


REPORT TO PLANNING COMMITTEE

4th December 2019

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| Application Reference | DC/19/63521 |
| Application Received | 9th September 2019 |
| Application Description | Proposed part change of use from a garage to a barber's shop. |
| Application Address | 92 St Pauls Road, Smethwick, B66 1EY |
| Applicant | Mrs Shazia Bibi |
| Ward | St Pauls |
| Contribution towards Vision 2030: |  |
| Contact Officer(s) | Andrew Dean 0121 569 4056 andrew_dean@sandwell.gov.uk |

RECOMMENDATION

That planning permission is refused on grounds of:-

- i) Highways safety;
- ii) Contrary to policy CEN5, CEN6 and CEN7;
- iii) General disturbance from increased comings and goings

1. BACKGROUND

- 1.1 At your last meeting your committee resolved to visit the site.
- 1.2 This application is being reported to your Planning Committee because fourteen material objections have been received.

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The site is not allocated in the adopted development plans.
- 2.2 The material planning considerations which are relevant to this application are:

Proposals in the Local Plan
Planning history
Access, highway safety, parking and servicing
Traffic generation
Noise and disturbance from the scheme

3. The APPLICATION SITE

- 3.1 The application relates to an end terraced residential property that has been converted into an 11-bedroom house in multiple occupation (HMO). The character of the surrounding area is predominantly residential in nature with West Smethwick Methodist Church located on the opposite side of Holly Lane and an historic shop premises (newsagents) is located on the opposite side of St Pauls Road.

4. PLANNING HISTORY

- 4.1 The site has been subject to a previous refusal for a change of use to a barber's shop. The proposed opening hours of this refused application were 9.00am to 6.00pm Monday to Saturday with potential opening on Sundays and Bank Holidays. The double garage was previously approved under a separate application to be used as storage and parking.
- 4.2 Relevant planning applications are as follows:-

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|-------------|--|---|
| DC/18/62484 | Proposed part change of use of garage to a barber shop. | Refused 15.2.2019 |
| DC/13/56064 | Proposed single storey rear extension and detached garage to rear (resubmission of DC/13/55615). | Approved with Conditions 9.8.2013 |

5. APPLICATION DETAILS

- 5.1 The applicant is proposing to convert one of the two garages approved under DC/13/56064 into a barber's shop. The applicant is proposing to have one full time employee with opening hours on Monday to Saturday 9.00am to 5.00pm. The applicant has stated the business would operate on an appointment system only.

6. PUBLICITY

- 6.1 The application has been publicised by neighbour notification letter with 14 objections and a petition of support containing 58 signatures being received.

6.2 **Objections**

Objections have been received on the following grounds:-

- (i) Traffic concerns regarding car parking.
- (ii) A number of accidents have taken place at the junction of Holly Lane and St Pauls Road.
- (iii) Anti-social behaviour.
- (iv) A previous application for the same proposal was refused.
- (v) The application is contrary to planning policy.
- (vi) Noise concerns.
- (vii) The proposal is out of character with the surrounding area.
- (viii) The garage is too small for a barber's shop.
- (ix) The applicant intends to use this application as a stepping stone to get approval for a hot food takeaway.
- (x) The existing street lamp post prevents access to the garage for a vehicle.
- (xi) No drop kerb has been provided.
- (xii) Smethwick town centre is a short walk with units available.
- (xiii) The removal of the garage door would remove the domestic appearance of the garages.
- (xiv) The church opposite the application contains a pre-school. The proposed use as a barber's shop would increase traffic and may result in accidents.

Immaterial issues have been raised stating that there are a number of barber shops/ hairdressers operating in the vicinity.

6.3 **Responses to objections**

I concur in the main with the objector's comments regarding highway safety and planning policy issues. For further information, specialist consultee comments from highways and planning policy can be viewed in section 7 of this report.

6.4 **Support**

A petition containing 58 signatures in support of the application has been received which states that they are pleased that the applicant has included an appointment booking system and that this will mean that there will be no disruption to traffic or any parking issues. They also state that there is a need for such a facility.

7. STATUTORY CONSULTATION

7.1 Planning Policy

They have raised an objection to the proposed change of use due to the application failing to address Black Country Core Strategy Policies CEN5 District and local centres, CEN6 Meeting local needs for shopping and services and CEN7 Controlling out of centre development.

7.2 Highways

They have raised an objection to the proposal. Five off street car parking spaces are required for the HMO. Highways have stated a maximum of 3 spaces can be provided in the existing back yard and the new spaces provided would likely total one usable space due to boundary treatments. This totals, at most 5, which are required for the existing HMO. On street car parking already occurs near the garages and the proposed barber's shop would generate further trip rates and parking accumulation on street which would affect resident's amenity. The available carriageway width is already reduced by the existing parking.

7.3 Environmental Heath (Air Pollution and Noise)

They have no objections.

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

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

9. LOCAL PLANNING POLICY

9.1 The following sections of the Council's Development Plan are relevant:-

CEN5 – District and local centres.

CEN6 – Meeting local needs for shopping and services.

CEN7 – Controlling out of centre development.

9.2 The application site does not fall within a district centre but is within 250 metres of Smethwick High Street District Centre. The site would therefore be classed as an edge-of-centre location under BCCS policy CEN5. As the Smethwick High Street District Centre contains vacant units BCCS policy CEN6 and BCCS policy CEN7 will therefore apply and justification will need to be provided as to why the proposed barber shop cannot be located within the centre itself. No information has been submitted to address this issue.

- 9.3 As the nearby centre has vacant units and already provides hairdressers/barbers shops, planning policy fail to see that there is a perceived need outside of centre for the proposed use. Allowing a barber's shop in this location would not reduce the need to travel by car and the proposal would not meet a specific day-to-day need which are requirements of policy BCCS CEN6 due to existing hairdressers/barber shops already being located within the Smethwick High Street District Centre. Therefore, allowing such a use in this location, with no justification given, would likely reduce the vitality and viability of the nearby retail centre of Smethwick High Street, which is contrary to policy CEN5.

