

Birmingham City Council

Planning Committee

20 October 2022

I submit for your consideration the attached reports for the **North West** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	6	2022/04646/PA 272a Soho Road Handsworth Birmingham B21 9LX Retention of 2 storey commercial building with use of the premises as retail (Use Class E (a)) at ground floor and office (Use Class E (g)(i)) at first floor, including external alterations.
Approve – Conditions	7	2021/09176/PA Ground Floor 272a Soho Road Handsworth Birmingham B21 9LX Change of use of ground floor from retail (Use Class E) to an Adult Gaming Centre (AGC) (Sui Generis).

Committee Date:	20/10/2022	Application Number:	2022/04646/PA
Accepted:	19/07/2022	Application Type:	Full Planning
Target Date:	21/10/2022		
Ward:	Handsworth		

272a Soho Road, Handsworth, Birmingham, B21 9LX

Retention of 2 storey commercial building with use of the premises as retail (Use Class E (a)) at ground floor and office (Use Class E (g)(i)) at first floor, including external alterations.

Applicant:	Amit Verna 20 Greave Avenue, Walsall, WS5 3QE
Agent:	Planning Potential Ltd Suite 19, 1 Cardale Park, Beckwith Head Road, Harrogate, HG3 1RY

Recommendation

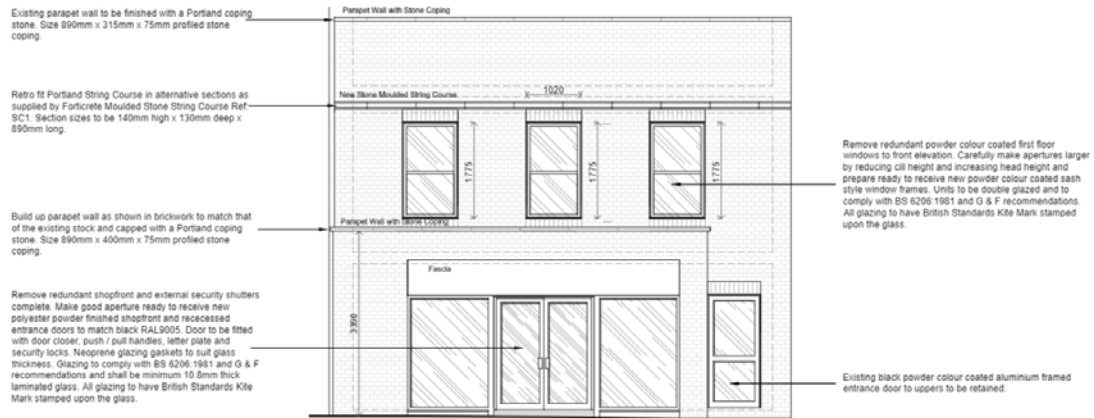
Approve subject to Conditions

1. Proposal:

- 1.1 Application seeks permission for the retention of 2 storey commercial building with use of the premises as retail (Use Class E (a)) at ground floor and office (Use Class E (g)(i)) at first floor, including external alterations to the front elevation.
- 1.2 The existing building has not been built in accordance with the 2017 approval and has an unacceptable impact on the streetscene as well as the setting of a Grade II* Listed Building. This current application seeks to regularise the current breach of planning control.
- 1.3 The applicant has provided a cover letter which contains a heritage statement.



Approved 2017 scheme (left) and as built (right)



Proposed external alterations

1.4 [Link to Documents](#)

2. **Site & Surroundings:**

2.1. The application site is on Soho Road which is a mixed used area and is within the local centre, consisting of both commercial and residential properties. The application site is currently a vacant retail store on the ground floor and office use on the first floor. To the north of the application site are residential properties and to the east is The Red Lion PH which is a Grade II* Listed Building. To the south and west of the application site are commercial/retail uses.

2.2. [Site Location.](#)

3. **Planning History:**

- 3.1. 9/9/2014 - 2014/03394/PA - Demolition of existing single storey building and erection of part single and part two storey building (comprising A1 use on ground floor and B1 use on first floor) – Refusal.
- 3.2. 8/12/2015 - 2015/07941/PA - Reconstruction of single storey shop unit and installation of new shop front – Approval subject to condition.
- 3.3. 12/1/2017 - 2016/08725/PA - Erection of a two-storey building with shop (Use Class A1) at ground floor and offices (Use Class B1(a)) at first floor – Approval subject to conditions.
- 3.4. 2021/09176/PA - Change of use of ground floor from retail (Use Class E) to an Adult Gaming Centre (AGC) (Sui Generis) – Under review.
- 3.5. 2022/0201/ENF – Development not in accordance with approved plans under 2016/08725/PA – Under investigation.

4. **Consultation Responses:**

- 4.1. Transportation Development - no objections subject to the footway crossing reinstated to full height kerb and any highway works will be at applicant's expense.
- 4.2. Regulatory services - no objections subject to operating time of 09:00 until 18:00 Monday to Sunday and controlling the noise levels from plant and machinery.

4.3. West Midlands Police have assessed the proposal and have no objections towards to the retention of the building.

5. **Third Party Responses:**

5.1. Residents, Neighbourhood Forums and Associations were notified. A site notice was displayed. Thirty-five letters of objection were received. These objections related to:

- The negative effect the adult gaming centre will have on the residents of the local area.
- An increase in anti-social behaviour.
- An increase in crime within the local area.

5.2. Councillor Chaman Lal has objected towards the application due to an increase in crime and anti-social behaviour in addition to there being an existing gambling establishment close to the application site.

6. **Relevant National & Local Policy Context:**

6.1. National Planning Policy Framework (if relevant)

- (Paragraph 86 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- Paragraph 130 states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, and where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion and resilience.

6.2. Birmingham Development Plan 2017: (if relevant)

The application site is identified as being within a District Centre in the Birmingham Development Plan 2017 and relevant Policies are:

- Policy PG3 Place Making.
- Policy TP21 The Network and Hierarchy of Centres.
- Policy TP24 Promoting a Diversity of Uses within Centres.

6.3. Development Management DPD: (if relevant)

- Policy DM2 Amenity; and
- Policy TP12 Historic Environment.

6.4. Supplementary Planning Documents & Guidance:

- Birmingham Design Guide 2022.

