

# Report to Planning Committee

**15 February 2022**

<b>Application Reference</b>	DC/21/66233
<b>Application Received</b>	15 October 2021
<b>Application Description</b>	Retention of use of garage as hair salon (previously refused application DC/21/65576).
<b>Application Address</b>	1 Hydes Road Wednesbury WS10 9SX
<b>Applicant</b>	Mr P Talbot
<b>Ward</b>	Wednesbury North
<b>Contact Officer</b>	Mr Anjan Dey <a href="mailto:anjan_dey@sandwell.gov.uk">anjan_dey@sandwell.gov.uk</a>

## 1 Recommendations

### 1.1 That planning permission is refused:-

The retail use by way of its location in a residential area would be contrary to Town Centre Policies CEN4, CEN6 & CEN7 of Sandwell's Black Country Core Strategy.

## 2 Reasons for Recommendations

### 2.1 The proposal would be contrary to the authority's adopted Town Centre Policies in that a retail use in this location is considered to be



inappropriate. These uses are generally identified for either Wednesbury town centre or one of the borough's other defined centres.

### 3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy – the proposal is contrary to aspirations to create strong economic town centres.
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## 4 Context

- 4.1 At the last meeting your Committee resolved to defer the application in order to visit the site.
- 4.2 This application is being reported to your Planning Committee at the request Councillor Elaine Costigan as she considers that the salon benefits the community, creating income for the Council as customers park on the pay and display car park at Spring Head and it does not cause any highway issues.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[1 Hydes Road, Wednesbury](#)

## 5 Key Considerations

- 5.1 The site is unallocated in the development plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)

Local policy

Access, highway safety, parking & servicing



## 6. The Application Site

- 6.1 This application relates to a detached property located on the northern side of Hydes Road, Wednesbury.
- 6.2 The area is residential in character and the property is located at the corner with Brunswick Park Road;

## 7. Planning History

- 7.1 The property has been subject to a recent planning application that was refused on highway safety grounds and also being contrary to local policies.
- 7.2 Relevant planning applications are as follows;

DC/21/65576	Retention of use of garage as hair salon.	Refuse Permission: 21.07.2021.
DC/07/47601	Proposed double garage to side of property.	Grant permission 30.04.2007

## 8. Application Details

- 8.1 This retrospective application relates to enforcement case ENF/21/11461 and is for the retention of use of a garage that has been converted to a retail hair salon (Use Class E). Planning permission for the double garage was granted in May 2007 (DC/07/47601) and the applicant has confirmed its dimensions as 7.5m long by 5.5m wide by 4m high.
- 8.2 As indicated by the Enforcement Officer, the applicant has advised that his spouse used to operate the business from a retail/commercial unit elsewhere in the borough. However, due to Covid 19 restrictions income from the business had stopped and she could no longer afford rent/rates for the commercial unit. The applicant has confirmed that staff numbers



have been reduced; consisting of the applicant, who resides at the property, and 2 full time equivalent staff. Hours of business are:

1000 to 1700 (Wednesday)

1000 to 1900 (Thursday & Fridays)

0900 to 1700 (Saturdays)

## 9. Publicity

- 9.1 The application has been publicised by neighbour notification letter with one response received in support of the proposal
- 9.2 At your last planning committee additional information was circulated from a resident and former Councillor of Sandwell MBC. The comments are summarised as:
- i) The applicant has tried to overcome the previous reasons for refusal and in doing so, a reduction in customers is proposed, reducing the intensity of the site;
  - ii) The use is currently in operation, yet no noise concerns or complaints have been received by the Council's Environmental Health team;
  - iii) The operator now encourages customers to use the public car park and the parking fees are paid via a discount on the haircut. The Council's highways department raises no objections with a two-year temporary permission agreed so that the highways department can monitor any highway concerns;
  - iv) The proposal would be more than 300m away from a local centre, however it is a local need, that will serve local people in a sustainable manner, reducing the need to travel by car, buses etc, in order to reach the town centre;
  - v) The area is not solely residential, and images provided to demonstrate that the area is a mixture of residential and commercial uses which coexist side by side;
  - vi) Walsall Street has the feel of a town centre location and this site is an extension of that; and



- vii) Despite the recommendation for refusal, no objections have been received, and the proposal is supported by the Local Ward Councillor, Elaine Costigan.

