

PLANNING APPLICATION NUMBER:P09/0359

Type of approval sought	Full Planning Permission
Ward	KINGSWINFORD NORTH & WALLHEATH
Applicant	L. Morgan
Location:	19, ENVILLE ROAD, WALL HEATH, KINGSWINFORD, DY6 0JT
Proposal	CHANGE OF USE FROM SELF CONTAINED FLAT (C3) TO HAIRDRESSING SALON (A1) WITH NEW SHOP FRONT.
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site measures 67m² and comprises a ground floor flat set within a parade of shops. There is an existing front canopy and an area of hard standing to the frontage.
2. There is a first floor flat above the application site and commercial premises either side which also have flats above.
3. The site is set just inside the boundary of Wall Heath local shopping centre and the area comprises a mixture of residential and commercial premises. The area is characterised by a mixture of house types including some modern houses interspersed with rows of Victorian terraces with no off-street parking.

PROPOSAL

4. It is proposed to change the current C3 use to A1 (retail) to create a hair dressing salon. The application form indicates that the opening hours would be 09:00 to 18:00 Mondays to Fridays, 09:00 to 16:00 on Saturdays and closed all day on Sunday and Bank Holidays.
5. The proposal also incorporates some elevational alterations which would involve removing the canopy, entrance door and front window and erecting a new hardwood shop front. A ramped access would be incorporated to allow level access.

6. The application is accompanied by a Design & Access Statement.

HISTORY

7.

APPLICATION No.	PROPOSAL	DECISION	DATE
BH/63/4585	Erection of shops with flats over	Approved with Conditions	19/02/63
DB/66/708/s	Illuminated advertisement	Approved with Conditions	17/10/66
89/52494	Change of use from retail to residential	Approved with Conditions	04/01/90
90/50333	Change of use from shop to food preparation unit	Approved with Conditions	09/05/90
93/51344	Change of use from retail to residential of ground floor premises and installation of new ground floor frontage.	Approved with Conditions	14/10/93

PUBLIC CONSULTATION

8. Direct notification was carried out to sixteen surrounding properties and commercial units and five letters of objection have been received which raise the following material planning issues;

- Highway safety due to lack of parking
- Pedestrian safety as drivers often park on the footpath
- Increased volume of traffic

OTHER CONSULTATION

9. Group Engineer (Development): Whilst there would be an undersupply of parking the site is located within an accessible local centre and therefore no objection is raised to the proposed use.
10. Head of Environmental Health & Trading Standards: No objection subject to condition

RELEVANT PLANNING POLICY

- Adopted Unitary Development Plan (2005)

AM14 Parking

CR1 Hierarchy of Town Centres and Regeneration Areas

CR5 Regeneration and Development of Centres

DD4 Development in Residential Areas

DD6 Access and Infrastructure

DD7 Planning Obligations

- Supplementary Planning Document

Parking Standards and Travel Plans

Planning Obligations

- National Planning Guidance

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Guidance 13 - Transport

ASSESSMENT

11. Key Issues

- Principle
- Visual and Residential Amenity
- Highways & Parking
- Planning Obligations

Principle

12. Policy CR1 of the adopted Dudley Unitary Development plan seeks to enhance areas defined within the hierarchy of town centres and regeneration areas. It also

states that when assessing new proposals the protection of these centres' vitality and viability will be paramount. Policy CR5 seeks to maintain and enhance such centres by ensuring that established centres remain the primary focus for a wide range of retail (A1, A2, A3), commercial and public offices (B1) community facilities and institutes (D1). Wall Heath is defined as a local shopping centre and whilst the proposal would involve the loss of a dwelling, it would reinstate a retail use which would be appropriate within this locality. The unit is set within a parade of shops and was previously used for retail purposes. Retail use is therefore considered more appropriate within this context. The proposal would make use of existing stock and would safeguard the vitality and viability of the local centre. The proposal therefore complies with policy CR1 – Hierarchy of town centres and regeneration areas and CR5 – Regeneration and Development of Centres of the adopted Unitary Development Plan 2005 and PPS1 – Delivering Sustainable Development.