7. **Planning Considerations:**

Principle

7.1. Permission has previously been granted for the proposed uses and the retention of the building in retail and offices uses within a District Centre is acceptable in principle.

Visual Amenity and Impact on Listed Building

- 7.2. The proposed alterations to the frontage of the premises includes changes to the windows, the roller shutter being removed, as well as stone mouldings and copings being added.
- 7.3. The Conservation Officer has raised no objection towards the proposal. Therefore, taking the above into consideration the proposal is acceptable in this regard.
- 7.4. The applicant has submitted advertising details however, these details would be needed to be submitted under an advertisement application. These details have not been assessed as part of this assessment.

Residential Amenity

- 7.5. The retention of the building would have no impact on the residential amenity of the surrounding area.
- 7.6. Regulatory Services raise no objections subject to opening hours and controlling the noise levels from the plant and machinery. Regulatory Services recommend that the opening hours be 09:00 until 18:00, however as the application site is within a local centre opening hours of 09:00 until 22:00 are recommended.

Highway safety

- 7.7. The proposal is unlikely to cause any risk to highway safety around the application site. Transportation Development raise no objection and recommend a redundant footway crossing is reinstated to full height kerb. This is to ensure pedestrian safety surrounding the site and discourage any unlawful parking around the application site. A condition has been attached accordingly.

Crime and anti-social behaviour

- 7.8. The proposed amendments and the retention of the building would have a neutral impact on the crime and anti-social behaviour within the area. West Midlands Police have assessed the proposal and have raised no objections towards it.

Other issues

- 7.9. There have been numerous objections raised towards the proposed application. However, the objections raised relate to the adult gaming centre application (2021/09176/PA), which can be found elsewhere on this agenda.

8. **Conclusion**

- 8.1. The proposed retention and external alterations of the 2-storey commercial building would have a positive impact on the setting of the adjoining Grade II* Listed Building and the visual amenity of the existing area. It is recommended that a period of 6 months to make the changes to the building due to the harm it currently has on the streetscene and the setting of the Grade II* Listed Building next door. The retention is not contrary to any relevant policies, taking the above into consideration the retention and amendments would be acceptable in this regard subject to conditions.

9. **Recommendation:**

9.1. Approval subject to conditions.

-
- 1 Changes completed within 6 months (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Limits the hours of operation (09:00 - 22:00 Monday to Sunday)
 - 4 Limits the noise levels for Plant and Machinery
 - 5 Requires the applicant to reinstate the redundant footway crossing to full height kerb
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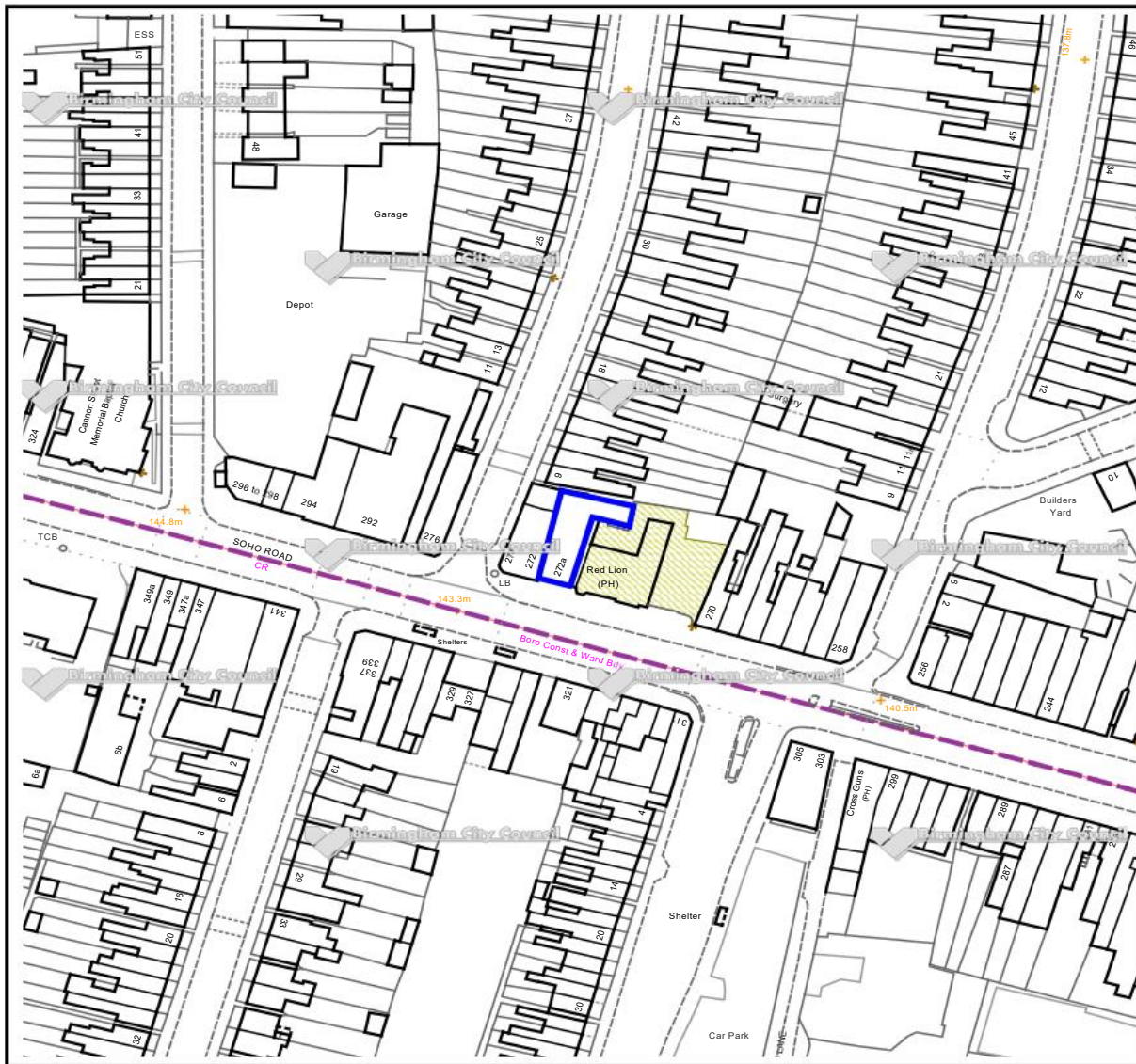
Case Officer: Hamzah Rehman

Photo(s)



View of the premises from Soho Road

Location Plan



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Committee Date:	20/10/2022	Application Number:	2021/09176/PA
Accepted:	01/11/2021	Application Type:	Full Planning
Target Date:	21/10/2022		
Ward:	Handsworth		

Ground Floor 272a Soho Road, Handsworth, Birmingham, B21 9LX

Change of use of ground floor from retail (Use Class E) to an Adult Gaming Centre (AGC) (Sui Generis).

