Team investigated and advised the applicant to submit a retrospective application for the change of use.
  
5. The application was advertised by way of neighbour notification letters being sent to the occupiers of 30 properties within close proximity to the site. The final period for comment expired on 20 February 2015. In response to the consultation exercise, objections have been received from the occupiers of 7 properties in proximity to the application site. The main areas of concern raised were as follows;
  - Mount Street is a predominantly residential area and this business is adversely impacting on the daily lives of those who live there due to a severe lack of parking. Even without this business in operation, the residents of Mount Street often struggle to park near their homes due to the narrow street and the parking restrictions. The number of extra cars parked on the street which relate to this business is exacerbating the issue and some residents are parking in surrounding streets which is having a knock-on effect for other roads
  - Some owners have been asked to move their vehicles in order to allow deliveries to enter and exit the site and an increase in the number of vans and larger commercial vehicles has been noted by a number of the objectors.
  - The narrow one way street makes manoeuvring vehicles very difficult resulting in a lot of cars parking on the pavement and causes traffic to back up whilst vehicles attempt to manoeuvre in and out of the site. The cars parked on the pavement can make space too limited for pedestrians to pass safely on the pavement, especially those with pushchairs and they often have to walk up the centre of the road.

- Cars are being washed on the premises and the runoff is not being drained adequately and therefore runs out into the street and fuel spillages have been noted on the uneven footpath to the front of the premises.
- The noise from the premises, especially when pressure washing of vehicles takes place, is excessive even when the door to the premises is shut.
- There is an increase in vehicle emissions and smells from the premises due to the number of cars and vans using the premises.
- There is concern that in the future, if the business thrives, that the use will intensify further compounding the existing issues of parking and nuisance and customers bringing their cars for service may have to park on the street whilst they are waiting.

6. A petition of support signed by 17 residents was also received by the Authority, however there was no indication noted of the reasons for support.

## OTHER CONSULTATION

### Group Engineer Highways

The Group Engineer has made the following comments:

- I would advise that because of concerns regarding large manoeuvring vehicles associated with B2 uses and the narrow residential street the application raises fundamental Highway safety concerns.
- Mount Street is very narrow some 5m wide and is a residential one way street. Cars are parked onto the footway even to allow single file movement. The unit is accessed from a narrow tight bend in a residential street with parking restrictions, 8:00 am to 6:00pm
- B1 uses in the planning act are defined as “for any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit”. B1 uses such as the previous use, a lawn mower repair centre, would likely generate few service vehicles and these would be small and light vehicles.

- The historical use of the site as B1 use is noted, however, given the nature of the residential area and narrow one way street access, it is still not ideal.
- The B2 use could result in heavier and larger vehicles accessing the site which is not appropriate for the nature of the street. Manoeuvring service vehicles or vehicles being stored within the building being manoeuvred in and out of the site also raises concerns where pedestrians and cyclists may be put at risk.
- The Health and Safety Executive in its guide, Workplace Transport Safety, is clear that mixing large vehicles with members of the public is potentially hazardous and should be avoided.

#### Head of Environmental Health and Trading Standards

The Environmental Safety and Health Officer has made the following comments:

- The development site is located in a residential location and as such is not particularly suited to a B2 car servicing/repair use as nearby residents could be adversely affected by noise from operations at such a use. The application is retrospective, and it is understood that the unit has been operating as a car repair/servicing facility since December 2014, in which time this department has received one complaint from a nearby resident relating to alleged noise disturbance.
- It is considered possible that the specific use proposed can operate in this location without harm to residential amenity in terms of noise, providing appropriate noise control measures are applied and the use is restricted only to the servicing/repair of vehicles and associated ancillary operations. There is still a possibility, however, that nearby residents could be disturbed even with such control measures in place, particularly as the use has not been operational during warmer spring/summer months when residents are more likely to have windows open. It is considered in these circumstances that a temporary permission for a period of 12 months could be appropriate to ensure that the use can continue without harm to the amenities of nearby residents. A condition to restrict the B2 class use to vehicle repairs/servicing only would also ensure that there would not be scope for the site to become a more intensive industrial use in future, as this would not be acceptable at this location in terms of noise.