10. MATERIAL CONSIDERATIONS

- 10.1 The key material considerations with this proposal are highways safety, planning policy and noise and disturbance.
- 10.2 Highways safety - I am of the opinion the proposal would have a detrimental impact of the safety and convenience of users of the highway by generating further trip rates and parking accumulation on street which would affect resident's amenity.
- 10.3 Planning policy - the proposal fails to comply with the provisions of CEN5 (District and local centres), CEN6 (Meeting local needs for shopping and services) and CEN7 (Controlling out of centre development) of the Black Country Core Strategy.
- 10.3 Noise and disturbance - I am of the opinion the amenities of neighbouring residential properties would be affected by the proposal from increased comings and goings.

11. IMPLICATIONS FOR SANDWELL'S VISION

- 11.1 The proposal supports Ambitions 8 and 10 of the Sandwell Vision 2030:-
- 11.2 Ambition 8 – Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.
- 11.3 Ambition 10 – Sandwell has a national reputation for getting things done, where all local partners are focussed on what really matters in people's lives and communities.

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 On the basis of the negative responses received from the head of highways and planning policy. I consider that the application should not be supported due to the impact upon the safety and convenience of users of the highway and the lack of information in respect of the impact upon the retail centre contrary to policies BCCS CEN5 (District and local centres), BCCS CEN6 (Meeting local needs for shopping and services) and BCCS CEN7 (Controlling out - of - centre development). Furthermore, neighbouring residential properties would suffer from general noise and disturbance due to the increased comings and goings from potential customers. Refusal is therefore recommended.

13. STRATEGIC RESOURCE IMPLICATIONS

13.1 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.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

14.1 This application is submitted under the Town and Country Planning Act 1990.

15. EQUALITY IMPACT ASSESSMENT

15.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.