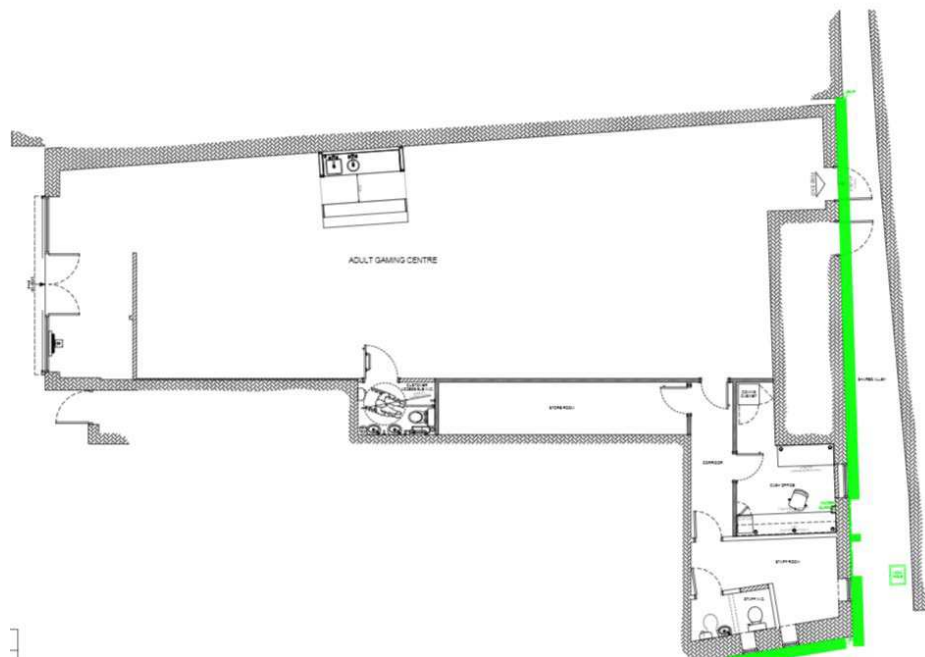
Applicant: Merkur Slots Ltd (UK)
C/o The Agent
Agent: Planning Potential Ltd
14-15 Regent Parade, Harrogate, HG1 5AW

Recommendation

Approve subject to Conditions

1. **Proposal:**

- 1.1 Application for the change of use of the ground floor from a retail (Use Class E) to an Adult Gaming Centre (AGC) (Sui Generis).
- 1.2 The change of use would incorporate a storeroom, an office, staff room and a customer accessible W/C in addition to gaming area.
- 1.3 The proposed hours of the centre would be 08:00 – 00:00.
- 1.4 [Link to Documents](#)



Ground Floor layout

2 Site & Surroundings:

2.1 The application site is on Soho Road which is a mixed used area and is within the local centre, consisting of both commercial and residential properties. The application site is currently a vacant retail store on the ground floor and office use on the first floor. The ground floor of the unit has a total floor area of 181.9 sqm. To the north of the application site are residential properties and to the east is The Red Lion PH which is a Grade II* Listed Building. To the south and west of the application site are commercial/retail uses.

2.2 [Site Location.](#)

3 Planning History:

- 3.1 8/12/2015 - 2015/07941/PA - Reconstruction of single storey shop unit and installation of new shop front – Approval subject to condition.
- 3.2 12/1/2017 - 2016/08725/PA - Erection of a two-storey building with shop (Use Class A1) at ground floor and offices (Use Class B1(a)) at first floor – Approval subject to conditions.
- 3.3 03/01/2017 - 2016/08725/PA - Erection of a two-storey building with shop (Use Class A1) at ground floor and offices (Use Class B1(a)) at first floor – Approve subject to conditions.
- 3.4 2022/04646/PA - Retention of 2 storey commercial building with use of the premises as retail (Use Class E (a)) at ground floor and office (Use Class E (g)(i)) at first floor, including external alterations – Under review.
- 3.5 2022/0201/ENF – Development not in accordance with approved plans under 2016/08725/PA – Under investigation.

4 Consultation Responses:

- 4.1 Transportation Development - no objections subject to the footway crossing reinstated to full height kerb.
- 4.2 Regulatory services - no objections subject to operating time of 08:00 until 00:00 Monday to Sunday; noise levels from plant and machinery; noise mitigation and no amplified speech, sound or music within the building unless it is inaudible.
- 4.3 West Midlands Police - raise an objection on the following grounds:
- Near an existing premises involved in the gambling industry, which generates a disproportionately high number of call for service to WMP.
 - Operating as a late night entertainment venue has the increased potential to host incidents of crime and anti-social behaviour.
 - Potential to increase incidents of crime and anti-social behaviour in the area.
 - There are a disproportionate number of HMOs and exempt accommodation in the area.
 - Several established betting shops are a draw for individuals with complex needs who live chaotic lives.
 - Opening of a 24hr gaming establishment will be another area that will encourage groups engaged in anti-social behaviour and crime to centre around and even base themselves from, out of the way of passing police

patrols.

- Establishment is likely to be itself a target of crime and betting establishments regularly request police assistance.

However, they have recommended conditions, if planning is approved, relating to hours of opening are not 24/7 and reduced significantly, dedicated security/door staff, intruder alarm, CCTV system and 'Secured by Design'.

5 Third Party Responses:

- 5.1 Residents, Neighbourhood Forums and Associations were notified. A site notice was displayed. Sixty-four letters of objection were received including an objection from the Soho BID. These objections related to:
- The negative effect the proposal will have on the residents of the local area.
 - An increase in anti-social behaviour.
 - An increase in crime within the local area.
 - The safeguarding of children.
- 5.2 Councillor Hendrina Quinnen has objected on the following grounds:
- Proximity to family homes, the Education Establishment and the Library.
 - Although the Gambling Commission appears not to define “vulnerable persons”, around Soho Road there are Exempt Accommodation/ Supported Living/ HMOs – some are homes for people who could be described as vulnerable; therefore may gamble beyond their means and may not be able to make informed decisions about gambling - due to their mental capability due to drugs or alcohol use.
 - Birmingham City Council has a duty to protect children, vulnerable persons and families from being harmed or exploited by gambling.
- 5.3 A petition has been submitted by Councillor Hendrina Quinnen with 164 signatures objecting to the proposal as the venue is close to family homes with children and vulnerable adults and they should be protected from harm and exploitation gambling usually brings.