9.3 Response to support for this application is summarised below:-

- (i) This is noted and to some degree this has lessened the concerns of the highway service, but due to the location of the site, i.e. outside the town centre boundary and retail core, this remains a concern. This is more fully detailed in paragraph 10.3.
- (ii) It is accepted that no objections have been received from Public Health, refer to paragraph 10.2 below.
- (iii) It is acknowledged that the applicant is encouraging customers to use the nearby public car park, however the local planning authority has no control over this and hence this is why highways remain concerned and have requested that only a temporary permission is granted.
- (iv) The applicants have indicated that they will encourage their clients to park on the public car park. Town centre uses serve a variety of retail uses including hair salons and so shoppers can do a number of activities in one location, it also assists with maintaining the vitality of the town centre. Furthermore, town centres provide more sustainable transport options given the proximity of the bus station in Wednesbury and this meets the Council's aspirations in terms of climate change and improving air quality. An out of centre use, would be contrary to these aspirations, by encouraging more car born trips.
- (v) The images provided are discussed in more detail below (paragraph 9.4). In addition, this is also referred to in 10.3 below, stating that the images largely refer to Walsall Street which is on the edge of the town centre and so is more commercial, whereas Hydes Road is distinctly residential in nature.
- (vi) As indicated in (v) above and paragraph 9.4 below.
- (vii) It is noted that no objections have been received, the proposal is before the committee, because the recommendation is for refusal.



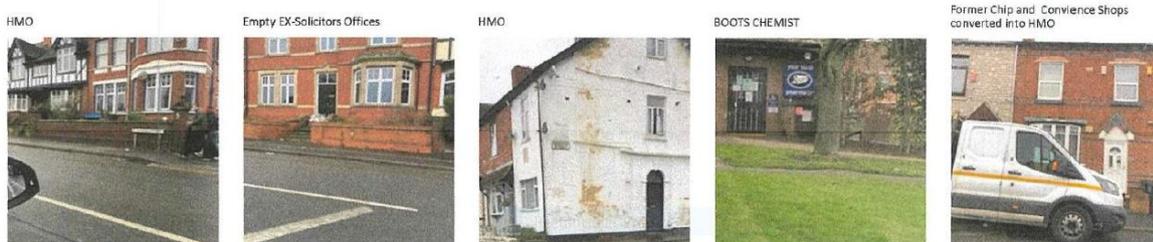
9.4 The additional information pack contains the original planning statement submitted with the planning application, this is addressed in section 10.3 below. In addition, as referred to in 9.3 (v) and (vi) above, the pack included several images showing a variety of uses in and around the town centre of Wednesbury. Many of the images refer to residential uses and so differ from the retrospective permission that is being applied for, namely a commercial use as a hair salon at an established residential property. Those hair salons/retail premises that have been identified below, fall within the town centre, where such uses are actively sought by Policy CEN2 'Hierarchy of town centres' which seeks to ensure that town centres can thrive and remain vibrant places to shop. Other images are an assortment with long established commercial uses which are situated outside the town centre for which they benefit from a lawful consent. Two residential premises have been identified on Brunswick Park Road (outside the town centre), operating as hair salons, however no planning records could be established for this uses.

Image 1 - 5



These are all residential uses and are not commercial uses. The proposed application is a commercial/retail use and this is why planning permission is required.

Images 6-10



Images 6, 8 and 19 are also residential uses.



Image 7 has a lawful commercial use and image 9 is a chemist which forms part of Doctors surgery fronting Walsall Street.

### Images 11-15



The images above fall either within the town centre boundary or are immediately on the edge of the boundary on Walsall Street.

### Images 16-20



These are images of commercial premises however each has a lawful use and one forms an established small parade of shops, 138-144 Hydes Road, Wednesbury.

### Images 21-24



Image 21 and 24 refers to two hairdressers operating from the residential properties in Brunswick Park Road, no planning permissions are recorded on this road for these uses, both can be investigated to establish the extent of the hairdressing business and appropriate enforcement action can be taken. The



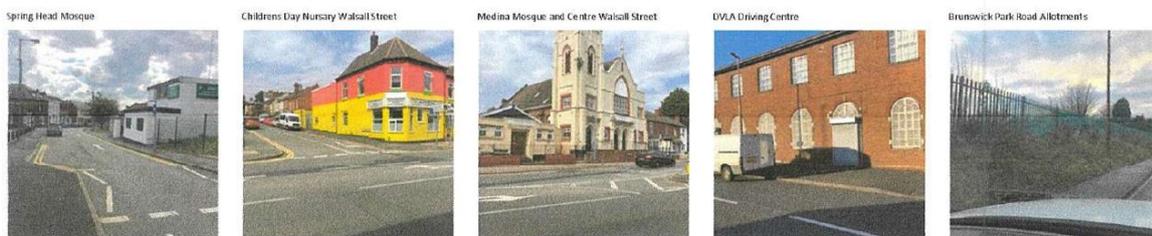
other two photos refer to St Pauls Centre which was granted planning permission to convert to 9 flats in 2014 (DC/14/57126) and so is a residential use. The Queens Head, is a lawful use as a public house and has an extensive planning history for alterations dating back to 1977 and existed well before this date. It is not uncharacteristic to find historic public houses within residential areas.