16. DATA PROTECTION IMPACT ASSESSMENT

16.1 The planning application and accompanying documentation is a public document.

17. CRIME AND DISORDER AND RISK ASSESSMENT

17.1 There are no crime and disorder issues with this application.

18. SUSTAINABILITY OF PROPOSALS

18.1 Refer to the national planning framework (8) and local plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

19.1 Refer to the summary of the report (12).

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

20.1 There will be no impact.

21. APPENDICES:

Site Plan

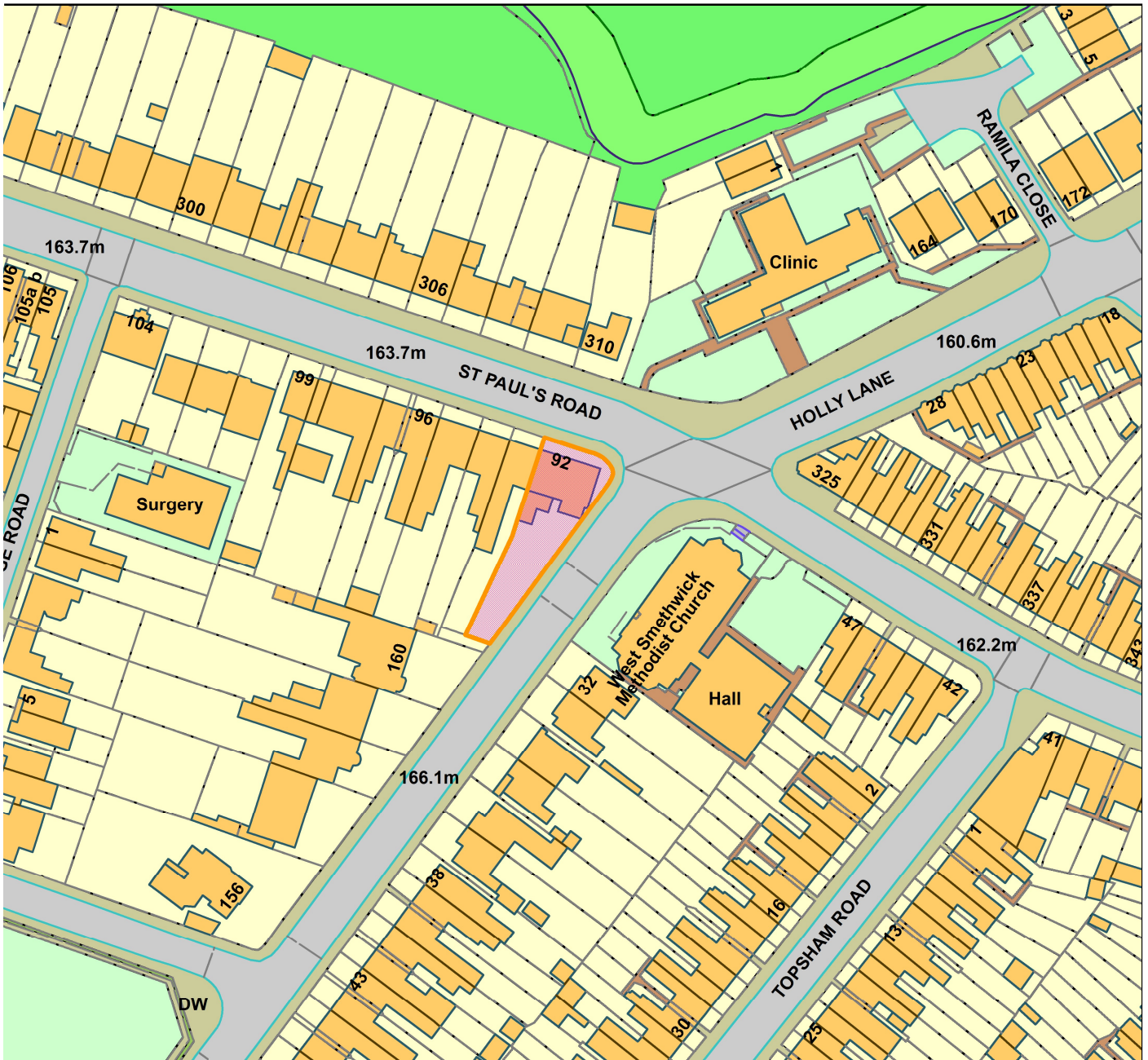
Context Plan

Drawing no. 2

Drawing no. 4

Drawing no. 6

DC/19/63521
92 St Pauls Road



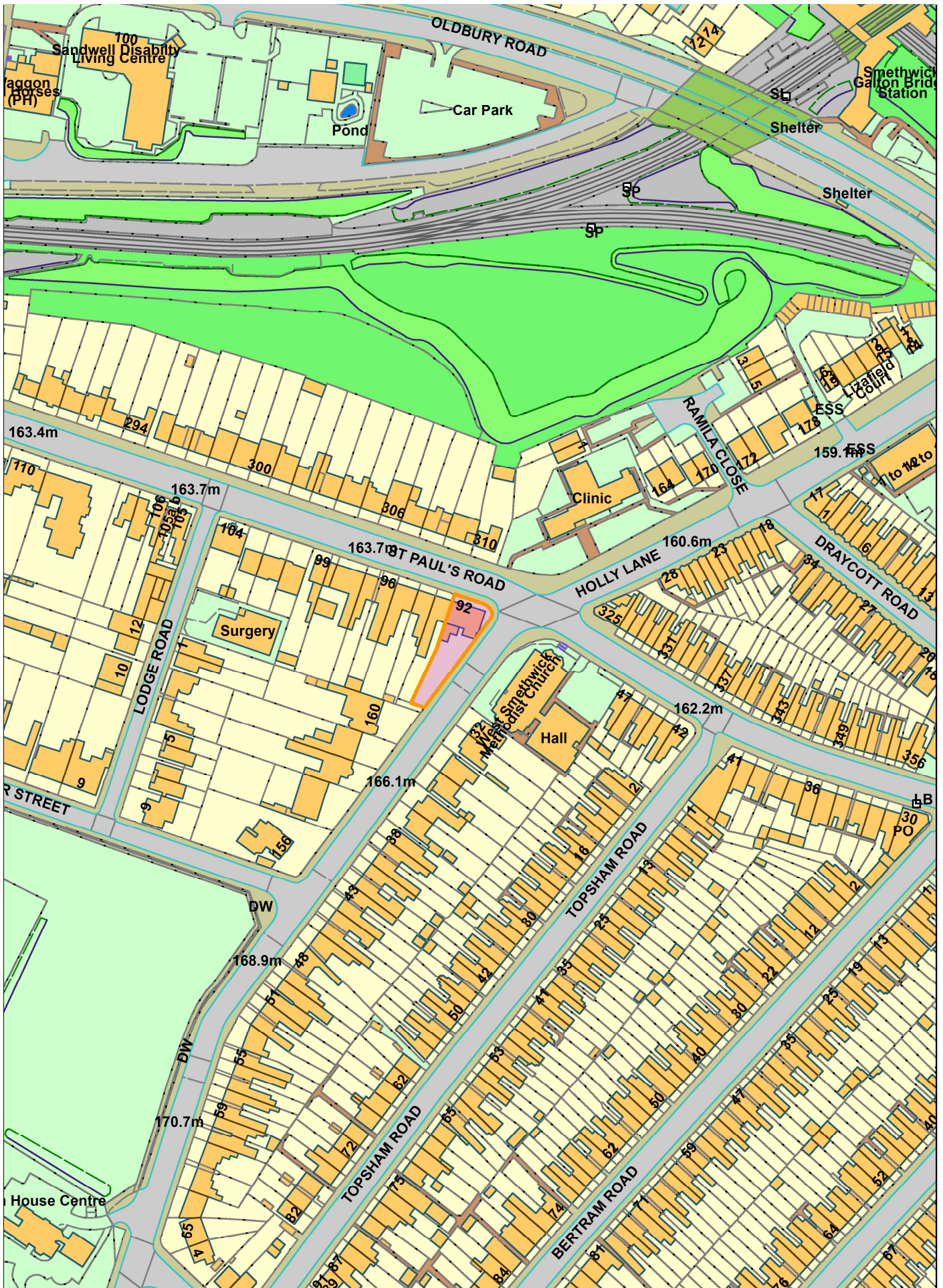
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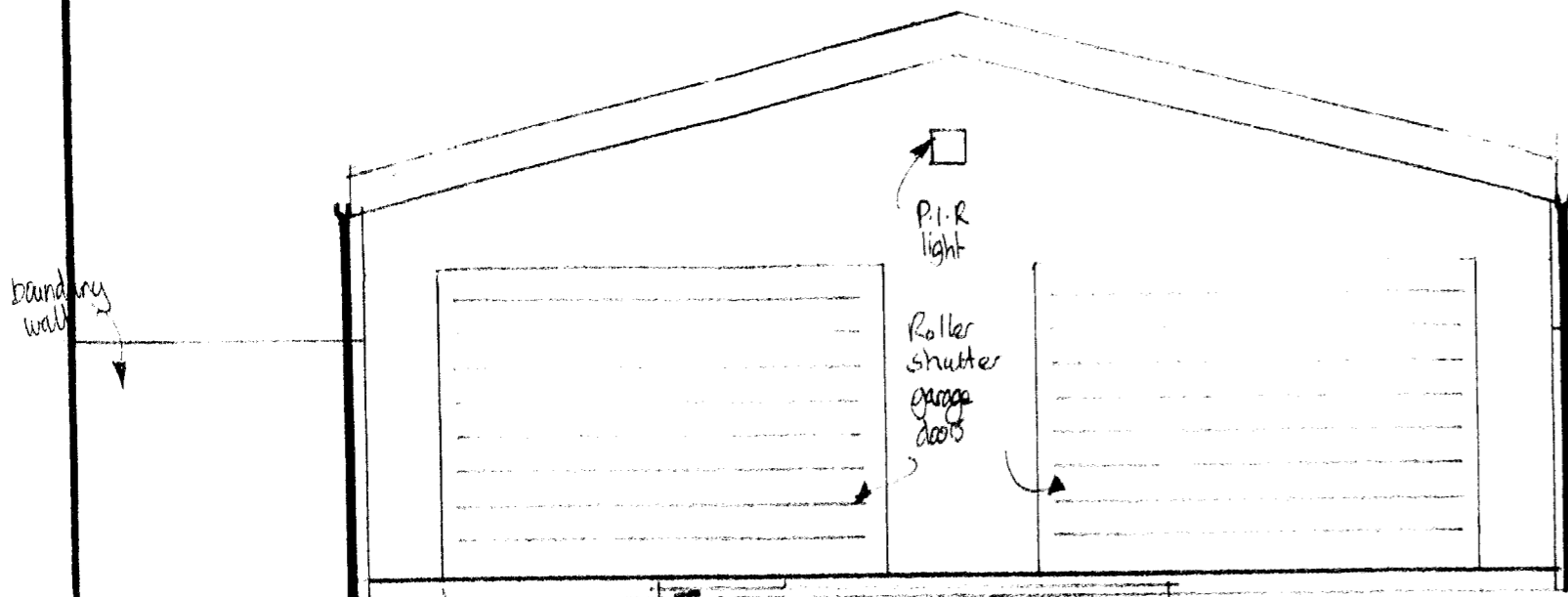
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| Date | 24 October 2019 |
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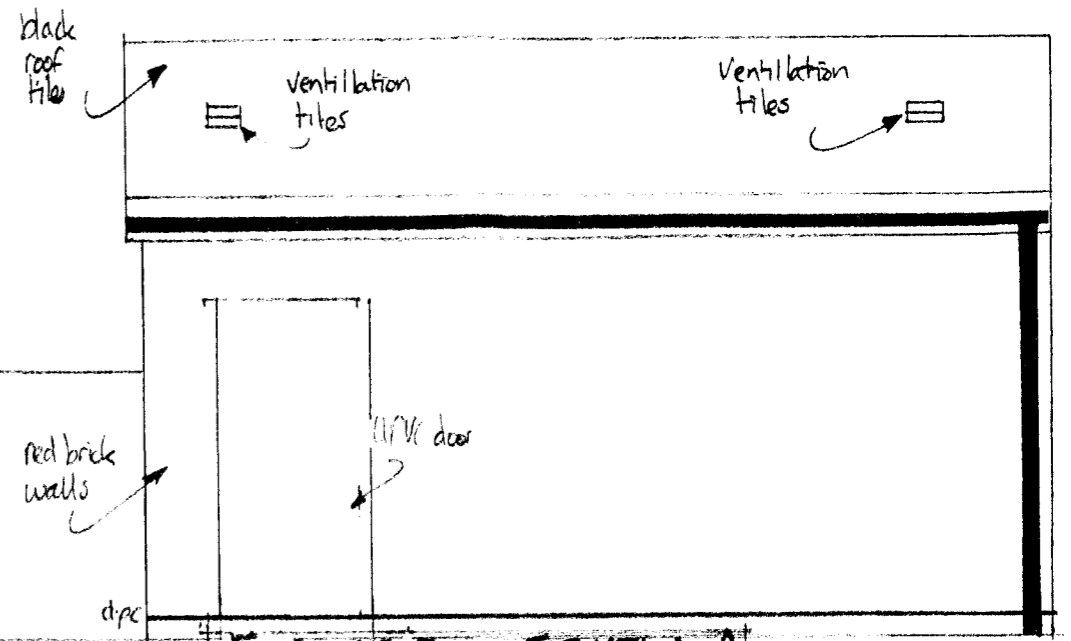
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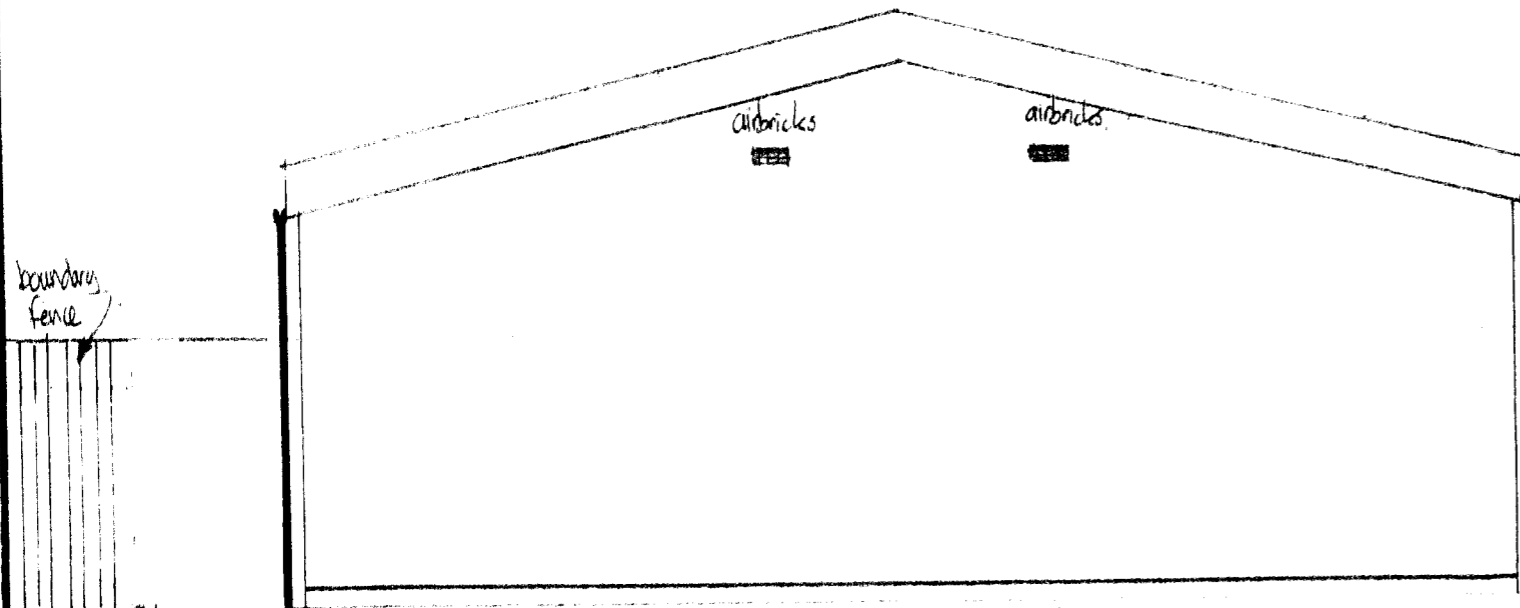