6 Relevant National & Local Policy Context:

6.1 National Planning Policy Framework

- Paragraph 86 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- Paragraph 130 states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, and where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion and resilience.

6.2 Birmingham Development Plan 2017:

The application site is identified as being within a District Centre in the Birmingham Development Plan 2017 and relevant Policies are:

- Policy PG3 Place Making.
- TP21 The Network and Hierarchy of Centres
- TP24 Promoting a Diversity of Uses within Centres

6.3 Development Management DPD 2021:

- DM2 Amenity of the DMB-PDP.

6.4 Supplementary Planning Documents & Guidance:

- Birmingham Design Guide.

7 Planning Considerations:

Principle

- 7.1 The site forms part of Soho Road Local Centre and also within the primary shopping area. BDP policy TP21 sets out the City's network and hierarchy of centres and states that these centres will be the preferred locations for retail, office and other development such as leisure, education, community uses. An Adult Gaming Centre (AGC) is not listed within the NPPF as a main town centre use, however it does share many characteristics with other uses which attract visiting members of the public. Therefore, the siting of this use within a defined district centre is considered appropriate in principle.
- 7.2 BDP Policy TP24 states that 55% of ground floor units in District Centres should be retained in retail use. The most recent Shopping and Local Centres SPD Monitoring Report carried out in 2021, identifies that 65% of the units in Soho Road Local Centre are in retail use. There are betting shops/casinos located at 154a, 198, 209/211 and 262 Soho Road. There are no issues with regard to the mixture of retail and other uses in this centre.

Residential Amenity

- 7.3 The applicant has submitted a noise impact assessment and an operational management plan to demonstrate that the proposal would not have an adverse impact on neighbouring occupiers in terms of noise and disturbance. The applicant has confirmed that there will only be background music playing within the centre and there would not be a tannoy system within the centre. The noise assessment shows that the potential noise level generated from the customers of the proposed site would not be significant compared to the background noise of the surrounding area due to the site being in a local centre and on the busy Soho Road. The main source of noise would be from customers' coming and goings and it is reasonable to expect that this would not result in noise nuisance. The site is within a vibrant local centre where the background noise is high due to noise from road traffic and commercial activities. Therefore, it is considered that the proposal would not harm the neighbouring residential occupiers in terms of noise and disturbance. Regulatory Services raised no objection subject to conditions relating to the operating times; plant and machinery noise levels; noise mitigation and no amplified sound.

Highway Safety

- 7.4 The proposal is unlikely to cause any risk to highway safety around the application site. Transportation Development raise no objection and recommend a redundant footway crossing is reinstated to full height kerb. This is to ensure pedestrian safety surrounding the site and discourage any unlawful parking around the application site. A condition has been attached accordingly.

Crime and anti-social behaviour

- 7.5 Objections have been received relating to the negative effect the gaming centre will have on the residents of the local area, an increase in anti-social behaviour, an increase in crime within the local area and the safeguarding of children. The objection from WMP also includes comments from a Police Sergeant stationed at Handsworth Police Station stating that the proposal would negatively impact on an area already affected by a significant degree of anti-social behaviour, crime and disorder.
- 7.6 The applicant has submitted an 'Operational Management Plan and Security

Measures' to demonstrate how the proposed use would operate to ensure the safety and security of the site and its customers as well as safeguarding the adjoining neighbouring occupiers. It highlights that Adult Gaming is a regulated industry aimed at individuals over the age of 18 years old. Children entering such venues are prohibited by law. It adds that the operation of adult gaming centre is subject to Licence Conditions and Codes of Practice from the Gambling Commission which address matters such as protection of children and other vulnerable persons, access to premises and age checks, responsible gambling etc.

7.7 As such the proposed use would be subject to a separate licensing regime that would need to demonstrate how the use would be operated in a manner that would address concerns around matters such as anti-social behaviour, criminal behaviour, drug taking, drunkenness and encourage an increase in gambling.

7.8 The objections raised on the proposed use are noted, including those from WMP. In assessing this application, of particular note was an appeal decision (2018/09039/PA) for an amusement arcade at 54-57 High Street in the City Centre, which was refused by the Local Planning Authority, in part, on the grounds that the proposal would increase the opportunity for crime and fear of crime. The appeal was allowed, and the following extracts are of particular relevance to this current application:

7.9 *"The appellant acknowledges that the appeal site is located in an area where statistics show that incidents of crime are relatively high... Whilst the Council and the police consider that the proposed change of use would have an exacerbating impact on the existing levels of anti-social behaviour, there is limited evidence to show that the appeal proposed would facilitate or increase the likelihood of criminal activities occurring. There are issues with crime in the area and the presence of the empty unit is not assisting in managing any crime issues. The occupation of a currently vacant unit would be likely to provide some natural surveillance and remove the opportunity for groups to gather outside a vacant shop. The presence of CCTV which can be conditioned would provide some monitoring and may act as a deterrent for antisocial behaviour. The appeal proposal would be lit, and the premises would be staffed.*

The police have objected to the appeal proposal on the basis that the number of calls relating to gambling industry establishments is high and that the proposed use would adversely impact upon the location and crime and fear of crime. There is however limited evidence that the appeal proposal would facilitate or increase the likelihood of these activities...

On balance, subject to suitable conditions, I do not therefore consider that the appeal proposal would increase opportunities for crime and fear of crime"

7.10 Similarities can be drawn from this appeal decision and the current application, in terms of the nature of objection, including from WMP, and existing high levels of criminal and anti-social behaviour within a town centre location. Whilst there may be a high number of calls relating to gambling industry establishments and being consistent with the above appeal decision, without substantive evidence that the current proposal would facilitate or increase such activities, it is considered that on balance a reason for refusal could not be sustained.