Images 25-29



The images above excepting the final image are situated on Spring Head which forms a group of historic buildings, the war memorial, library and restaurant building (former conservative club). All these properties are immediately adjacent to the town centre boundary. The final image is a parade of shops on Walsall Street, which form part of the town centre boundary.

Images 30-34



These commercial uses have lawful uses and are established on the main road either within or opposite the town centre. The last image is of the allotments which is also an established use and usually found in residential areas.



## Images 35-39



Rectangular Snip

Images 35-37 are town centre uses and have lawful retail uses. Image 38 is a residential use and Image 39 is the established Wesley Church which is situated within the town centre boundary also.

## Images 40-44



Rectangular Snip

The first image refers to established commercial uses, the other images fall within the town centre boundary and are lawful uses.

## Images 44-45



Image 44 is salon in a town centre accords with policy. Unable to identify other property (image 45)



## Images 46-50

On Street Parking Hydes Road



Take Away and Restaurant



DVLA Test Centre



Petrol Garage and Take Away



Park Inn Pub and Mosque



Image 45 is noted showing on street parking for residents on Hydes Road, however parking can vary through a day and so one photograph cannot demonstrate this alone. The other images refer to lawful commercial uses on the main road frontage.

## Images 51-55

Community Centre



Car Wash



Noggin Hair Salon



Restaurant and Mia Bella Hair Salon



Motor Cycle Training Centre



1 Hydes Road Brunswick Park Road

These images show other commercial uses on main road frontages, except the image of 1 Hydes Road (Noggin Hair salon for which consent is being applied). In addition, the lawful hair salon referred to above (Mia Bella Hair), forms part of a commercial use and not a residential property.

## Images 56-60

Hound Do's Brunswick Park Road  
Dog Groomers



Cafe and Garden Centre



Brunswick Park



Old Newsagent Shop



Commercial Garages



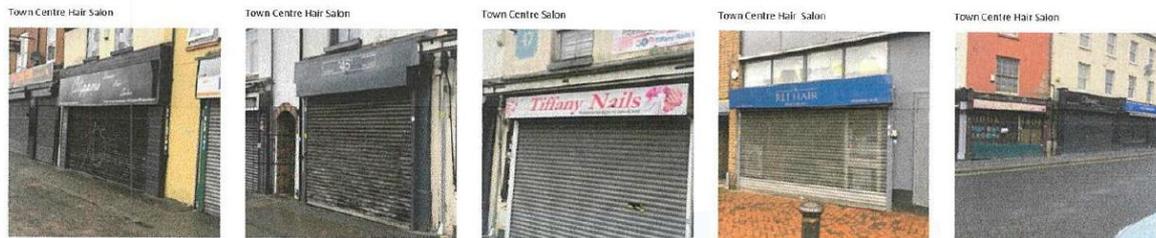
The first image (56) refers to a dog groomers on Brunswick Park Road that was granted permission in 2015 (DC/15/58595). The other images refer to long established uses, commercial buildings and Brunswick Park Trading Estate.

Images 61-65



The images either refer to residential uses or a hair salon that is situated in the town centre boundary and all have lawful uses.

Images 66-70



All retail shops within the town centre boundary and have lawful uses.

Images 71-74



Rectangular Snip

These images are of established retail shops in the town centre boundary and have lawful use.



## 10. Consultee responses

### 10.1 Highways

They have assessed additional information provided by the agent regarding customer and staff parking arrangements, they have subsequently recommended a temporary consent for a period of 2 years to allow the local planning authority to monitor the use.

### 10.2 Public Health (Noise)

No objections to the proposal.

### 10.3 Planning Policy

They object to the proposal with regards to the appropriateness of a retail use in a predominantly residential area, Planning Policy confirms that the hair salon would be best suited to a town centre location, such as Wednesbury, or one of the other defined centres with the borough. This is set out in Black Country Core Strategy policies CEN4 (Regeneration of Town Centres) and CEN7 (Controlling Out-Of- Centre Development).

Policy confirms that the site is more than 300 metres away from Wednesbury town centre and therefore cannot be considered to be an edge of centre location; instead it is defined as out of centre.

They also note the applicant's planning statement argues that this location effectively acts as a local centre, given the variety of commercial uses within the vicinity.

In response policy planners state that the majority of the commercial uses identified fall along Walsall Street, which is to the west of the proposed site. Whilst this area could be classed as a local centre, it is not formally



adopted as such within the development plan. In addition, even if this area was adopted as a local centre, the boundary should not stretch as far as the application site, as it is separated from the cluster of commercial businesses on Walsall Street, and is within a more stand-alone location within a more residential area. Furthermore, the Doctors surgery, which is adjacent the proposal site, is already established and is an appropriate use within residential areas, as it provides an important local service.

