

PLANNING APPLICATION NUMBER:P05/2485

Type of approval sought	Full Planning Permission
Ward	
Applicant	Mr K Thornton
Location:	REAR OF, 26/28, BANNERS STREET, HALESOWEN, WEST MIDLANDS
Proposal	CHANGE OF USE FROM NAIL-MAKERS WORKSHOP TO RESIDENTIAL
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The proposed application site is land to the rear of 26/28 Banners Street. Currently sited on the plot is a former Chainmakers workshop, designated as B2-General Industrial under the current use class order.
2. Banners Street itself is a local access road open to through traffic from Banners Lane and Overend Road. It has a carriageway 5.5m in width with terraced properties either side. Local residents are dependant on on-street parking.
3. Nos. 26, 28 and the former workshop are currently all in the same ownership. Located between the two properties is an arched carriageway which this application proposes to use as the pedestrian access from Banners Street to the workshop at the rear. The former workshop is not listed, locally listed or in a Conservation Area, it is however on the Council's Historic Environment Database as HER 9045.
4. According to Council records, Nos. 26 and 28 Banners Street were erected c.1901 and it is thought that the workshop building is probably contemporary in date with the houses.

5. The building is of gable roof construction and measures 11.5m (width) x 6.5m (depth) x 4.35m (height to eaves).
6. Directly to the rear of the application site are a pair of semi-detached dwellings, the rear gardens of which back directly onto the application plot. The boundary treatment here consists of a 1.8m wooden panel fence along with a mature hedgerow measuring some 3m in height.

PROPOSAL

7. The applicant is seeking planning permission for a change in use of the Chainmakers workshop to a dwelling house.
8. The new house will maintain the original footprint of the workshop, and the main form of the building.
9. New fenestration will be introduced into the front elevation along with new door and outward opening French doors with sidelights. At the rear of the property again, the only changes will be the introduction of fenestration and a new rear door. Finally, three roof windows will be introduced, two in the front and one in the rear elevation providing light for a bathroom and bedroom.
10. Amenity provision will be provided by garden and patio space at the front of the building measuring a total of 9.35m (depth) x 10.1m (width). The garden area is bisected by the pedestrian access which consists of a footpath that extends from the arched carriageway and between the rear gardens of Numbers 26 and 28.

HISTORY

11. No relevant planning history

PUBLIC CONSULTATION

12. In total nine letters of neighbour notification have been sent. One letter of objection has been received from the residents of No. 10 Timberdine Close and can be summarised as follows:
- The roof window in the rear elevation will enable overlooking of habitable rooms and the rear garden of the property resulting in a loss of privacy.
 - The possible felling of trees on the application site would exacerbate the potential issue of overlooking and loss of privacy.

OTHER CONSULTATION

13. Traffic and Road Safety and Engineering raise objection on the grounds that the development does not provide any off-street parking provision. Will result in the displacement of vehicles onto Banners Street to the detriment of neighbouring amenity.
14. Environmental Protection – No adverse comments received.
15. Historic Environment – No objection – Recommend approval, the workshop is in a very poor state of repair and requires a sustainable new use.

RELEVANT PLANNING POLICY

16. PPG3 – Housing.
17. Policy DD1 – Urban Design.
18. Policy DD4 – Development in Residential Areas.
19. Policy EE3 – Existing Employment Uses.

20. Policy HE1 – Local Character and Distinctiveness.
21. Policy H1 – New Housing Development.
22. Policy H6 – Housing Density.
23. Policy H3 – Housing Assessment Criteria.
24. PGN3 – New Housing Development.
25. PGN6 – Highway Considerations in Development.
26. PGN14 – Car Parking Standards.

ASSESSMENT

27. Although not a listed building, the Council's Historic Environment section has expressed an interest in the workshop, primarily due to the presence of the building's original three hearths and would like to see the building restored and maintained.
28. As the building is in a very poor state of repair a new sustainable use needs to be found in order to prolong its life. It is considered that a change of use to a residential dwelling would be a suitable means of saving the workshop.
29. PPG3 – Housing recognises that the conversions of buildings formerly in other uses can provide an important source of additional housing.
30. In order to facilitate such conversions PPG3 recognises that a more flexible approach to development plan standards may be required, in particular with regard to densities, car parking, amenity space and overlooking. In light of this guidance, this report will adopt a more flexible approach, whilst ensuring that residential amenity is maintained and that the development is of a high standard of design within the urban realm.

Distance between Dwellings

31. The workshop is sited some 13m from the rear of the semi-detached properties on Timberdine Close. PGN17 states that the minimum distance between habitable room windows should be 22m.
32. The proposed layout of the new house would result in light to the upstairs bedroom being provided by two roof windows, at both the front and rear of the property. The rear window would result in a clear breach of the 22m separation distance. As highlighted, the residents of No.10 Timberdine Close have expressed concern regarding the potential issue of overlooking and loss of privacy.
33. As the bedroom has two windows, the rear window could be of obscured glazing and be fixed in place, to avoid any issue of overlooking.