7.11 The application also includes the external alterations proposed under 2022/04646/PA and to be consistent with this, a condition is recommended requiring these works to be implemented within 6 months.

7.12 The applicant has submitted advertising details however, these details would be needed to be submitted under an advertisement application. These details have not been assessed as part of this assessment.

8 Conclusion

- 8.1 Concerns over the potential for an increase in anti-social and criminal behaviour in an area that is already affected by such activities is fully recognised. However, in the absence of substantive evidence that the proposed use in this location will have an adverse impact, it is considered that on balance and to be consistent with the appeal decision highlighted in the report, a reason for refusal could not be defended. It is also important to acknowledge the role of the separate licensing regime for such uses/premises.
- 8.2 Furthermore, the proposal would introduce a use visited by members of the public into a vacant premises within a local centre. In addition, with the reduce opening hours as well as other safeguarding conditions, the impact on neighbour amenity and highway safety would be acceptable.

9 Recommendation:

- 9.1 Approval subject to conditions.

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- | | |
|---|---|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the noise levels for Plant and Machinery |
| 4 | Limits the hours of operation (08:00-00:00) |
| 5 | Prevents any amplified speech, sound or music within the building unless it is inaudible at the façade of and within any noise sensitive or residential use |
| 6 | Require the implementation of noise mitigation measures |
| 7 | Requires the installation of a CCTV System and Personal Alarm |
| 8 | Requires the reinstatement of the redundant footway crossing to full height kerb |
| 9 | Requires the implementation of the external alterations within 6 months |
-

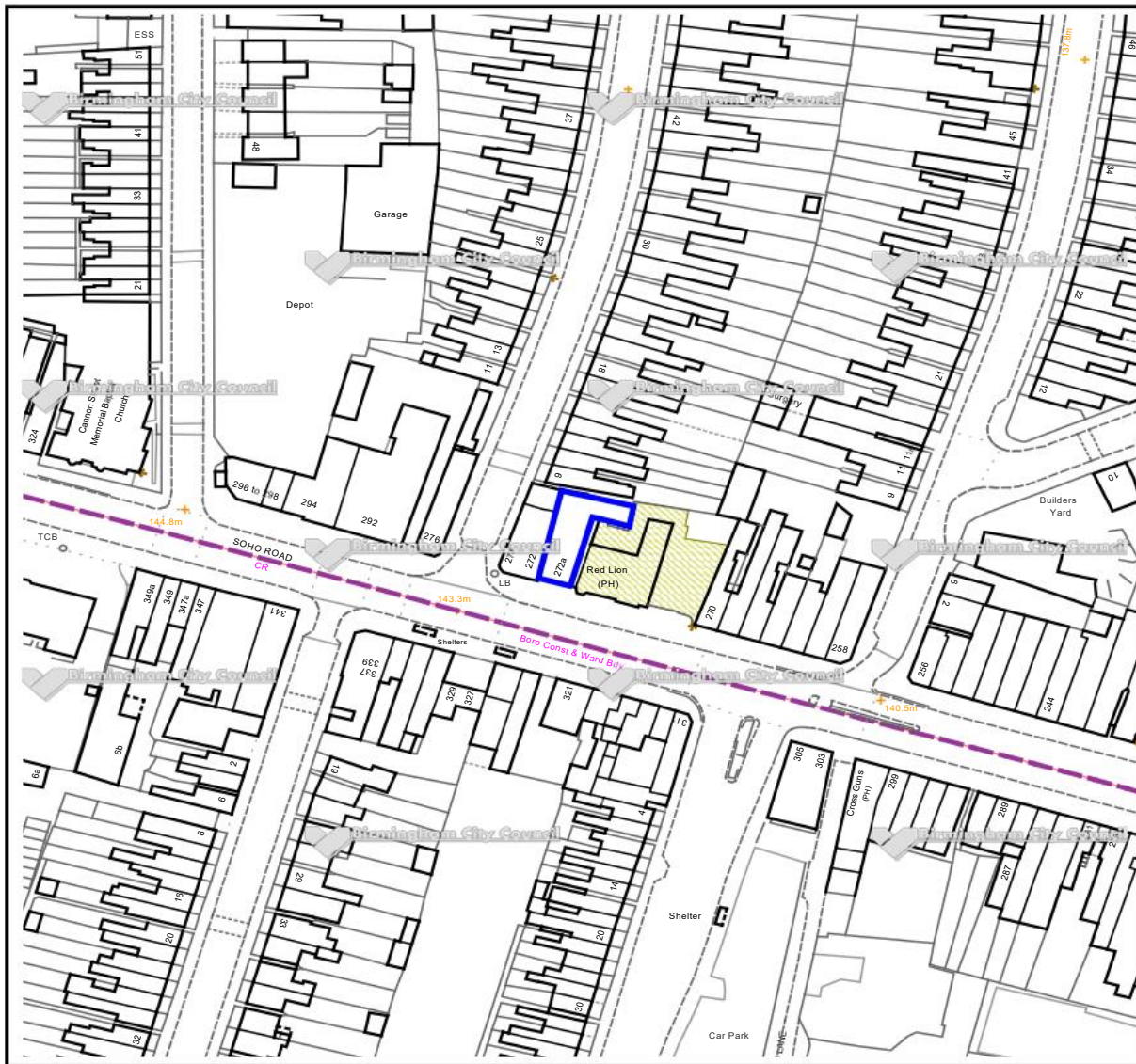
Case Officer: Hamzah Rehman

Photo(s)



View of premises from Soho Road

Location Plan



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Birmingham City Council

Planning Committee

20 October 2022

I submit for your consideration the attached reports for the **East** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	8	2022/04422/PA 28 Weatheroak Road Sparkhill Birmingham B11 4RE Retention of change of use of 1no. food manufacturing and packaging business to 1no. retail shop (Use Class E(a)) and 1no. office to 1no. retail shop (Use Class E(a)) at ground floor, retention of roof extension, dormer windows to rear and rooflights to front; and proposed installation of first floor rear window and ground floor front door, creation of 3no. flats at first and second floor and erection of new dual pitched roof.
Approve – Conditions	9	2022/03227/PA 201 Stockfield Road Yardley Birmingham B25 8DY Change of use from car show room to banqueting hall (Sui Generis) and ancillary building works
Determine	10	2020/09459/PA Equipoint 1508 Coventry Road South Yardley Birmingham B25 8AD Construction of a mixed use development of two Blocks of between 3-9 storeys comprising 105 residential apartments (Use Class C3) with ancillary internal and external amenity areas, ground floor commercial floorspace (Use Class E) and associated works including public realm, landscaping and parking

Committee Date:	20/10/2022	Application Number:	2022/04422/PA
Accepted:	24/06/2022	Application Type:	Full Planning
Target Date:	21/10/2022		
Ward:	Sparkhill		

28 Weatheroak Road, Sparkhill, Birmingham, B11 4RE

Retention of change of use of 1no. food manufacturing and packaging business to 1no. retail shop (Use Class E(a)) and 1no. office to 1no. retail shop (Use Class E(a)) at ground floor, retention of roof extension, dormer windows to rear and rooflights to front; and proposed installation of first floor rear window and ground floor front door, creation of 3no. flats at first and second floor and erection of new dual pitched roof.

