

PLANNING APPLICATION NUMBER:P12/1448

Type of approval sought	Full Planning Permission
Ward	Halesowen North
Applicant	Mrs Surinder Kaur
Location:	CORNER HOUSE, 71, HALESOWEN STREET, ROWLEY REGIS, B65 0HE
Proposal	CONVERSION OF DWELLING INTO 3 NO.FLATS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site occupies a prominent location on the corner of Halesowen Street and Cocksheds Lane. There is a small convenience store on part of the ground floor with one residential unit above it which also wraps around to the rear and side of the property.
2. Vehicular access to the site is gained via an existing access off Cocksheds Lane. Pedestrian access would be via an existing gate off Halesowen Street.

PROPOSAL

3. The application is for the conversion of the single dwelling into 3 No. apartments. The existing dwelling has a lounge, kitchen and conservatory at ground floor level and 5 No. bedrooms at first floor level. The scheme comprises 1 No. two bedroom flat on the ground floor and 2 No. one bedroom flats on the first floor.
4. Vehicular access to the site would be gained via the existing access off Cocksheds Lane. A revised parking scheme has been submitted which indicates 4 No. parking spaces and removes the existing detached garage on the site.

5. There would also be a separate pedestrian access via an existing gate off Halesowen Street.

HISTORY

6. Relevant Planning History

<u>APPLICATION No.</u>	<u>PROPOSAL</u>	<u>DECISION</u>	<u>DATE</u>
87/50982	Alterations to shop front and rear single storey lounge extension	Approved	16/07/1987
88/52026	Erection of lounge and kitchen extension and detached garage	Approved	28/09/1988
90/52007	Extension to shop	Approved	09/11/1990

PUBLIC CONSULTATION

7. Nine letters have been sent to adjacent and nearby dwellings which are in close proximity to the site. A Site Notice was also put up. Two letters of objection have been received from the same address No. 70 Halesowen Street which makes the following observations:

- The entrance to the flats will be directly next door to our main bedroom which will cause noise and disturbance;
- Loss of privacy by overlooking onto the rear of the property

OTHER CONSULTATION

8. West Midlands Police - between 24/11/11 - 23/11/12 there were 13 incidents in Halesowen Street reported to the police, these included vehicle crime, burglary and anti social behaviour. From personal experience there are parking issues in Halesowen Street caused by inconsiderate customers patronising the store, this causes unnecessary problems at the traffic control lights. In summary:

- Have concerns that an increase in residents will create additional parking problems and obstruction to the highway and traffic control system
- Main entrance doors to the flats should be Secured by Design accredited

- There should be consideration in relation to lighting at the entrance to residential premises and any parking provision
9. Group Engineer – Development - The proposed amendments address the Highway Authorities issues and subject to the parking provision remaining unallocated he has no objections to the proposal.
 10. Head of Environmental Health and Trading Standards – The application site is not particularly suitable for residential dwellings in terms of noise, with the proposed flats being situated adjacent to and above a convenience store and next to a busy main road junction. However, there is existing residential accommodation above the retail unit and other residential dwellings in the vicinity (He notes also that it is permitted development for a residential dwelling above a retail unit). As such, he does not object in principle to the proposals in terms of noise. He recommends that a condition is attached to any approval to ensure residents are protected from road traffic noise.

RELEVANT PLANNING POLICY

11. National Planning Policy Framework (2012)

This sets out the planning policies for England and how they are expected to be applied. The document states that the “golden thread” running through both plan making and decision taking is a presumption in favour of sustainable development. In making decisions planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph No. 56 of the document states that good design is a key aspect of sustainable development.
12. Black Country Core Strategy (BCCS) 2011
 - DEL 1 Infrastructure Provision
 - HOU1 Delivering Sustainable Housing Growth
 - HOU2 Housing density, Type and Accessibility
13. Unitary Development Plan Policies (2005)
 - DD1 Urban Design
 - DD4 Development in Residential Areas

14. Supplementary Planning Documents

Car Parking Standards

ASSESSMENT

Key Issues

- Principle
- Residential Amenity
- Access and parking

Principle

15. The application site contains a large detached two storey building. The majority of the ground floor is taken up by a convenience store, the remainder forming part of the existing residential dwelling on the site. Above the shop and part of the ground floor residential area is the first floor element of the existing dwelling. The application is for the change of use of the dwelling into 3 No. residential flats.
16. On 1st October 2012 the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2012 came into force. Effectively this now allows up to two flats to be incorporated above a shop within the auspices of permitted development. Although this application indicates two flats that are not entirely above the ground floor shop this recent change in legislation has a bearing on the consideration of the planning merits of the case. Indeed it is not considered to be unreasonable to convert what is a large residential unit within a mixed use site into three smaller flats.