Visual and Residential Amenity

13. There is a first floor flat within the site above the proposed A1 use and there are residential dwellings within the vicinity. However, the Head of Environmental Health and Trading Standards raises no objection to the scheme subject to restrictions on the hours of operation. It is considered that the proposed use would be suitable within this locality and there would be no demonstrable harm to neighbouring amenity. The new shop front would be constructed using hardwood and would appear more in keeping with the other retail frontages. There would be no demonstrable harm to the street scene or character and appearance of the area. In this respect the proposal therefore complies with Policy DD4 – Development in Residential Areas of the Adopted Dudley Unitary Development Plan (2005).

Highways and Parking

14. The Group Engineer (Development) states that two parking spaces are required for the new use of the development plus an additional space is also required for the first floor flat directly above. The frontage is limited in terms of parking and the provision of three spaces is unachievable within the application site. However, the site is located within a local centre close to public transport links. Local concerns have been raised in terms of the scheme generating additional parking problems

and higher volumes of traffic. They point out that there are already problems in the area as a result of on street parking by local residents and by customers using the local amenities. However, the unit was clearly built for retail purposes and comprises only 39m² of floor space. Given the scale and location of the unit, refusal of permission on the grounds of parking would be difficult to justify and would be unlikely to be supported in an appeal situation.

15. The Group Engineer (Development) also states that a maximum of 8% (1 in 12) gradient should be applied to the ramped access however this aspect would be covered under the Building Regulations.

Planning Obligations

16. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following contributions.

Offsite Contributions:

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:

- Transport Infrastructure Improvements - £104.34
- Management and monitoring charge - £250

Total Offsite Contribution = £354.34

The applicant has agreed to the payment of these offsite planning obligations.

CONCLUSION

17. The principle of a change of use to a hair salon (A1) is considered acceptable within a local centre. The proposal would enhance the vitality and viability of the local centre and would re-instate a more appropriate use given the locality. Whilst the Group Engineer (Development) states that the proposal does not provide adequate parking provision and there are local concerns regarding highway safety, congestion and parking problems, the unit is small and is set within a parade of shops within a local centre. It was originally built for retail purposes and under such circumstances refusal of permission would be difficult to justify. The proposal,

therefore, complies with the following Council policies; CR1 – Hierarchy of Town Centres and Regeneration Areas, CR5 – Regeneration and Development of Centres, DD4 – Development in Residential Areas, DD7 – Planning Obligations of the Adopted Unitary Development Plan (2005), and Supplementary Planning Documents; Planning Obligations.

RECOMMENDATION

27. It is recommended that the application be approved subject to;
- a) The development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision off site transport infrastructure improvements has been submitted to and agreed in writing by the Local Planning Authority
 - b) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary;

Reason for The Grant of Planning Permission

The principle of a change of use to a hair salon (A1) is considered acceptable within a local centre. The proposal would enhance the vitality and viability of the local centre and would re-instate a more appropriate use given the locality. Whilst the Group Engineer (Development) states that the proposal does not provide adequate parking provision and there are local concerns regarding highway safety, congestion and parking problems, the unit is small and is set within a parade of shops within a local centre. It was originally built for retail purposes and under such circumstances refusal of permission would be difficult to justify. The proposal, therefore, complies with the following Council policies; CR1 – Hierarchy of Town Centres and Regeneration Areas, CR5 – Regeneration and Development of Centres, DD4 – Development in Residential Areas, DD7 – Planning Obligations of the Adopted Unitary Development Plan (2005), and Supplementary Planning Documents; Planning Obligations.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan and to all relevant material considerations including Supplementary Planning Guidance.

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

Note for Applicant

The development hereby approved shall be built in accordance with the approved drawings received on the 26th March 2009 and referenced Drawing No. 2456 unless otherwise agreed in writing by the Local Planning Authority.