Applicant:	Mr Bashir Ahmed 26a-28 Weatheroak Road, Sparkhill, Birmingham, B11 4RE
Agent:	ZS Partnership Ltd 469 Coventry Road, Small Heath, Birmingham, B10 OTJ

Recommendation

Approve subject to Conditions

1. Proposal:

- 1.1 This application seeks planning permission for retention of change of use of 1no. food manufacturing and packaging business to 1no. retail shop (Use Class E(a)) and 1no. office to 1no. retail shop (Use Class E(a)) at ground floor, retention of roof extension, dormer windows to rear and rooflights to front; and proposed installation of first floor rear window and ground floor front door, creation of 3no. flats at first and second floor and erection of new dual pitched roof.
- 1.2 There are currently 4 retail units at ground floor level. The central 2 were granted planning consent in 2015 (App. No. 2015/00677/PA) and it is now proposed to also retain the 2 end units for retail purposes. All four units are accessed from the public footpath on Weatheroak Road and range in size from 34m² to 80m². Unit 2 would have a larger storage area to the rear and a new front door would be incorporated between units 2 and 3 to access the rear yard.
- 1.3 The proposed three flats would be situated on the upper floors, with flats one and two located at first floor and flat three located at second floor. Flat one (internal area of 62m²) would have two bedrooms and could accommodate three residents, whilst both flats two (internal area of 38m²) and three (internal area of 43m²) are proposed to have one bedroom and accommodate one resident each.
- 1.4 Originally, the application property comprised a part front facing gable and part side facing gable pitched roof. Part of this was recently removed and the main roof element has been increased in height by 0.7m. As part of the scheme, it is now proposed to further extend the increased roof and provide the same side facing gable pitched roof

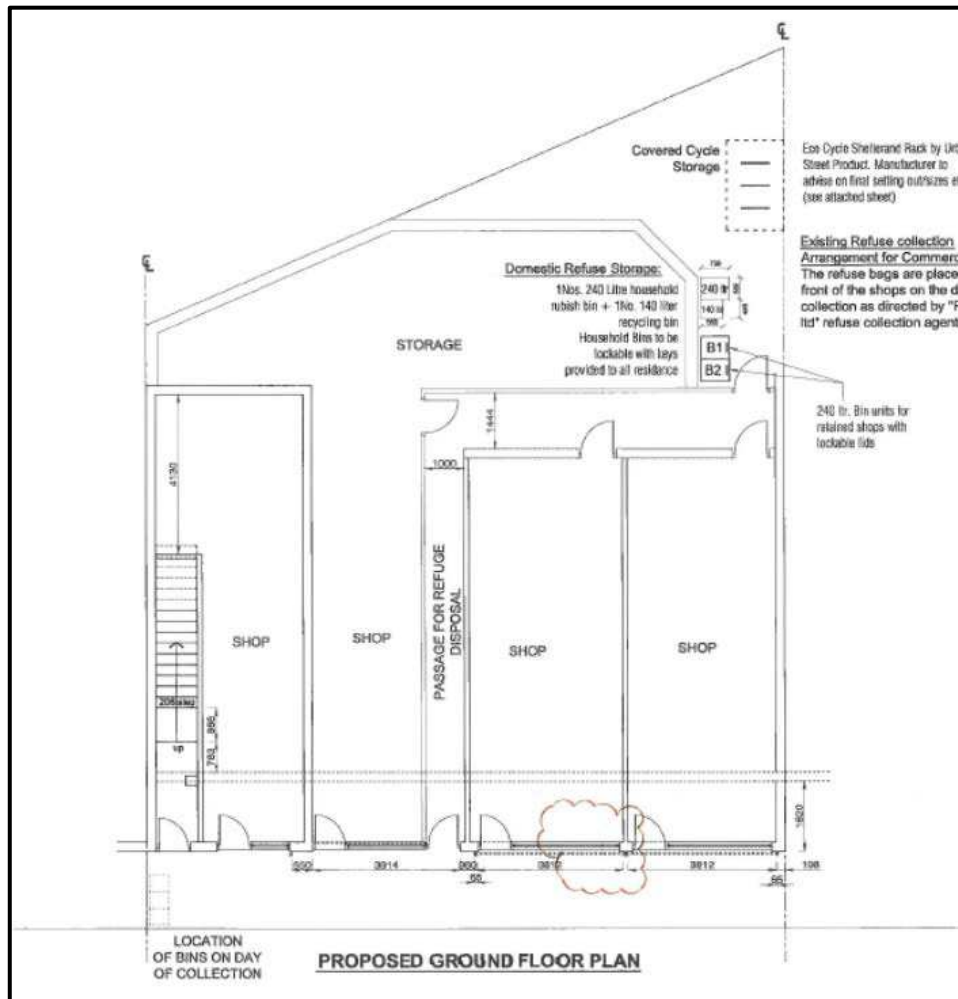
for the entire application property. The new roof would have a height of 3m, a width of 4.3m and a depth of 8.5m.

- 1.5 Four dormer windows have already been installed within the property's rear roofscape. The two middle dormers serve a bathroom and are obscurely glazed. They have a combined width of 3.4m, a height of 1.9m and a depth of 3m. The two remaining dormers have widths of 1.7m, heights of 2.1m and depths of 3m. Two rooflights are proposed to be retained within the front roof and a new rear window is proposed to be installed at first floor to replace an existing first floor fire door.
- 1.6 The entire rear yard is currently covered by a roof which would be removed as part of the proposal. This would enable outdoor amenity space, cycle storage and refuse storage facilities to be provided.
- 1.7 The application is reported to Planning Committee due to the number of objections received.