## RELEVANT PLANNING POLICY

### National Planning Guidance (2012)

- The National Planning Policy Framework

### Black Country Core Strategy (2011)

- CSP1 Place Making
- ENV2 Historic Character and Local Distinctiveness

### Saved Unitary Development Plan (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- EP1 Incompatible Land Uses

### Supplementary Planning Documents / Guidance

- Parking Standards Review SPD

## ASSESSMENT

7. The proposed development must be assessed firstly to ascertain whether the principle of the development is acceptable. The proposal must also be assessed with regard to its compatibility with the existing residences in the locality and character of the surrounding area, in terms of potential impact on the amenity of neighbouring uses and car parking provision.
8. The key issues are
  - Principle of Development
  - Local Character and Distinctiveness
  - Neighbour Amenity
  - Parking Provision

## Principle of Development

9. The National Planning Policy Framework revolves around the central notion of sustainable development, stating that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions. (Paragraph 8) Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas. (Paragraph 10). Sustainable development is a much broader concept than environmental protection; it implies a concern for the long-term health and maintenance of the environment and for ensuring a decent quality of life for people in the present and in the future. The NPPF recognises this within the 12 principles of planning which includes '*finding ways to enhance and improve the places in which people live their lives*'.
10. Sustainable development can be achieved in many ways including through the creative reuse of redundant land and buildings. Traditionally within Dudley and the Black Country, industry, housing and community facilities have located close to each other. This may cause problems when neighbouring uses are in conflict, such as industry located adjacent to residential and there is a general presumption that industrial operations may have to introduce mitigation measures to reduce potential adverse impacts on nearby residences.
11. Whilst it is acknowledged that No.28-30 Mount Street was a vacant building prior to its reuse as a car repair and servicing centre, it is considered that this particular B2 use is not compatible with the neighbouring residential uses and therefore it does not constitute sustainable development. Whilst the previous B1 use was for light industry which can be appropriate in residential areas under certain circumstances, B2 uses are generally associated with heavier industrial activities which often generate noise, fumes, smells and may involve larger vehicles entering and existing a site. B2 uses are most appropriately located within designated industrial and employment areas and not immediately adjacent to residential properties.

12. Saved Policy EP1 *Incompatible Land Uses* within the UDP recognises that whilst some industrial and commercial premises can exist in or immediately adjacent to residential areas, conflicts often arise as a result of problems such as noise, smell, traffic and pollution. The Policy states that *'Development will not be permitted if it would result in unacceptable harm to residential amenity/property'* and *'The Council will seek to minimise the effect of existing incompatible land uses, particularly those within residential areas'*. Given the incompatibility in terms of noise, smell and air pollution and the problematic car parking arrangements noted by the objectors, it is considered that the principle of development for a B2 use at the application site is not appropriate.

### Local Character and Distinctiveness

13. Policy CSP1 recognises the unique heritage and urban structure of the Black Country and requires all development to demonstrate a clear understanding of the historic character and local distinctiveness of the area and to show how proposals make a positive contribution to place-making. Amongst other things, it also requires;
- a. The design of spaces and buildings which will be influenced by their context, should seek to enhance the unique attributes the area
  - b. The pedestrian environment should be closely associated with active frontages at street level and an appropriate intensity of use at all times.
14. This approach is supported through Policy ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy which states that *... 'All new development should aim to protect and promote special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their setting which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality'...*
15. Policy ENV2 also states that proposals which affect areas of Victorian and Edwardian higher density development which survive with a high degree of integrity



including terraced housing and its associated amenities should ...*'sustain and reinforce'*... their special character.

16. The application site falls within the boundary of the Halesowen Area Action Plan (AAP) and is located within an Area of High Historic Townscape Value (AHHTV) characterised by mid and later 19<sup>th</sup> century housing at the margins of Halesowen's historic core. Part of the evidence base for the AAP is the Halesowen Urban Historic Landscape Characterisation (UHLC) which maps character zones, buildings, spaces and areas and notes their contribution to the character of the local historic environment. Areas of High Historic Townscape Value (AHHTV) are recognised in the Halesowen UHLC as defining discrete areas of townscape of acknowledged importance. Where new development is proposed in an AHHTV every effort must be made to ensure it consolidates or enhances the existing positive characteristics of the locality including the public realm.
17. Mount Street is located in Character Zone 9, the general settlement form of which is buildings of a two-storey scale, built in red brick with pitched roofs and normally set at the back of pavement with small front gardens enclosed by low brick walls, historically recognised as a nail-making suburb. The UHLC also maps individual buildings, ranking their contribution to local character. It is noted that the application site is ranked as having a negative contribution to local character and distinctiveness as it features poor architectural quality.
18. Policy 20 *Areas of High Historic Townscape Value* within the AAP states that the existing townscape in these areas should be conserved and enhanced and that proposals that fail to respond adequately to their townscape context or that would prejudice views into, out of or within AHHTV's will not be permitted.
19. Although it is acknowledged that the business currently in operation at the application site is not altering the external appearance of the building, the premises are recognised as significantly detracting from local distinctiveness and the current use makes no effort to enhance this nor to contribute to the unique attributes of the area. It is considered that the current use conflicts with the intentions of the

aforementioned policies, particularly Policy CSP4 as it is not an appropriate intensity of use and it has potential to conflict with the pedestrian environment.