Informative

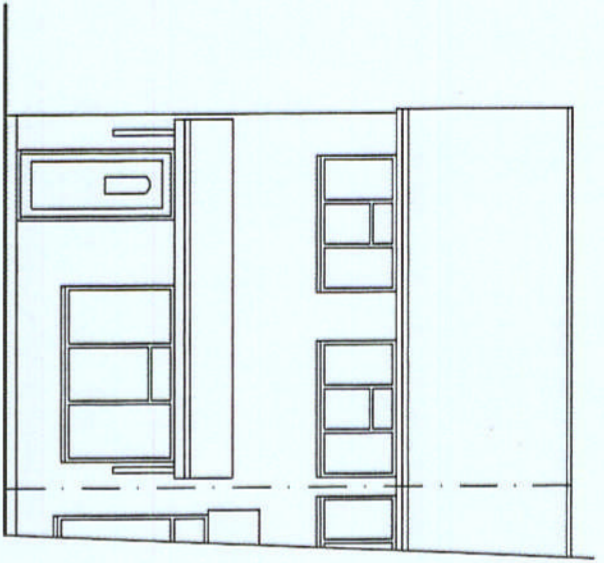
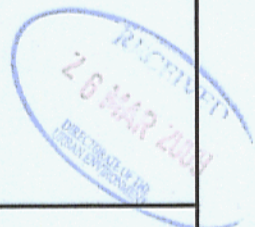
This permission does not relate to the display of advertisements as this is subject to separate advertisement consent.

Conditions and/or reasons:

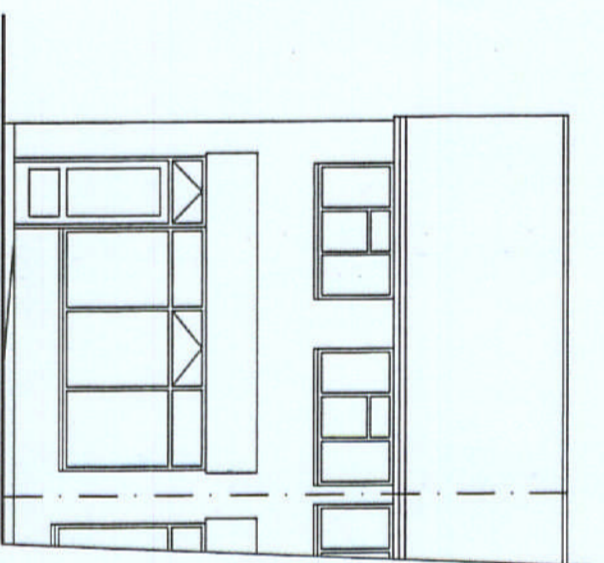
1. The development shall not begin until a scheme for the provision of:
-Off site transport infrastructure improvements
has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. No materials other than those indicated on the approved plans shall be used without the approval in writing of the local planning authority.
4. The premises shall not be open to the public before the hours of 0800 nor after 2000 Monday to Friday, before 0800 or after 1800 on Saturdays or at all on Sundays and Public Holidays.



