

PLANNING APPLICATION NUMBER:P05/2666

Type of approval sought	Full Planning Permission
Ward	Hayley Green & Cradley South
Applicant	Mr R J Siviter-Smith
Location:	POST OFFICE, 31, THORNHILL ROAD, HALESOWEN, B63 1AU
Proposal	CHANGE OF USE OF GROUND FLOOR FROM POST OFFICE TO TWO BEDROOM FLAT (C3) AND CONVERSION OF EXISTING STORAGE AREA INTO GARAGE (RESUBMISSION OF REFUSED APPLICATION P04/2174)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application premises are within a small shopping centre containing 8 retail units, split either side of a central green. There are two storey flats at the head of that green, with a garage court to the side of those flats.
- 2 The application premises are currently vacant. They were previously used as a Post Office. That use ceased in April 2005. There is an existing flat above, and an access road at the rear serving a row of 4 garage/storage units. There is also a pull-in off Thornhill Road, with space for approximately 12 vehicles to serve the shops.
- 3 Along with this unit, there is a further vacant unit at this centre. The occupied units trade as a florist, newsagent, butchers, chemist, hairdressers and wool/children's clothes shops.

PROPOSAL

- 4 The proposal is for the change of use of the ground floor to a 2 bedroom flat, and also for external alterations to the shop and garage/store at the rear to give effect to the change of use.
- 5 The proposed external alterations include the removal of the shopfront (including the recessed entrance and stallrisers), and its replacement with a squared off

frontage, with windows to a bedroom and a lounge. Part of the garage/store at the rear is shown for the use of the flat. The entrance to the flat is shown through the existing doorway on the frontage, alongside the entrance to the flat above.

- 6 This a resubmission of a previously refused scheme (P04/2174). The reason for refusal for that scheme was:-

The parade of shops, which the premises, that is the subject of this proposal, form part of, are categorised as locals shops within the development plan. The parade is also operating at a relatively healthy economic level (there being only one existing vacant unit in a parade of eight), and serves an identified community need, the change of use of this retail unit will have wider repercussions for the future vitality and viability of these local shops, causing demonstrable harm to that viability and vitality. The proposal will therefore have a significant, detrimental impact on the existing centre, and is thereby contrary to Planning policy Guidance Note 6 (in particular paragraph 3.18), Policy 82 of the Unitary Development Plan, and Policy CR3 of the Unitary Development Plan Revised Draft Deposit Plan.

- 7 In response to this, to accompany the current scheme, the applicant has submitted information seeking to justify that the premises are no longer viable as a shop. This information is in the form of estate agents' instructions and a supporting letter.

HISTORY

- 8 The following planning history is relevant:-

APPLICATION No.	PROPOSAL	DECISION	DATE
P04/2174	Change of use off ground floor to flat.	Refused (see section 6 for reasons)	16/12/04

PUBLIC CONSULTATION

- 9 Two letters of objection have been received: one from the occupier of no. 28 Thornhill Road, the other is in the form of a petition signed by the occupiers of the other retail units at this centre. The issues raised are:-
- the proposal poses a threat to all local retail businesses in the immediate community that provide essential services to the local community;
 - if one retail units goes, the retail use of this centre would be gradually eroded until it finally disappears;
 - the residential use will either become a bed sit for students, a DHSS hostel for drop outs, drug addicts or ex-cons.;
 - the proposal does not fit in with the existing nature of the area and will only lead to a drop in property values.

OTHER CONSULTATION

- 10 **Head of Traffic and Road Safety (HTRS):** no objections, subject to a condition that the garage be provided prior to the building being brought into use, and thereafter used for no other purpose.
- 11 **Head of Environmental Protection (HEP):** no objections subject to a condition requiring sound insulation between the proposed flat and the ground flat and the adjoining commercial premises .

RELEVANT PLANNING POLICY

- 12 **Unitary Development Plan**
- DD1 (Urban Design);
 - DD4 (Urban Design in residential areas);
 - DD6 (access and transport infrastructure);
 - CR3 (local shopping areas)
 - DD6 (access and transport infrastructure);
- 13 **Planning Policy Statement**
- 13 Planning Policy Statement 6 (PPS6 - Planning for Town Centres) is also relevant.

ASSESSMENT

- 14 As this is a resubmission of a previously refused scheme (P04/2174), the determining issue is the extent to which the reason for refusal attached to that scheme has been addressed in the current scheme.
- 15 To address that reason, the applicants have submitted estate agent instructions and a supporting letter. In all other respects the current scheme is the same as the previous one. Give this, it is not considered reasonable to review any other aspect of the scheme (which was not the subject of the reason for refusal).
- 16 The policy background is set out in UDP Policy CR3, which seeks to retain local shops where they serve the local community, particularly those people within the local community without the use of a private motor vehicle. Policy CR3 also states that in order for the a change of use to an alternative use to be supported, the Council will need to be convinced that every effort has been made to market the property in question without success, and that appropriate retail provision will be retained in the area.
- 17 The submitted estate agents instructions are dated between December 2004 and August 2005, and involve with 4 different estate agents. The supporting letter states that:-
- The applicant ran a Post Office from this unit for 14 years – the decision to close was not his;
 - He has tried to expand the business in the past but this has not been successful;
 - It is difficult to see what another shop would add by way of attraction to the local shoppers;
 - Since the post office was closed, attempts have been made to sell it as a business without success;
 - In its present state it is likely to attract vandals and serves only to detract from the neighbourhood.
- 18 In response to this, it is considered that the applicants have provided sufficient evidence to demonstrate that they have sought to market the premises for a retail use over a reasonable period of time without success.

- 19 Furthermore, this cluster of shops appears to offer a reasonable wide range of services to the local community, and to have a degree of vitality, with only one of the other retail units being vacant. It is therefore not considered that the loss of this unit would necessarily undermine the viability or vitality of the centre as a whole or necessarily set a precedent leading to the further loss of the centre's retail function. This is particularly as any future similar applications would be assessed on their own merits, taking into account the viability and vitality of the centre at that time.
- 20 It is therefore considered that the loss of this shop to an alternative use can be supported.

RECOMMENDATION

- 21 It is recommended that permission be granted, subject to the following conditions.

22 **Reason for approval**

The Local Planning Authority consider that sufficient information has been provided to justify the change of use of this retail unit to an alternative use, and furthermore the vitality and viability of the cluster of retail units which the site forms part will not be unduly compromised. There is therefore compliance with the development plan, in particular Unitary Development Plan policy CR3.

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. Prior to the unit being brought into use as a flat, the garage space at the rear, as shown on the approved plans, shall be provided, and unless otherwise agreed in writing by the Local Planning Authority, that space shall thereafter be used for no other purpose other than the parking of vehicles.
3. Before development commences, details of the materials to be used in the infilling of the external elevations of the unit shall be submitted to and approved in writing by the Local Planning Authority. Changes to the external elevations of the unit shall be undertaken using the approved materials.
4. The flat hereby approved shall not be occupied until a scheme for providing sound insulation between that flat and a) the existing first floor flat and b) the adjoining commercial premises, has been submitted to and approved in writing by the Local Planning Authority and all works which form part of the approved scheme have been implemented.

5. Unless otherwise agreed in writing by the Local Planning Authority, this permission relates to the following plans: location plan; 04/815-001A; 04/815-002.