It is also considered that the applicant has not demonstrated why the proposal cannot be located within Wednesbury Town centre itself, and has not proven that the proposal site is within easy and accessible walking distance from the centre itself. The latest centre surveys for Wednesbury town centre indicate that there are a significant number of vacant units that are suitable for this type of retail use. Utilising existing vacant units within Wednesbury town centre would contribute towards the daytime economy and contribute towards the regeneration of the town centre.

Within the applicant's Planning Statement, Under CEN6 – Meeting Local Needs for Shopping and Services, the agent/applicant have quoted policy from CEN5, which deals with district and local centres. As this location does not fall within a designated centre, CEN5, the policy quoted, does not apply.

CEN6 allows for small scale convenience shops out of centre, that serve an essential day to day need. In an out of centre location, this would refer to serving the needs of the local community and meeting essential day-to-day needs, which tends to refer to a convenience retail store, such as a newsagent, as this can provide essential provisions such as bread and milk that may be required daily. It may also include that of a post-office or pharmacy etc. A hairdresser would not be classed as providing an essential day-to-day need. Furthermore, from the latest information available, there is already a hair salon within the run of shops along Walsall Street.



## 11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

**Paragraph 2** of the Framework states that *'planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'*. You will note from the response from Planning Policy paragraph 10.3 that the location of the salon does not accord with relevant retail adopted policies within the Black Country Development plan. It is therefore important to give full consideration to these objections on policy grounds and if members are minded to approve this application, they must clearly set out what the material considerations would be which outweigh non compliance of this policy.

## 12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

ENV3: Design Quality

SAD EOS9: Urban Design Principles

CEN4: Regeneration of town centres

CEN6: Meeting Local Needs for Shopping and Services

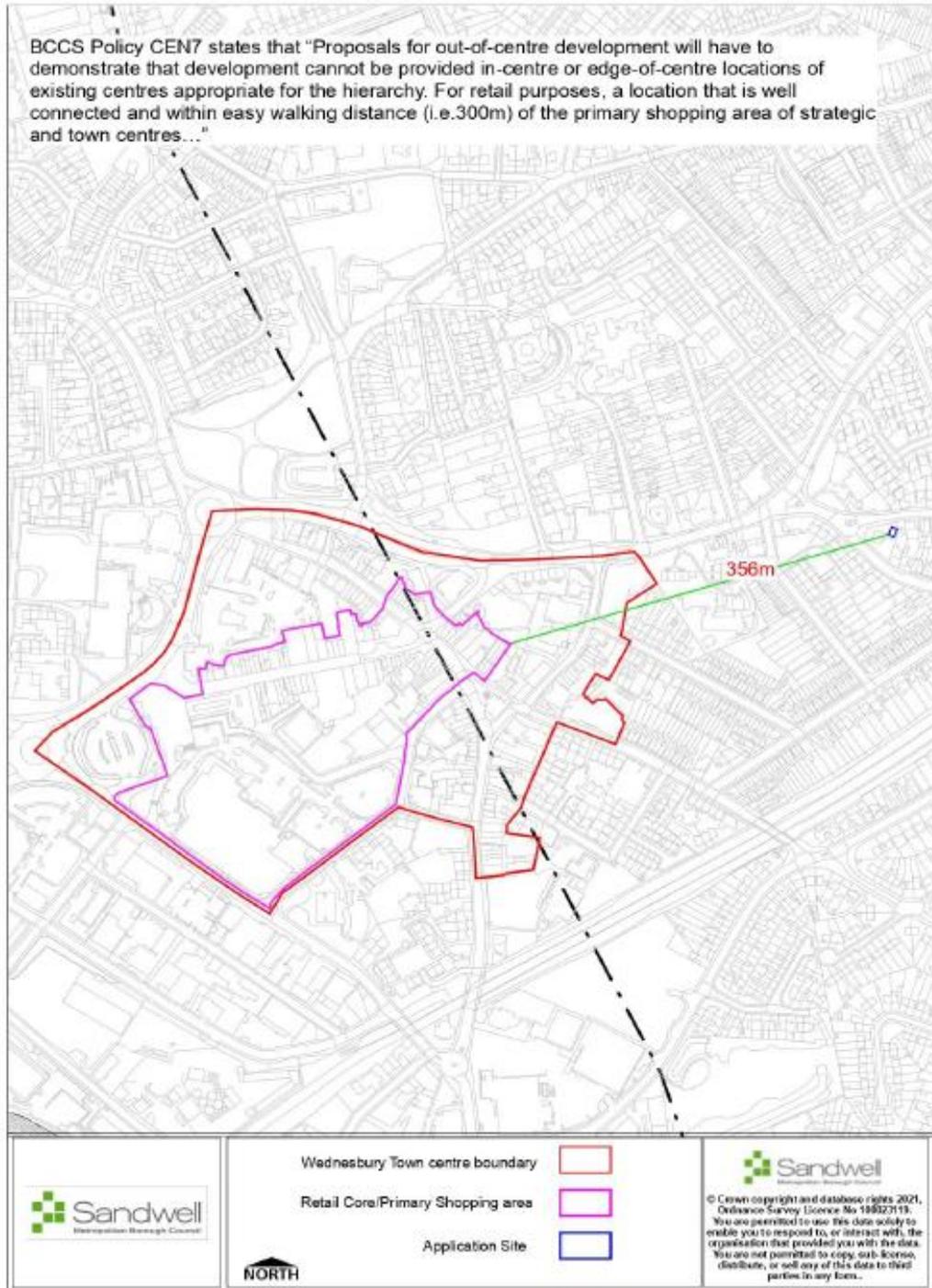
CEN7: Controlling Out of Centre Development

