

PLANNING APPLICATION NUMBER: P05/1167

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| Type of approval sought | FULL PLANNING PERMISSION |
| Ward | CRADLEY & FOXCOTE |
| Applicant | MR B COOLEY |
| Location: 102, WINDMILL HILL, HALESOWEN, B63 2BY | |
| Proposal: CHANGE OF USE OF GROUND FLOOR HAIRDRESSERS TO SELF CONTAINED FLAT AND REAR EXTENSION TO CREATE ENLARGED KITCHEN AND SHOWER ROOM. NEW WINDOWS TO FRONT. (RESUBMISSION OF REFUSED APPLICATION P04/2295) | |
| Recommendation summary: APPROVE SUBJECT TO CONDITIONS | |

SITE AND SURROUNDINGS

1. The application premises comprise a double fronted shop. This is, in effect two units, both hairdressers, one of which is vacant. There is a flat above. The premises are in-between an alternative gift shop and insurance consultants. There is a recessed garage to the left hand side of the elevation with a yard in front, and access to the flat from that yard.
2. The character of the area is mixed: the application premises are the beginning of a run of shops; there are residential properties at the back of pavement line opposite.

PROPOSAL

3. The proposal is to change the use of most of the ground floor to a one bedroom flat. A barbers shop is shown retained in one of the front rooms.
4. The proposal also includes a single storey rear extension (to be used as a kitchen in conjunction with the flat). This is shown with a mono pitch roof, and a projection of 3.4 metres: this essentially fills in the recess between the main rear building line and that of the rear wing.
5. The applicants have provided information on the marketing of the vacant unit, seeking to prove its non-viability as a retail unit.

HISTORY

6. The planning history is set out below.

| APPLICATION No. | PROPOSAL | DECISION | DATE |
|-----------------|---------------------------------------|----------|---------------------------------------|
| P04/2295 | Change of use of ground floor to flat | refused | 30 th December, 2004 |

7. The reason for refusal of the above application was on the basis that it would be prejudicial to the vitality and viability of Cradley Local Centre.

PUBLIC CONSULTATION

8. No representations received.

OTHER CONSULTATION

9. Head of Environmental Protection: recommend refusal – there is likelihood that future residents will be exposed to levels of nitrogen dioxide which exceed UK standards. In addition the excessive road traffic noise places the application site with noise category C/D (as set out in PPG24).
10. Head of Traffic and Road Safety: no comments received, any response will be reported verbally.

RELEVANT PLANNING POLICY

Adopted UDP

- 11 Policy 81 (Local Shopping Centres)
85 (development control – residential areas)

Revised Deposit UDP

- 12 CR1 (hierarchy of Town Centres)
CR3 (Local shopping centres)
CR4 (protected frontages)

ASSESSMENT

13. This is a resubmission following the refusal of an application last year on policy grounds (P04/2295). The current application is the same as that one, other than the applicants have now submitted evidence to seek to confirm that the premises are no longer viable as a retail unit. This is significant given that the application premises are within a protected frontage within this local centre.
- 14 Given that the previous application was refused solely on these grounds, I consider it unreasonable to bring to bear other material considerations on this proposal. This would include the recommended grounds for refusal from HEP on noise and air

quality. On this, I also recognise the presence of the existing flat above the shop and the row of houses on the opposite side of the highway: the occupiers of which are already exposed to a level of environmental nuisance. I have however recommended a condition that noise mitigation measures be approved.

- 15 On the issue of the viability of the existing use. The applicants have stated that:-
- The letting of the ground floor of 102 Windmill Hill has been a problem since the letting agents moved in next door 15 years ago;
 - Notices have been placed in windows, and it has been made known locally that the premises are vacant;
 - It is difficult for shops to survive in this local centre – there have been a lot of conversions to housing;
 - While the existing barbers is happy with one room, the other half is not large enough for most business requirements.
- 16 I also consider it significant to note that it is proposed that an A1 use will remain in these premises, providing an active frontage. Furthermore, the long term vacancy of the other unit could further undermine the overall vitality and viability of the local centre.

CONCLUSION

- 17 I therefore consider there to be sufficient justification to have been presented to overcome any policy objections to the change of use.

RECOMMENDATION

18. It is recommended that the proposal be granted subject to the following conditions:-

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Unless otherwise agreed in writing by the Local Planning Authority, the materials to be used in external elevations of the extension and infilling in the front elevation, shall closely match in colour and texture those of the existing building.
3. L01A * Noise protection scheme