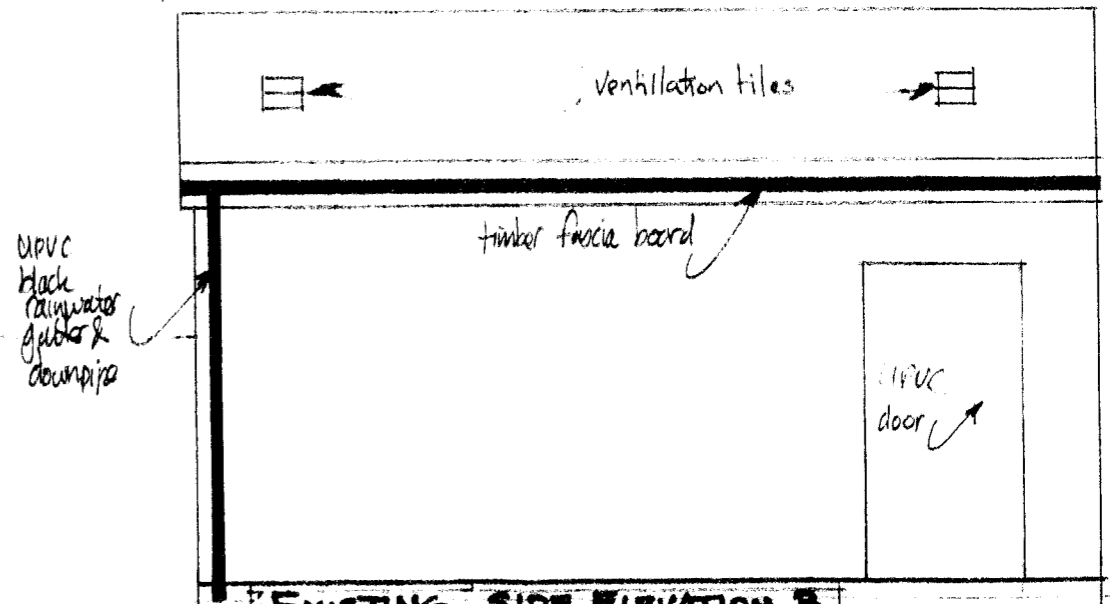
EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION A



EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION B

1:50



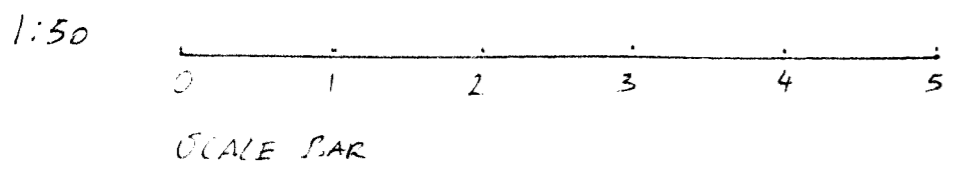
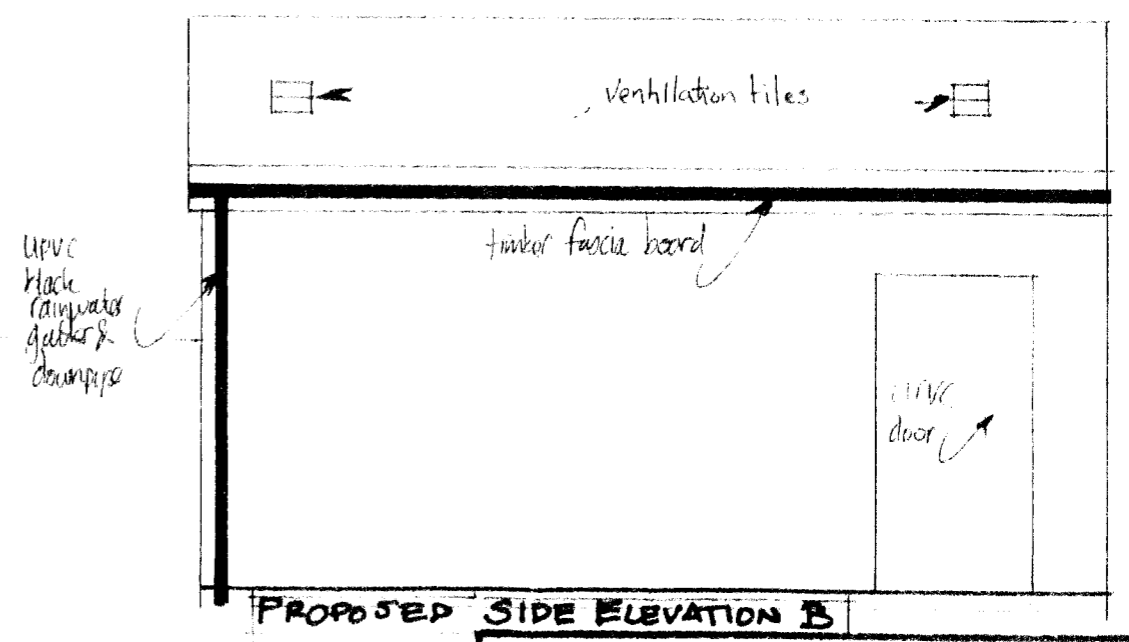