Residential Amenity

17. With the exception of the repositioning of a ground floor door for the shop there would be no changes to the external appearance of the buildings. On this basis all of the window openings already exist. The only side facing window close to the side boundary with No. 70 Halesowen Street is to an existing bathroom (which would remain as a bathroom). It would also face the side gable of the adjacent residential dwelling. It is considered therefore that there would be little potential for overlooking from this window. Two other first floor side facing windows consist of a proposed window to a shower room and another to a kitchen. Both would be angled away from

the objectors dwelling however in order to prevent overlooking towards Nos. 65 and 66 Halesowen Street the agent has agreed to a condition that these windows shall become obscure glazed. On this basis no issues of loss of privacy are envisaged.

18. The objector also raises concerns regarding noise nuisance issues which are envisaged due to the location of the existing access door to the flats which is located in the side gable of the building adjacent to No. 70 Halesowen Street. Having raised the issue with the Head of Environmental Health and Trading Standards he considers that as it would serve only three flats that it would not pose a serious threat to residential amenity and therefore could not support a refusal on this basis.
19. The plans indicate an amenity area for future residents. This is to be supported as it would provide an opportunity for residents to have some outside space.

Access and parking

20. An amended parking layout plan has been submitted which indicates four unallocated off-street parking spaces which are required in accordance with the Parking Standards Supplementary Planning. These parking spaces are of the correct dimension and there is adequate manoeuvring space. On this basis, despite concerns from West Midlands Police regarding on-street parking in the vicinity of the site, the Group Engineer, Development considers that the application can be supported.
21. The current access gates to the rear parking area off Cocksheds Lane are particularly unsightly. The agent has agreed to a condition which requires the replacement of these gates with ones which are more visually sympathetic to their environment.

CONCLUSION

22. The site currently contains a mixed use of a shop and a residential unit. The conversion of the residential unit to 3 No. flats can be supported in principle. There are not envisaged to be issues regarding loss of privacy as existing residential window openings are to be utilised and, in any event, obscure glazing is to be placed on all windows facing towards No. 70 Halesowen Street. With regard to issues of noise and disturbance, there is not considered to be such potential as to warrant a refusal. The access to the site is considered to be acceptable and there is sufficient off-street parking provided within the site. On this basis it is considered that the application is compliant with the National Planning Policy Framework, Policies DEL

1, HOU1 and HOU2 of the Black Country Core Strategy, Policy DD4 of the adopted Dudley Unitary Development Plan and Car Parking Standards Supplementary Planning Document.

RECOMMENDATION

23. It is recommended that the application is approved subject to conditions.

Reason for approval

The site currently contains a mixed use of a shop and a residential unit. The conversion of the residential unit to 3 No. flats can be supported in principle. There are not envisaged to be issues regarding loss of privacy as existing residential window openings are to be utilised and, in any event, obscure glazing is to be placed on all windows facing towards No. 70 Halesowen Street. With regard to issues of noise and disturbance, there is not considered to be such potential as to warrant a refusal. The access to the site is considered to be acceptable and there is sufficient off-street parking provided within the site. On this basis it is considered that the application is compliant with the National Planning Policy Framework, Policies DEL 1, HOU1 and HOU2 of the Black Country Core Strategy, Policy DD4 of the adopted Dudley Unitary Development Plan and Car Parking Standards Supplementary Planning Document.

The decision to grant planning permission has been taken with regard to the Saved Dudley Unitary Development Plan policies, the Adopted Black Country Core Strategy and to all relevant material considerations including Supplementary Planning Guidance.

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

Informative

This permission does not permit the formation of a balcony on the flat roof element of the building which would require separate planning approval.

Positive and Proactive Statement

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

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 existing garage on the site shall be used as a storage area in connection with the residential units only and retained as such for the lifetime of the development.
3. The flats shall not be occupied until the area shown for car parking on the approved plan numbered 1751/100A has been 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 with the local planning authority.
4. The areas indicated as communal garden shall be retained in such use for the lifetime of the development.
5. Prior to the commencement of development a scheme for the layout of the amenity areas shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling.
6. Development shall not begin until a scheme for protecting residents in the proposed dwelling from noise from road traffic on Halesowen Street and Cocksheds Lane has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwelling, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development.
7. Prior to the first occupation of the flats all first floor windows in the elevation facing towards No. 70 Halesowen Street shall have obscure glazing installed and thereafter retained for the lifetime of the development.