12.2 ENV3 and SAD EOS9 refer to well-designed schemes that are in scale and massing to the existing area. The converted garage is considered to be acceptable in terms of scale etc. and therefore does not conflict with either policies ENV3 or SAD EOS9.

12.3 Planning Policy consultation comments (10.3 above) confirms that the continued use of a retail hair salon in this predominantly residential area

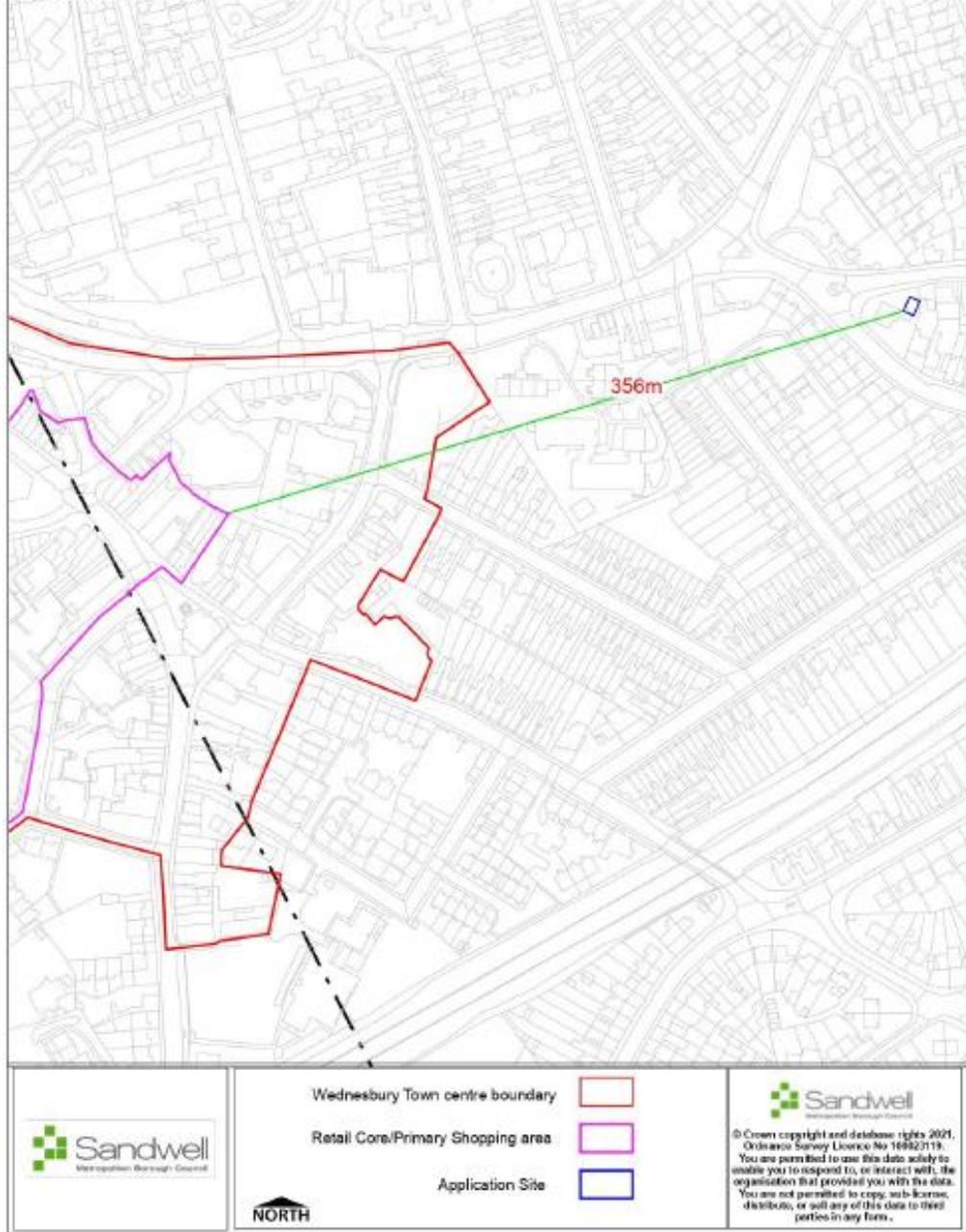


is not supported by policies CEN4, CEN6 & CEN7. The use would be best suited to a town centre location or one of the borough's defined centres. The maps below show the location of the town centre and the retail core in relation to the application site.