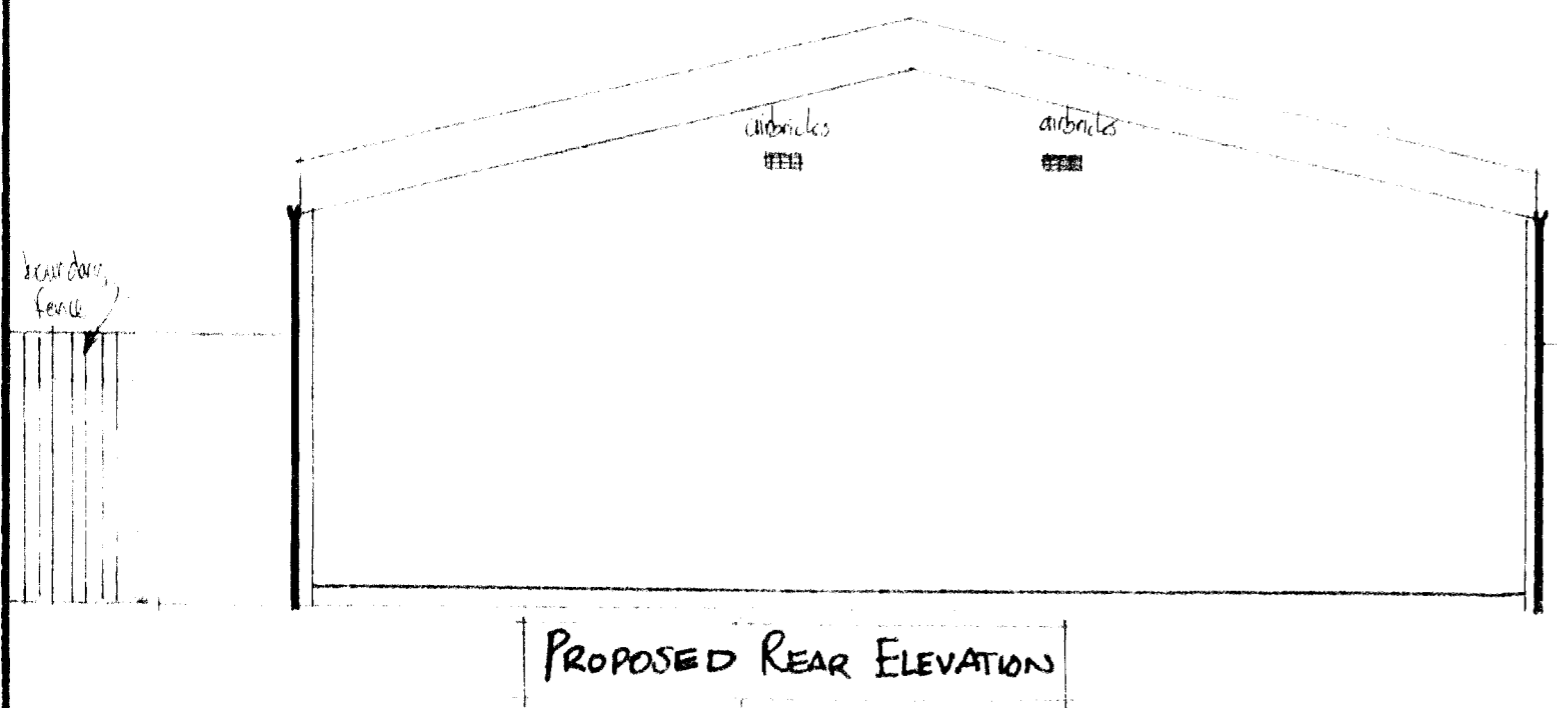
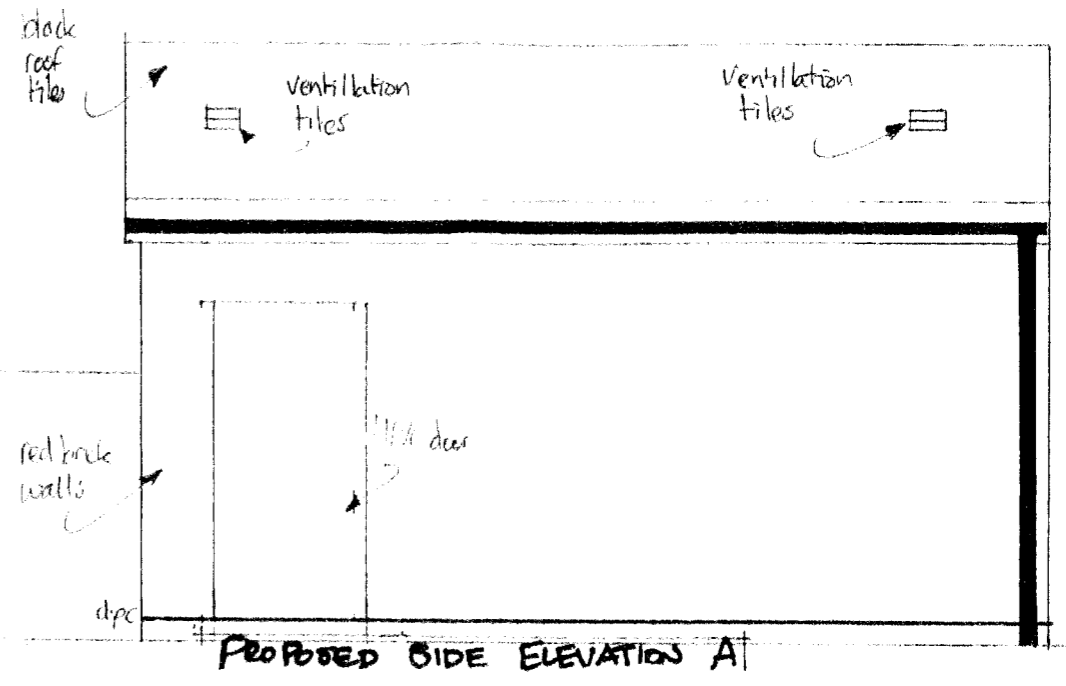
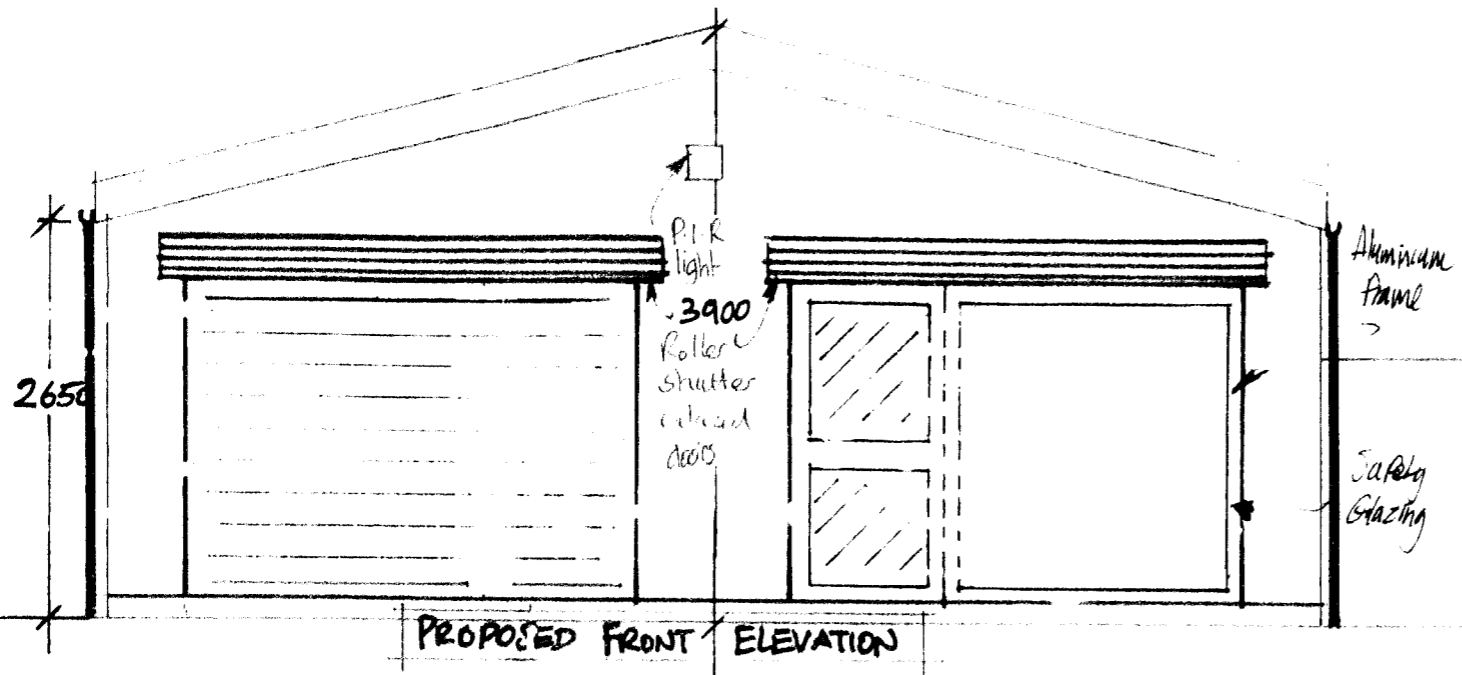
SCALE BAR