Amenity Provision

34. PGN3 states that a minimum distance of 1m should be provided at the side of a dwelling to enable access to the rear of the property. Due to the historical constraints of the site and the position of the existing building this would not be achievable.
35. This lack of side access, although not ideal is considered acceptable. The area to the rear of the property is accessible by way of the properties back door and the issue of bin storage can be addressed by the creation of a suitable bin store at the front of the property, thus avoiding any loss of visual quality at the front of the property.
36. In dealing with provision of private amenity space, PGN3 states that for a detached property with a plot width greater than 4 metres then the minimum rear garden provision should be 65m². Due to constraints of the site, rear garden provision would be minimal, however front garden provision would total some 94.4m².

37. Although not acknowledged as 'private' amenity space, it is considered that the front garden space would be a satisfactory alternative. The front garden would form a boundary against the rear gardens of No's 26 and 28 Banners Lane, being sited well away from the highway and public right of way.
38. Although not ideal, the provision of private amenity space and the access to it is considered acceptable and would conform to the more flexible approach as advocated in PPG3.

Access and Parking

39. The Council's adopted car parking standards as stated in PGN3 for a one bedroom property set a minimum requirement of one off street parking space.
40. The Council's Traffic and Road Safety section expressed concern regarding the inability of the site to provide one off street parking space.
41. As the site is currently B2 – General Industrial, this could, if the site were refurbished, result in increased traffic and parking demand to accommodate activities associated with the current use, such as deliveries and staff parking, activities that at the moment there would be little control over.
42. When this is balanced against the site's inability to provide one off-street parking space it is considered that a change of use to a residential property would result in a less intensive land use, being more acceptable within a residential area.

Design

43. The Chainshop is a historic building and a valuable asset within the immediate urban fabric. As such it is considered that if any change in its

use were to be considered then the design and external appearance of the proposed development should be sympathetic, having a minimal impact on the character and aesthetics of the original building.

44. It is considered that the development would be sympathetic to the historical character of the building, with required additions to the property being only slight, with the positioning of fenestration and doors largely reflecting those of the original Chainshop. It will be necessary for further details of the windows and doors to be submitted to the Council for subsequent approval.

Townscape

45. In its current dilapidated form the Chainshop has a detrimental effect on the quality of the urban form. Its redevelopment as a residential dwelling would greatly overcome this, with the resulting property making a positive contribution to the character and appearance of the area and would be of a use more suited within a residential area.

Loss of Employment Land

46. Although not designated as Employment Land, the UDP recognises the importance of smaller employment sites as important for the maintaining of a strong employment base and as such, where practical, employment sites should be maintained.
47. The Chainshop is not considered a suitable site for employment provision. As already highlighted the building has fallen into a very poor state of repair and its continued use as B2 – General Industrial would not be considered appropriate within a residential area due to the potential increase in traffic movement and detrimental impact on neighbouring amenity that would occur.
48. The site is small in scale and has been out of productive operation for significant time. Its loss as employment land would not have any negative impact on the Borough's employment base. What should be noted is that the Council's Policy section had no observations on the proposed development.

Loss of Trees

49. The residents of No. 10 Timberdine Close expressed concerns regarding the possible loss of trees at the rear of the property which could exacerbate possible problems of overlooking.

50. It has not been disclosed by the applicant as to whether these trees are to remain or be felled. As the trees are not protected by preservation orders and fall under the ownership of the applicant, the decision to fell the trees is entirely at the discretion of the applicant and does not fall within the control of the planning system.
51. Any issue regarding overlooking and loss of privacy could be mitigated against through the use of appropriate conditions.

CONCLUSION

52. The proposed development does not accord entirely with policy guidance, however a flexible approach is advocated by PPG3 for development proposals of this nature.
53. On balance the fact that a historical building is being maintained and its use changed to one better suited for a residential area far outweighs problems concerning parking and amenity provision.
54. The proposed development is a testament to good urban design and the re-use of previously developed land in the spirit of sustainability, and should therefore be granted planning permission.

RECOMMENDATION

55. It is recommended that the proposed development be approved subject to the following 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 materials to be used on the development hereby permitted shall match in colour, form and texture those of the existing dwelling unless otherwise agreed in writing with the Local Planning Authority.
3. For the avoidance of doubt, this permission relates to drawing number A1 and A2 and shall be implemented in strict accordance with these plans unless otherwise agreed in writing with the Local Planning Authority.
4. No work involving ground disturbance or demolition shall begin until the developer has secured the implementation of a programme of archaeological work in accordance with a scheme of investigation which has first been submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details.
5. Notwithstanding the details shown on the approved drawings, the external windows and doors shall be of timber. Prior to the commencement of the development the following shall be submitted to and approved in writing by the local planning authority:-
Large scale architectural drawings, to a scale of not less than 1:5, of which windows and doors, including drawings of sections and profiles of jambs, heads, cills and glazing bars together with their relationship to masonry apertures.
Details of the finish of door and windows.
6. The external windows, doors and associated features installed in the building shall be in accordance with the approved details and shall not be replaced, except in accordance with the same approved details.
7. The roof window to be installed in the rear elevation of the development hereby approved shall be fitted with obscuring glass and be non opening. The window will remain non opening and of obscured glass throughout the life of the development.
8. Development shall not begin until details showing the siting and design of a bin storage facility at the front of the property hereby granted permission have been submitted to and approved by the local planning authority.
9. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of contaminants and permit the risk based assessment of the development site. Where the investigations identify the presence of contamination, development shall not begin until a scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
10. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane & carbon dioxide. Where

the investigations identify the presence of methane and/or carbon dioxide the development shall not begin until a scheme to protect the development from the effects of such gases has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.