BCCS Policy CEN7 states that "Proposals for out-of-centre development will have to demonstrate that development cannot be provided in-centre or edge-of-centre locations of existing centres appropriate for the hierarchy. For retail purposes, a location that is well connected and within easy walking distance (i.e.300m) of the primary shopping area of strategic and town centres..."



The images above show that the application premises is located 356 metres away from the retail core of Wednesbury town centre.



BCCS Policy CEN7 states that ‘Proposals for out-of-centre development will have to demonstrate that development cannot be provided in-centre or edge-of-centre locations of existing centres appropriate for the hierarchy. For retail purposes, a location that is well connected and in easy walking distance (i.e.300m) of the primary shopping area of strategic and town centres.

### **13. Material Considerations**

13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:

#### **13.2 Local Policy (CEN4, 6 and 7)**

Local Policies have been referred to above (see 10.3 and 12.3 above) which state that the retention of the hair salon is contrary to relevant town centre policies and no evidence has been provided to demonstrate that this policy should be set aside.

#### **13.2 Parking, highway safety & traffic generation**

Highways (10.1 above) have indicated that they have highway concerns about the impact of the continued use of the salon and therefore would only recommend a temporary consent to enable the impact on the highway to be monitored.

### **14 Alternative Options**

14.1 Approval of the application is an option if there are material planning reasons for doing so. It is considered that this proposal would not comply with relevant policies and the applicant has not demonstrated otherwise.



## 15 Implications

<b>Resources:</b>	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None
<b>Social Value</b>	None