### Residential Amenity

20. Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan seeks to ensure that development would have no *'adverse affect the character of the area or residential amenity'*. Policy DD4 also states that *'the scale, nature and intensity of the proposed development should be in keeping with the character of the area'*. This stance is reiterated by Saved Policy DD1 (Urban Design) of the Dudley Unitary Development Plan and also requires development to make a positive contribution to the character and appearance of an area and its surroundings.
21. Additionally, Policy DD4 states that upon development, *'no detrimental effect upon highway safety would result and adequate provision for the parking and manoeuvring of vehicles associated with the proposed development is made whilst preserving the character and amenity of the area'* and no harm should be caused to the residential amenity of any of the occupiers of neighbouring properties.
22. In this instance, it is considered that the use in operation at No.28-30 Mount Street would not comply with Policy DD4. The numerous objections received regarding the proposal have outlined the significant adverse effect that the use is having on residential amenity, mainly in terms of noise disturbance and parking of vehicles. As noted by the Group Engineer this use is likely to generate further traffic including larger vehicles which is not considered appropriate in a narrow residential street.
23. Whilst the Head of Environmental Health and Trading Standards concluded that a temporary permission may be appropriate and noise control measures could be implemented, he also noted that there is still a possibility, however, that nearby residents could be disturbed even with such control measures in place, particularly as the use has not been operational during warmer spring/summer months when residents are more likely to have windows open. There is also a possibility that the use could intensify thereby exacerbating any potential noise issues from the site. If a

temporary use was permitted, it may also prove more difficult in the long term if a permanent use was later refused.

24. On balance, it is considered that there would be significant demonstrable harm caused to the occupiers of nearby residences in Mount Street as a direct result of this B2 use in this location and as such, it is considered inappropriate and contrary to the policies noted above.

### Car Parking

25. The Group Engineer has noted that in accordance with the Parking Standards SPD, a maximum of 4 designated car parking spaces and a minimum of one space for a loading/service vehicle (45sqm) would be required for a B2 use of this scale. There are no designated parking spaces for the premises and given the objectors have stated that often cars being repaired are parked in the street, it is considered that this exacerbates the existing parking issues on Mount Street. This is compounded further still by the parking restrictions which reduces the availability of on street parking. Although the applicant states that the vehicles are all parked within the premises and not on the street, this is contrary to what the objectors have stated. As there is no provision for a loading/service vehicle parking space, it is considered that the car parking provision is inadequate for this use in this location.

## **CONCLUSION**

26. The site is located within a narrow, one way residential street with existing parking restrictions. Mount Street is characterised by Edwardian red brick terraced properties and the wider area is designated as an Area of High Historic Townscape Value. This particular unit is noted as presenting a negative contribution to the area in terms of architectural merit. The principle of development is considered inappropriate as a B2 use is not compatible with the surrounding residential properties, nor does the use attempt to enhance local distinctiveness. Since the business has been in operation, the Authority has received complaints about noise and the objections received relating to this application have noted the increase in vehicles including vans and

larger vehicles and the increasing difficulty to park. Parking provision for the business is considered inappropriate and the narrow residential street is an inappropriate location for turning and manoeuvring of larger vehicles thereby potentially creating risks in terms of highway safety. On balance, it is considered that this business operation would cause significant demonstrable harm to the occupiers of nearby properties and as such it is contrary to the relevant policies and guidance.

## RECOMMENDATION

27. It is recommended that the application is REFUSED for the following reasons:

Conditions and/or reasons:

1. The principle of development for a B2 use in this narrow one way residential street is not appropriate given the incompatibility of uses. This is therefore contrary to the principles of sustainable development within the NPPF and Saved Policy EP1.
2. The existing use would have a significant adverse impact on the residential amenity of the occupiers of nearby properties on Mount Street in terms of noise, smell, fumes, air pollution and lack of parking. This is contrary to Saved Policies DD1 and DD4.
3. The current B2 use makes no effort to consolidate or enhance the existing positive historic characteristics of the locality including the public realm and as such it is contrary to Policies CSP1 and ENV2.
4. There is inadequate parking provision for the current use and the parking of vehicles relating to the site on the street further exacerbates the existing parking problems. This poses a threat in terms of highway safety for pedestrians and cyclists. The B2 uses may also involve larger vehicles visiting the premises, as noted by the objections received, and there is inadequate space for the manoeuvring of these vehicles, again posing issues in terms of highway safety. This is contrary to the guidance contained in the Parking Standards SPD.

### Second Recommendation

That enforcement action is authorised to seek cessation of the unauthorised use.

SITE LOCATION PLAN  
AREA 4 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 396346, 282994



Plan No. / Name	1 / Location Plan
Date	23/1/2015
Scale	1:1250 @ A4
Proposal	Change of Use from B1 to B2 (Servicing/repair and storage of cars) <span style="float: right;">26 JAN 2015</span>
Address	28 – 30 Mount Street, Halesowen, B63 4NU
Applicant	Craig Parkes