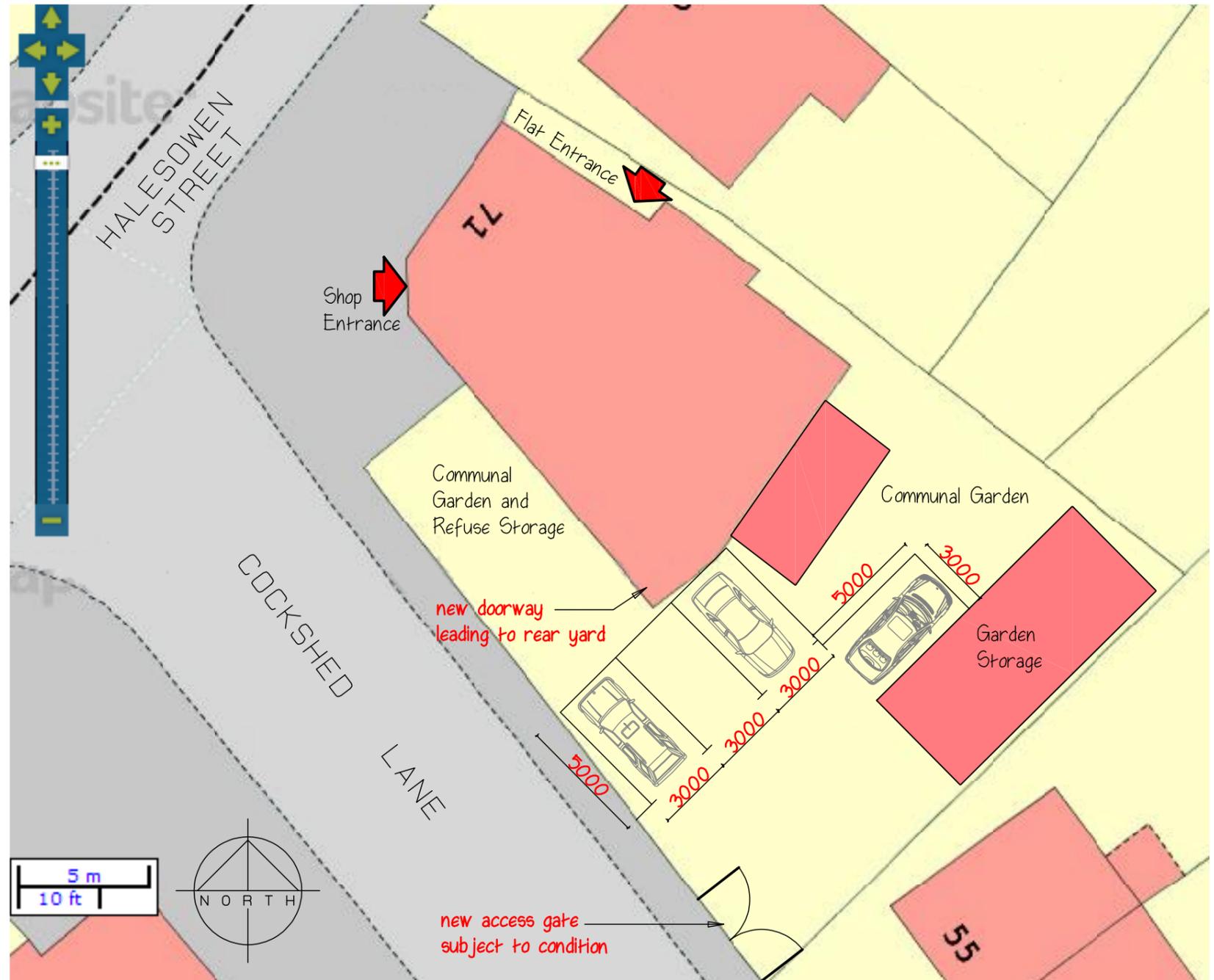
8. Prior to the commencement of development a scheme for the replacement of the access gates off Cocksheds Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling and thereafter retained for the lifetime of the development.
9. Prior to the commencement of development a scheme for the rear lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling and thereafter retained for the lifetime of the development.
10. The development hereby permitted shall be carried out in accordance with the following approved plans:
1751/100A, 1751/101, 1751/102

Proposed Change of Use from Single Dwelling to 3no. Residential Flats

Location Plan 1:1000



(Proposed Site Layout) Block Plan 1:200



Rev A (02/01/13) Parking Layout Revised & Notes added regarding Access Gate

Corner of Halesowen Street & Cockshed Lane
71 Halesowen Street Rowley Regis B65 0HN