## 16. Appendices

Location Plan

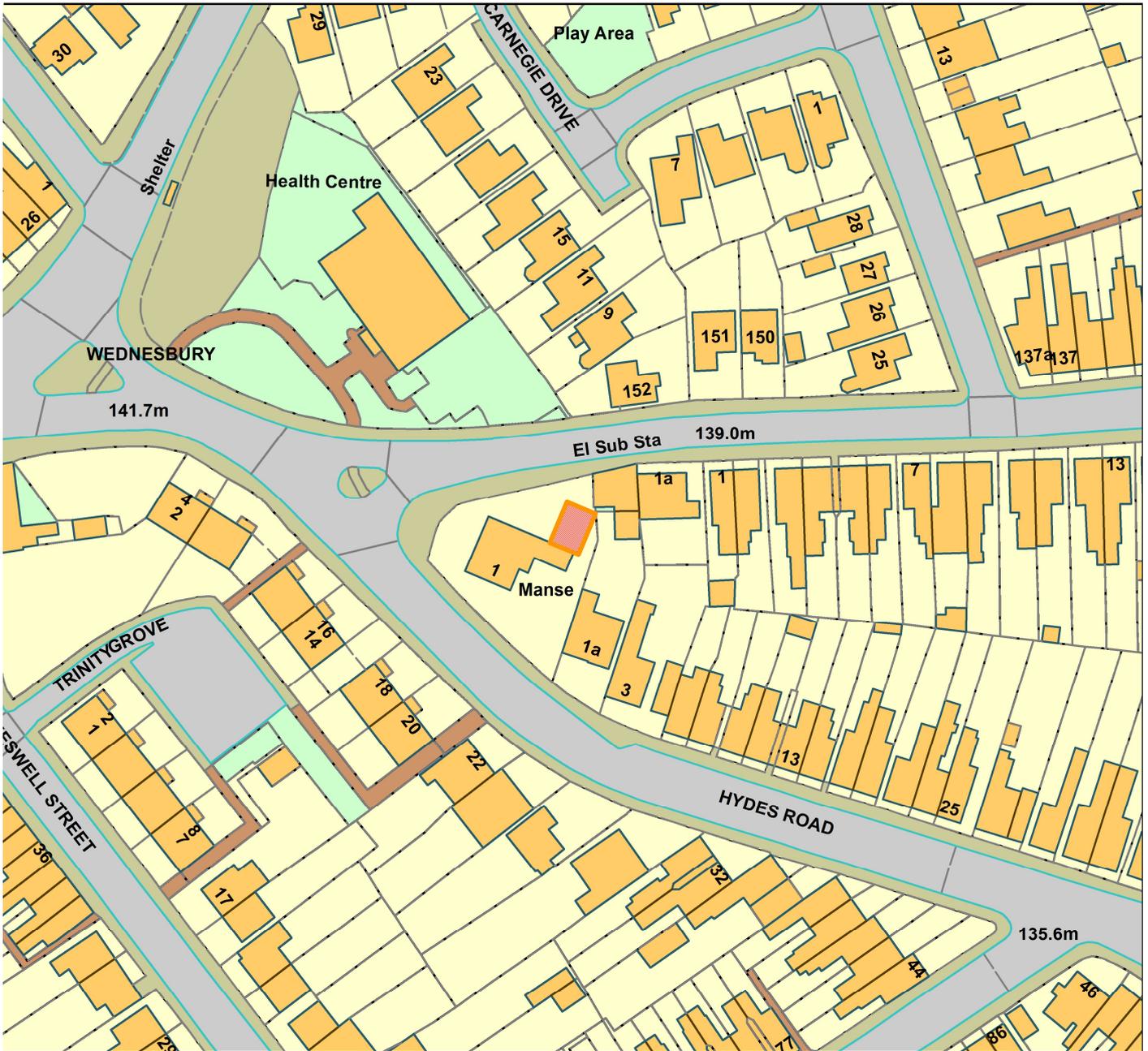
Context Plan

Location plan 1

Site & block plan 2



DC/21/66233  
1 Hydes Road, Wednesbury



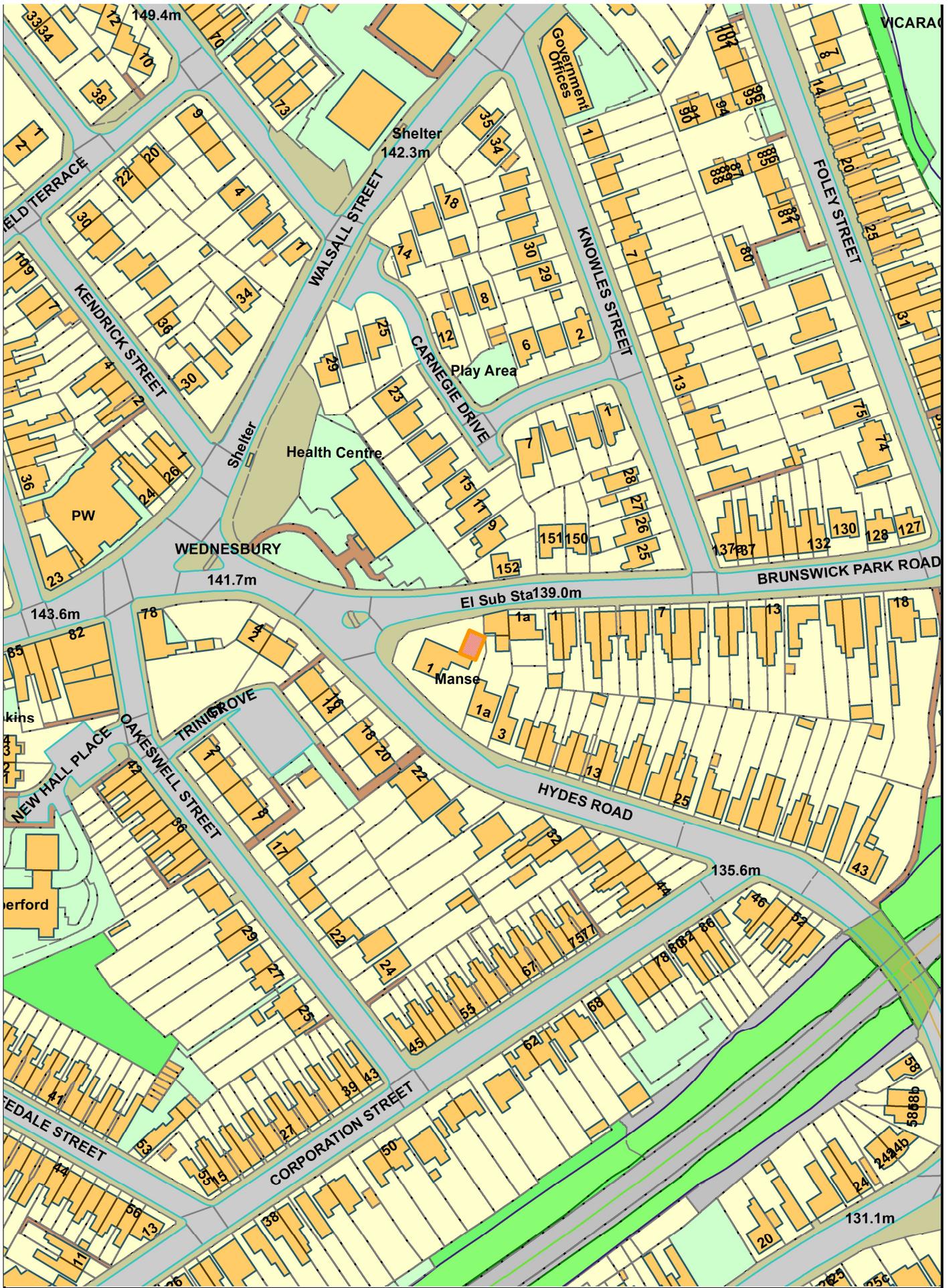
**Legend**

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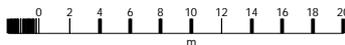
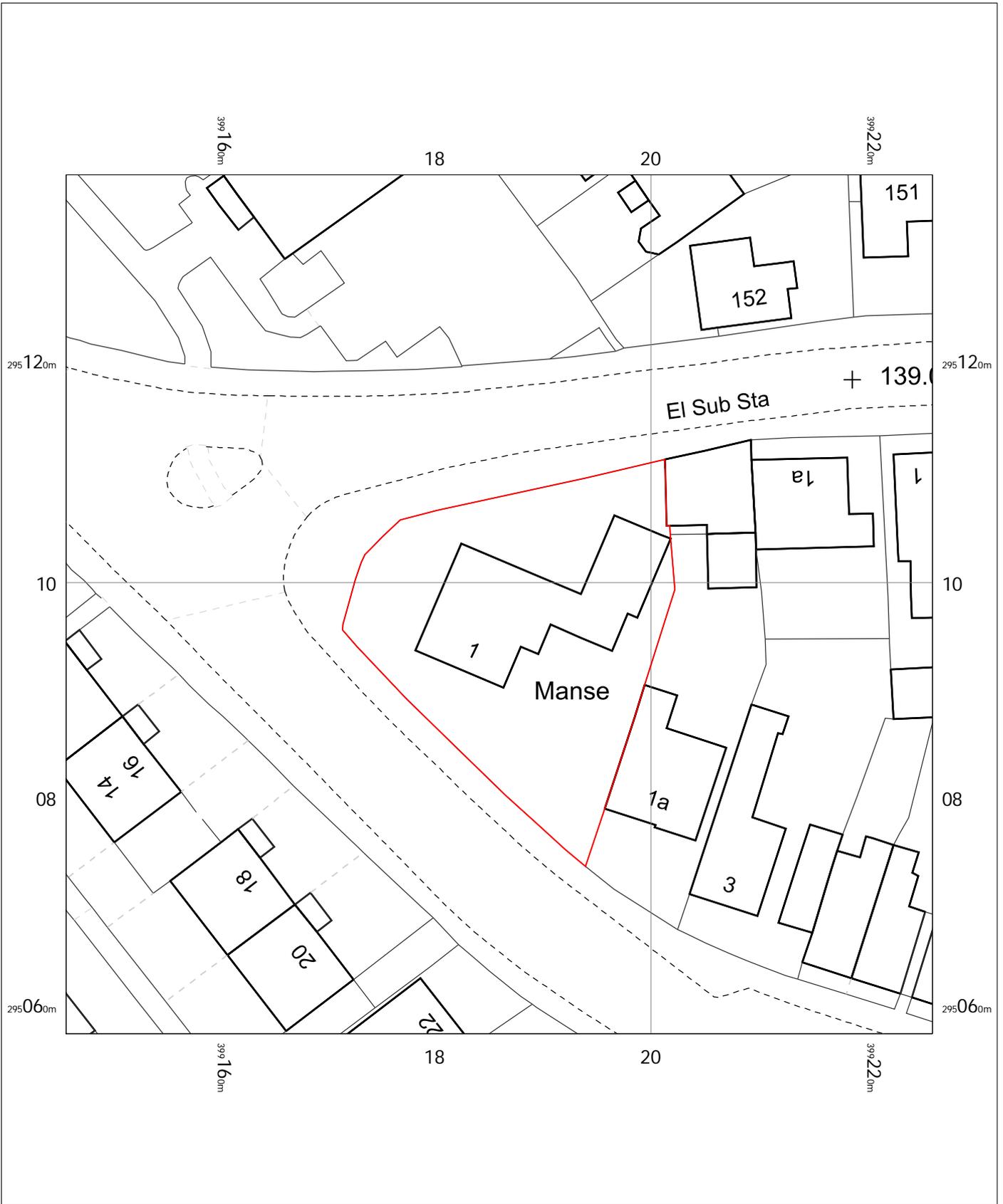
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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	04 January 2022
<b>OS Licence No</b>	





1 Hydes Road, WS10 9SX

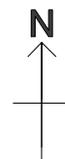


1 Hydes Road,  
Wednesbury,  
Sandwell  
WS10 9SX

OS MasterMap 1250/2500/10000 scale  
Tuesday, October 19, 2021, ID: MPMBW-00997307  
[www.blackwellmapping.co.uk](http://www.blackwellmapping.co.uk)

1:500 scale print at A4, Centre: 399186 E, 295098 N

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