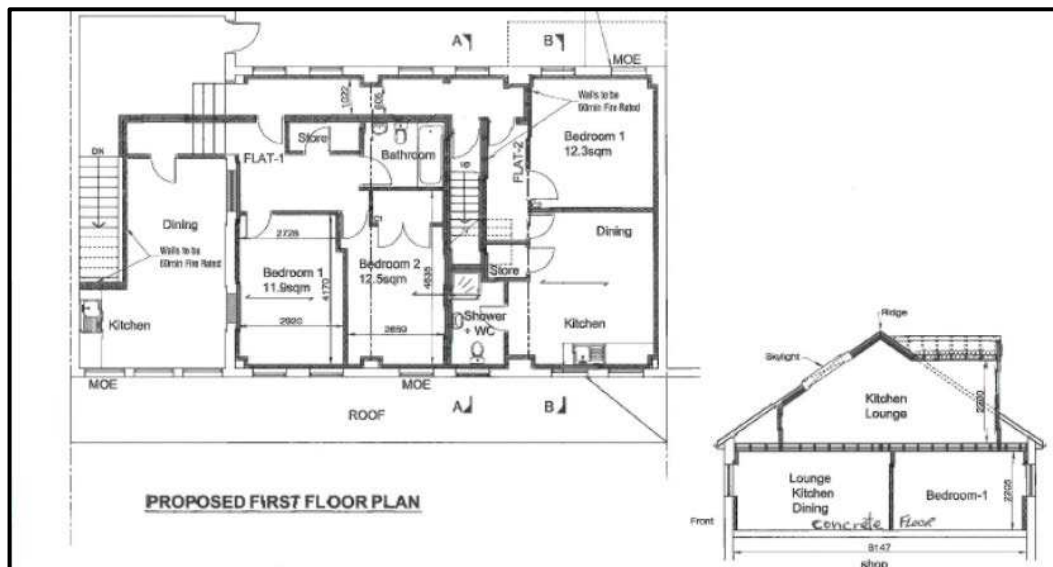
[Link to Documents](#)



Block Plan



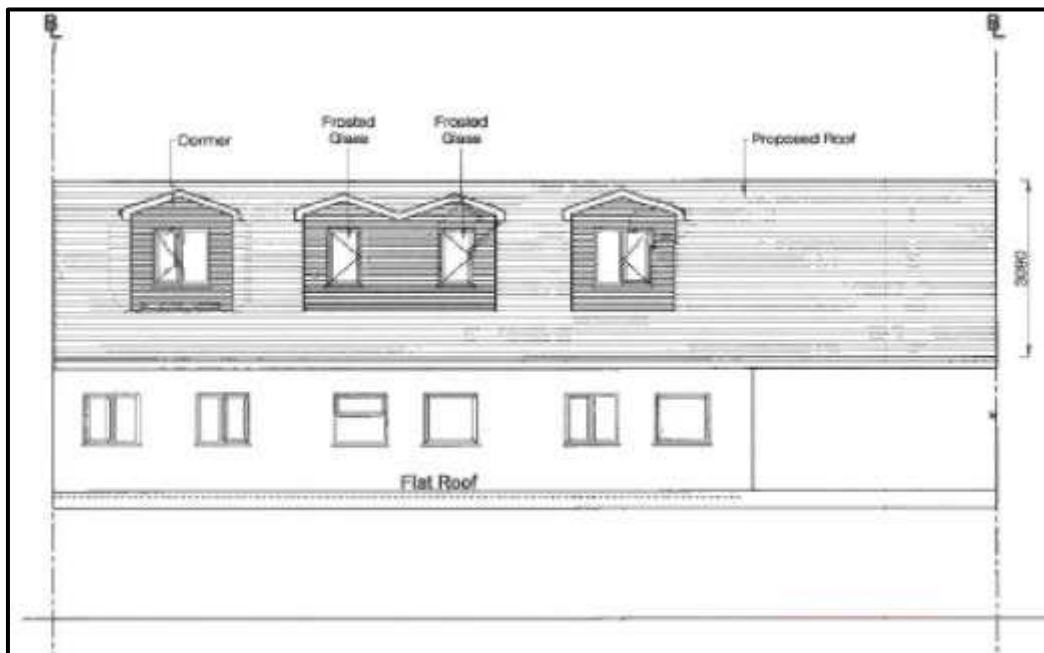
Proposed Ground Floor Plan



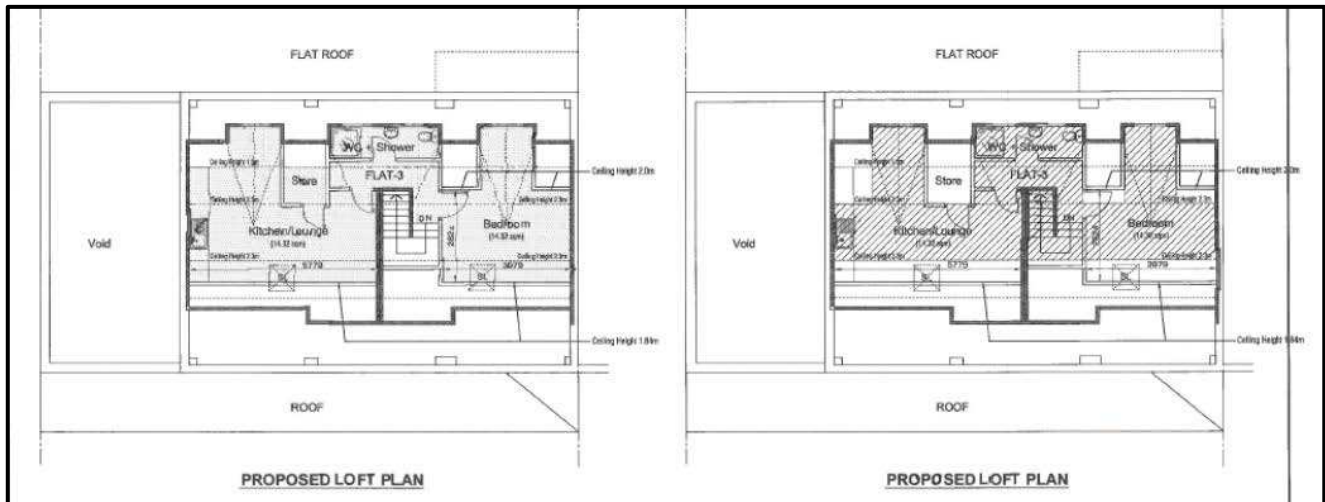
Proposed First Floor Plan and Section Drawing