1: 5=25cm	1: 200=10m
1: 10=50cm	1: 250=12.5m
1: 20=100cm	1: 500=25m
1: 50=25m	1:1250=62.5m
1:100=5m	1:2500=125m

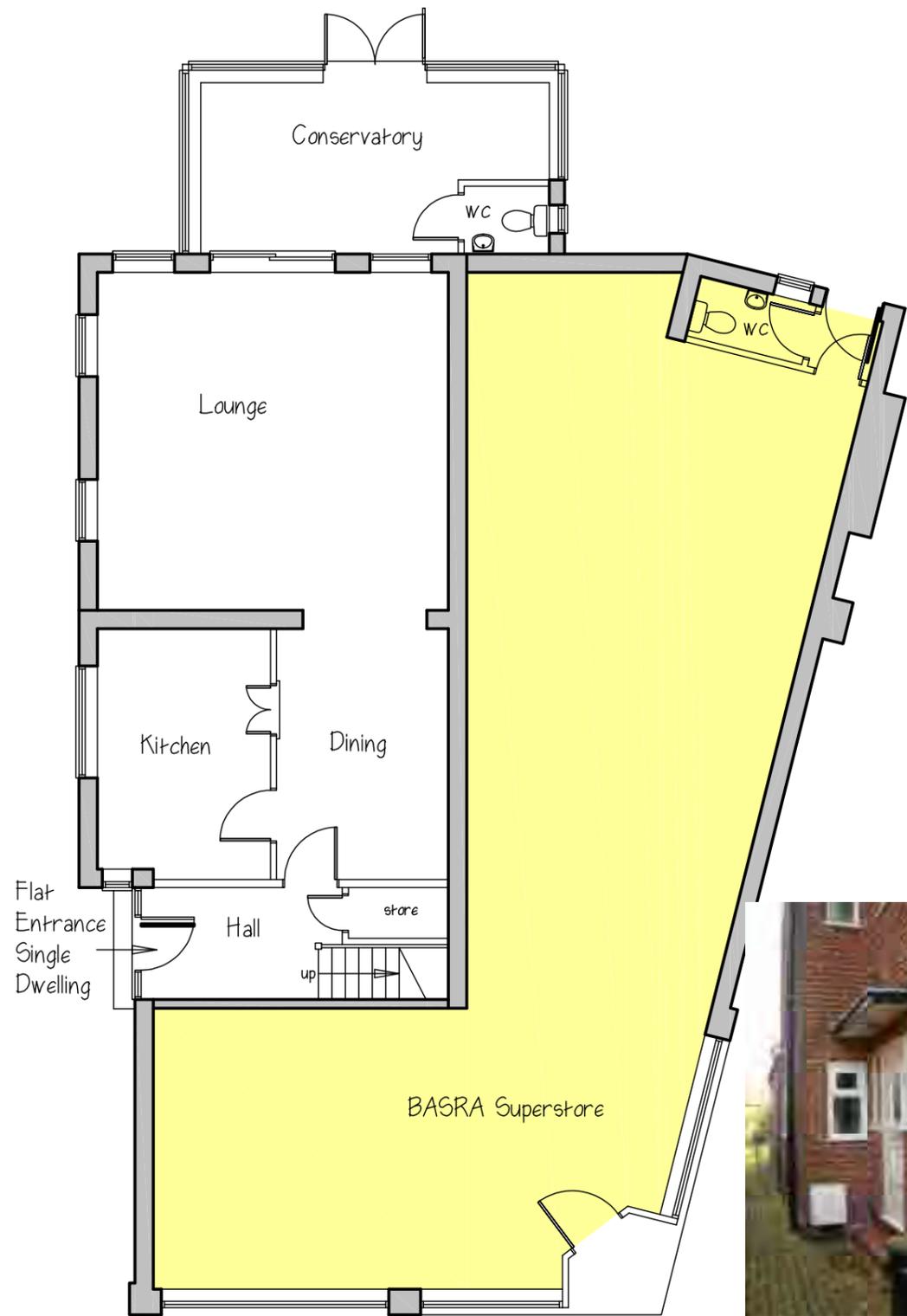
Drwg No. 1751/100A
Scale as shown (A3)
Date 10 Nov 2012