Fior Ross 20/03/09

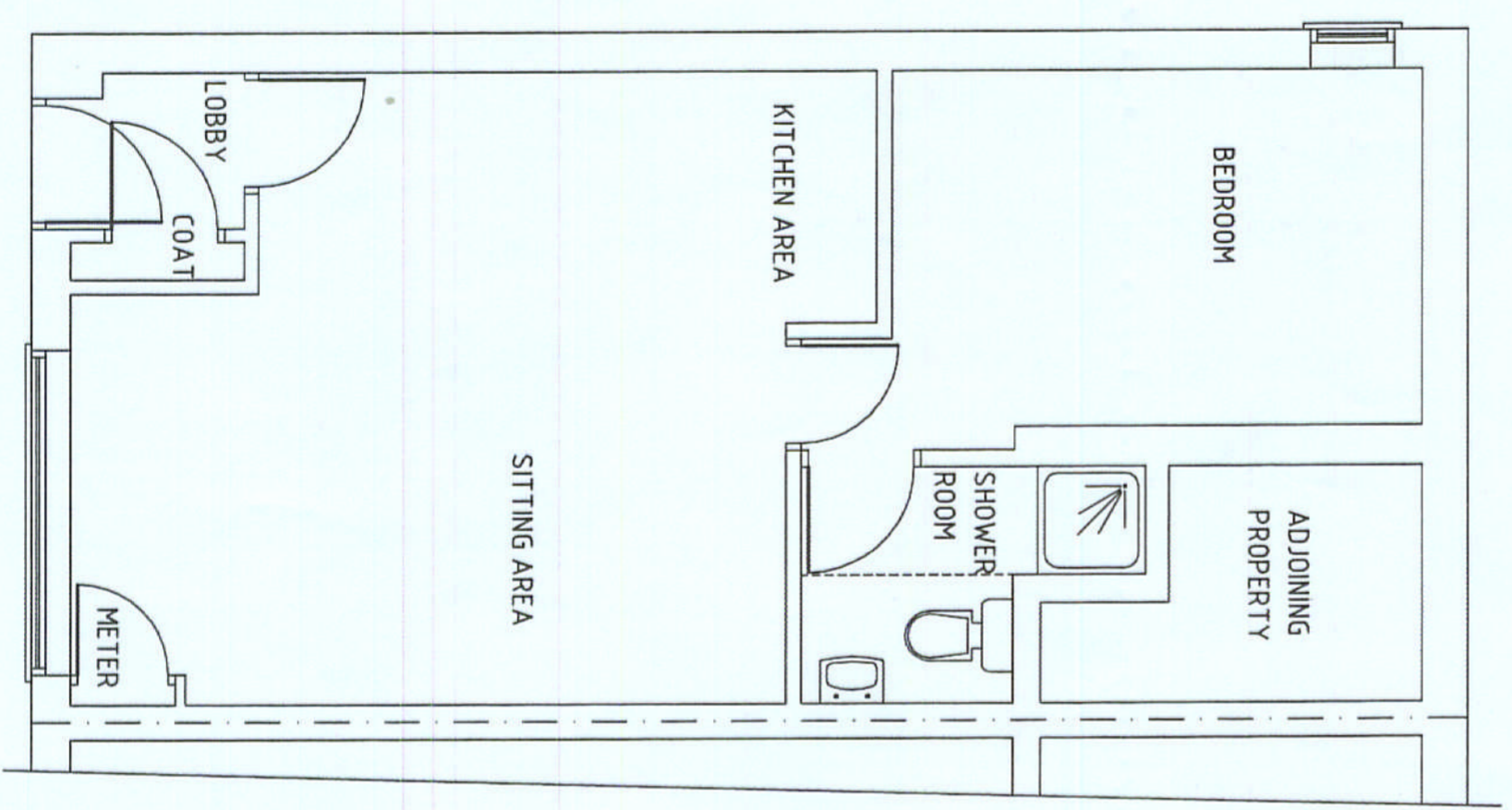


ELEVATION AS EXISTING

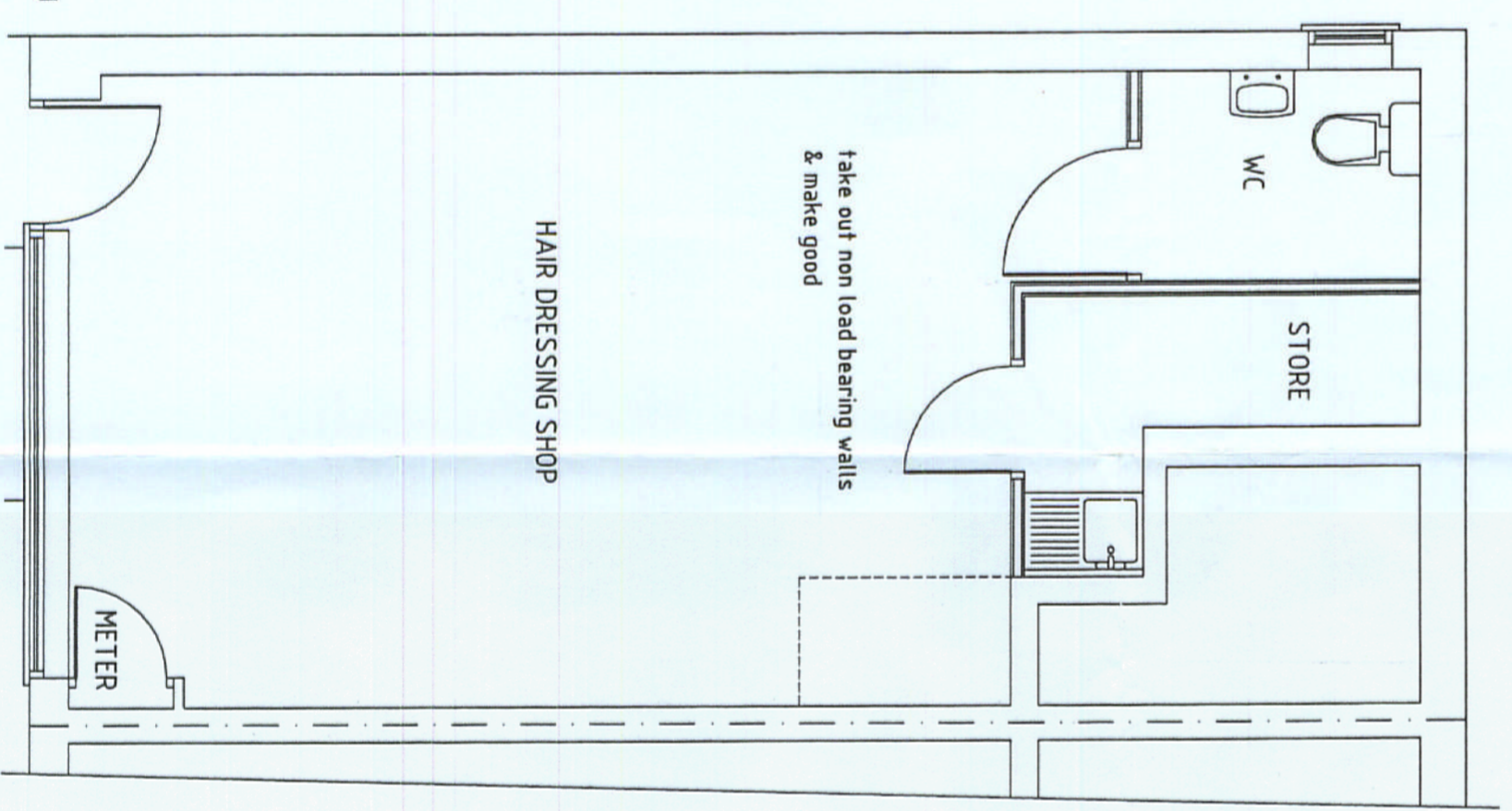


ELEVATION AS PROPOSED

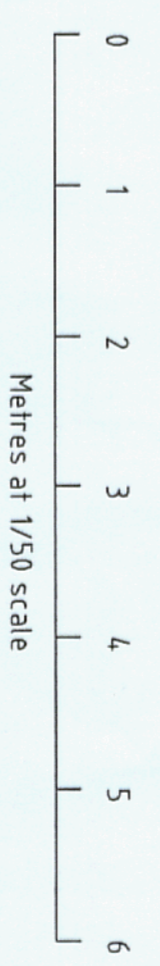
take down canopy & make good to wall render
new hardwood shop front with non-illuminated sign board over



PLAN AS EXISTING



PLAN AS PROPOSED



MICHAEL G BAYNTON & ASSOCIATES
12 LUDGATE AVENUE, KIDDERMINSTER
WORCS. DY11 6JP Tel. 01562 741838

CLIENT
Miss L Morgan

PROJECT
19 Enville Road
Wall Heath

DESCRIPTION
Change of Use

DATE March 2009 **DRAWN BY:**
SCALE 1:50 1:100
DRAWING No. 2456 **REVISION:**