PROPOSED BUSINESS PREMISES
AT 92 ST PAULS ROAD
SMETHWICK WARLEY WEST MIDLANDS
B66 1EY

FOR MR. M. AKHTAR

SCALE 1:50

DRAWING No 2

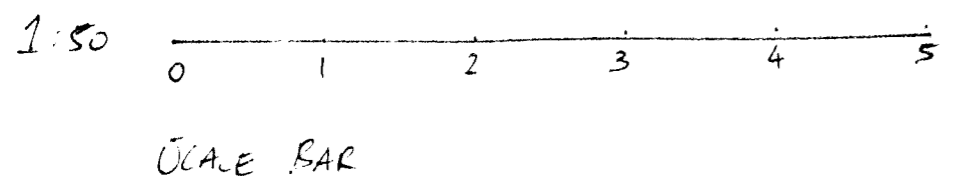
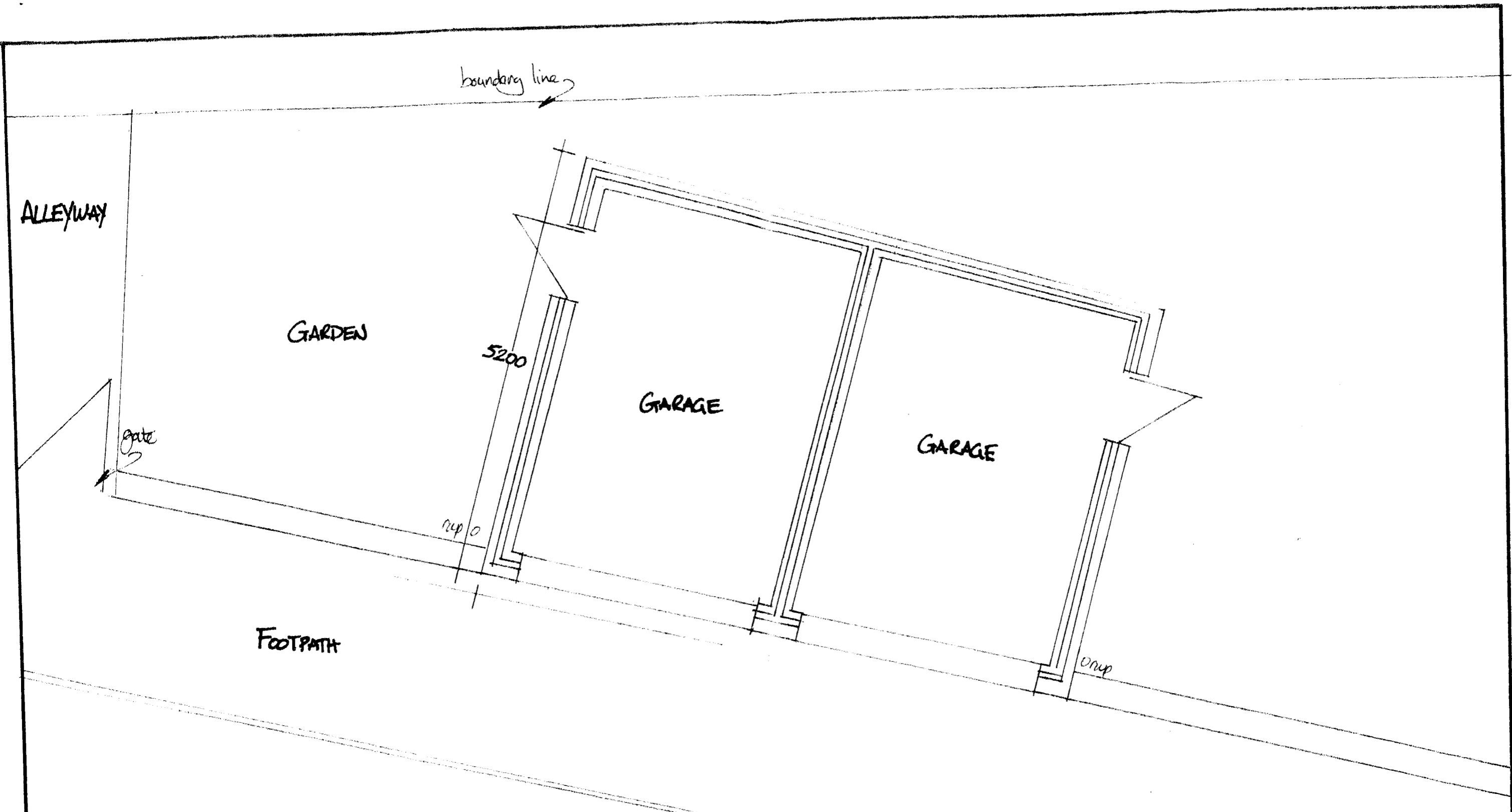


PROPOSED BUSINESS PREMISES
 AT 92 ST PAULS ROAD
 SMETHWICK WARLEY WEST MIDLANDS
 B66 1EY

FOR MR M. AKHTAR

SCALE 1:50

DRAWING No 4



| |
|--|
| PROPOSED BUSINESS PREMISES AT 92 ST PAULS ROAD SMETHWICK WARLEY WEST MIDLANDS B66 1EX |
| FOR MR M. AKHTAR |
| SCALE 1:50 |
| DRAWING No 1 |

ALLEYWAY

CAR BAYS

PARKING

boundary line

5200

GARAGE

W.C

BARBER SHOP

FOOTPATH

3700

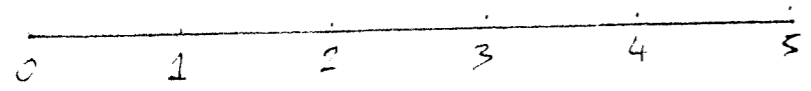
drnp

drnp

gate

take down boundary wall

1:50



SCALE BAR

PROPOSED BUSINESS PREMISES
 AT 92 ST PAULS ROAD
 SMETHWICK, WARLEY WEST MIDLANDS
 B66 1EX

FOR MR M. AKHTAR

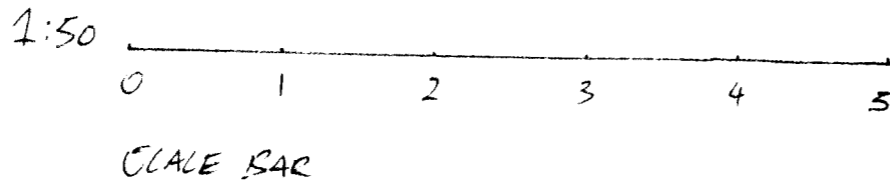
SCALE 1:50

DRAWING No 2

boundary line →

GARDEN

EXISTING GROUND FLOW



PROPOSED BUSINESS PREMISES
AT 92 ST PAULS ROAD
SMETHWICK WARLEY WEST MIDLANDS
B66 1EY
FOR MR M. AKHTAR
SCALE 1:50
DRAWING No 5

existing sliding gate

pedestrian gate

boundary line ?

Car parking bays

PROPOSED GROUND PLAN

Car parking bays

1:50

0 1 2 3 4 5

SCALE BAR

Car parking bays

existing sliding gate

pedestrian gate

| |
|--|
| PROPOSED BUSINESS PREMISES AT 92 ST PAULS ROAD SMETHWICK WARLEY WEST MIDLANDS B66 1EY |
| FOR MR. M. AKHTAR |
| SCALE 1:50 |
| DRAWING No 6 |