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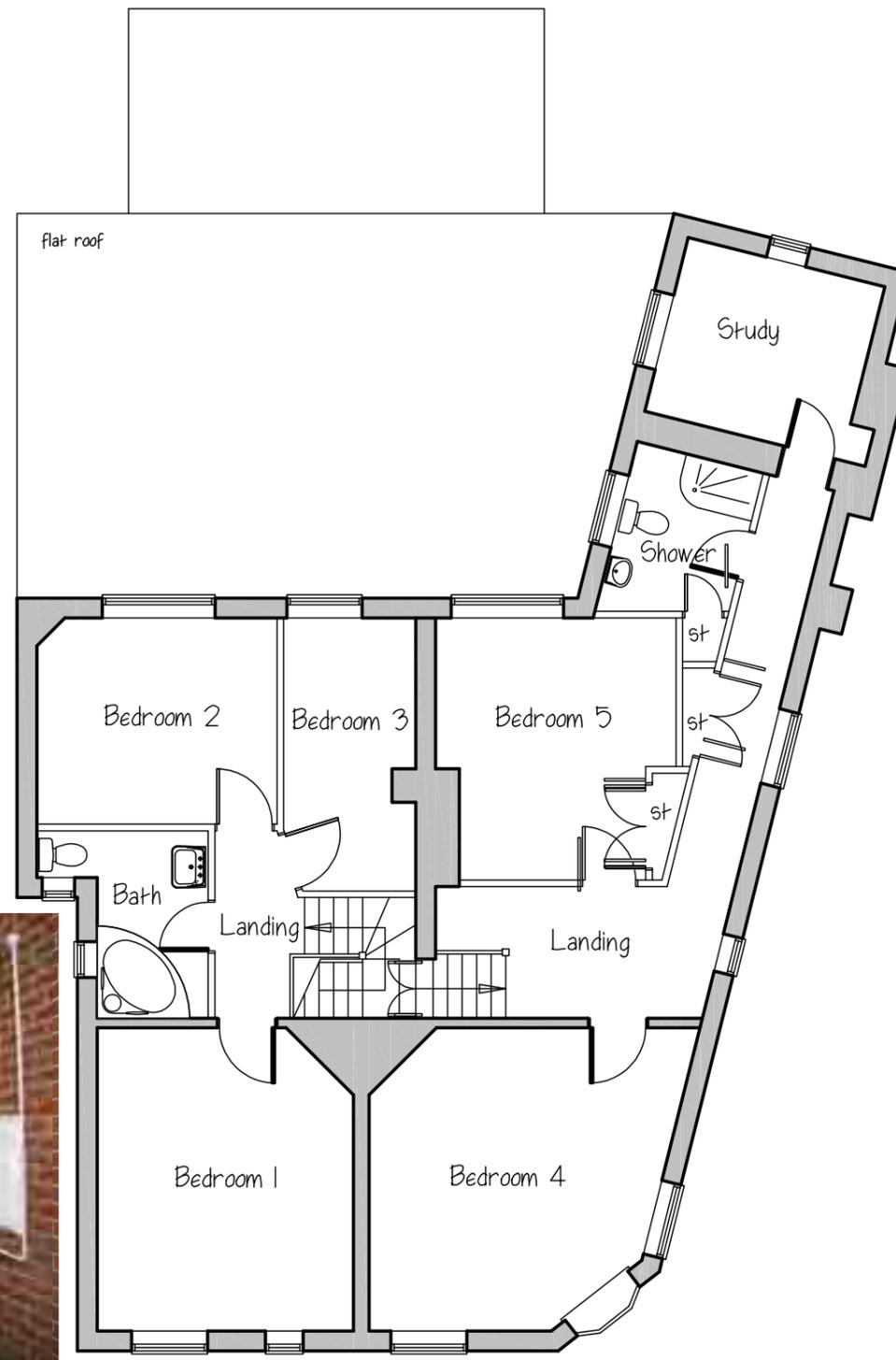
Architect
Interior Designer
Building Consultants

EXISTING

1: 5=25cm	1: 200=10m
1: 10=50cm	1: 250=12.5m
1: 20=100cm	1: 500=25m
1: 50=2.5m	1:1250=62.5m
1:100=5m	1:2500=125m



Existing Ground Floor Plan



Existing First Floor Plan



Proposed Change of Use from 1no. Dwelling to 3no. Residential Flats
71 Halesowen Street Rowley Regis B65 0HN

Drwg No. 1751/101

Scale 1:100 (A3)

Date 10 Nov 2012

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Architect
 Interior Designer
 Building Consultant

PROPOSED

1: 5=25cm	1: 200=10m
1: 10=50cm	1: 250=12.5m
1: 20=100cm	1: 500=25m
1: 50=2.5m	1:1250=62.5m
1:100=5m	1:2500=125m



Proposed Ground Floor Plan



Proposed First Floor Plan

Proposed Change of Use from 1no. Dwelling to 3no. Residential Flats
71 Halesowen Street Rowley Regis B65 0HN

Drwg No. 1751/102
 Scale 1:100 (A3)
 Date 10 Nov 2012

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