Proposed Front and Side Elevations and Section Drawing



Proposed Rear Elevation



Proposed Loft Plan

2. Site & Surroundings:

- 2.1. The application site comprises a two-storey building currently in use for retail purposes at ground floor level. It is understood that the first floor of the property was previously in unauthorised use as four bedsits /flats. The site, which is located within the Sparkhill Local Centre adjoining the Sparkhill Primary Shopping Area, is situated on the western side of Weatheroak Road, near to the junction with Stratford Road.
- 2.2. Due to the site's location withing a Local Centre, the area surrounding the site is mixed residential and commercial in character. Commercial uses are predominantly located to the south and west of the site, with residential uses predominantly located to the north, north-east and east. The application property adjoins number 26 Weatheroak Road, which is in use as a dwellinghouse, to the south, and 438 Stratford Road, which is in commercial use, to the north.
- 2.3. The application site relies solely on on-street vehicle parking, as do many of the other properties located on Weatheroak Road, which is a one-way street.
- 2.4. [Site Location.](#)

3. Planning History:

- 3.1. 01.02.1993. 1992/04905/PA- Erection of first floor enclosed link between 436 Stratford Road and 28 Weatheroak Road. Approved subject to conditions.
- 3.2. 16.02.2006. 2005/07416/PA- Change of use from vehicle repairs to food manufacture and packaging, use of first floor as offices and installation of extractor flue on rear elevation. Refused due to impact on highway and pedestrian safety.
- 3.3. 20.04.2006. 2006/01116/PA- Change of use to food manufacture and packaging, use of first floor as offices. Refused due to impact on highway and pedestrian safety.
- 3.4. 26.09.2008. 2008/03488/PA- Retention of single storey extension and installation of flues. Refused due to impact on residential amenity and insufficient information relating to the flue.

- 3.5. 17.06.2009. 2009/00999/PA- Enforcement notice appeal concerning the erection of a single-storey rear extension and installation of flues. Part approved / part refused.
- 3.6. 29.04.2010. 2009/06341/PA- Erection of single storey rear extension and relocation of extractor flue. Approved subject to conditions.
- 3.7. 17.04.2015. 2015/00677/PA- Part change of use of industrial unit to form two retail units (A1) and one office (B1a) use and creation of new shopfronts. Approved subject to conditions.

4. Consultation Responses:

- 4.1. Transportation Development – No objection subject to a condition requiring the submission of secure and sheltered bicycle parking details.
- 4.2. Regulatory Services – No objection subject to a condition relating to noise insulation between the commercial and residential uses.
- 4.3. West Midlands Police – No objections.
- 4.4. Severn Trent Water – No objections.

5. Third Party Responses:

- 5.1. MP, Ward Members and the occupiers of adjoining properties were consulted, and a site notice was displayed. A petition objecting to the proposal signed by 32 individuals has been received, as well as one separate letter of objection. In addition, a request to speak at Planning Committee was also received. They raise the following concerns:
- The presence of four retail units causes significant strain on vehicle parking availability along Weatheroak Road, which is a one-way street, and prevents disabled residents from using their designated parking bays. This is also due to the use of the street for parking by visitors to the nearby high street. The proposed addition of three residential units will exacerbate these issues, as will the proposed change of use of the corner shop into a restaurant.
 - The four retail units located at ground floor use cones and other objects to informally reserve parking spaces for their trucks /vans.
 - There is nowhere for the proposed flats to store their waste /recycling bins on non-collection days and as such they would be permanently stored on the footpath and present health and safety risks for surrounding residents.
 - The applicant has blatantly disregarded planning law.
 - The proposed additional three residential units would act as an unbearable strain on the health, wellbeing and mobility of the residents of Weatheroak Road.
 - The application property has always been 28 Weatheroak Road and '26A Weatheroak Road' does not exist.
 - The proposal would require soundproofing to be attached to the external wall of the adjoining property and to protect amenity of surrounding residents.

- The occupiers of the adjoining residential property are already impacted upon by way of restricted light levels and air flow caused by the boundary wall and the existing rear extension. The dormers will exacerbate this issue by reducing the amount of natural light to several habitable rooms of this property.
- The rear dormers would result in overlooking into surrounding gardens and will have a negative impact on surrounding residents whose gardens are their only means of exercise.
- There is no fire escape route for the property.
- People use the first floor rear roof to sit on fold out chairs.
- A fire notice has previously been issued as the application property burnt down.
- There are several unauthorised structures and extensions to the rear of the application site.
- Work has already started on site.
- There have been criminal activities at the site involving the growing of drugs.
- The dormers are an over intensive use of the roof space.

6. Relevant National & Local Policy Context:

National Planning Policy Framework

- Chapter 2 (Achieving sustainable development)
- Chapter 4 (Decision-making)
- Chapter 5 (Delivering a sufficient supply of homes)
- Chapter 6 (Building a strong, competitive economy)
- Chapter 7 (Ensuring the vitality of town centres)
- Chapter 8 (Promoting healthy and safe communities)
- Chapter 9 (Promoting sustainable transport)
- Chapter 12 (Achieving well-designed places)

Birmingham Development Plan 2017

- Policy PG3 (Place making)
- Policy TP21 (The network and hierarchy of centres)
- Policy TP24 (Promoting a diversity of uses within centres)
- Policy TP28 (The location of new housing)
- Policy TP32 (Housing regeneration)
- Policy TP44 (Traffic and congestion management)
- Policy TP45 (Accessibility standards for new development)

Development Management in Birmingham DPD

- Policy DM2 (Amenity)
- Policy DM6 (Noise and vibration)
- Policy DM10 (Standards for residential development)

- Policy DM14 (Transport access and safety)
- Policy DM15 (Parking and servicing)

Supplementary Planning Documents & Guidance

- Shopping and Local Centres SPD (2012)
- Technical housing standards- nationally described space standard (2015)
- Birmingham Parking SPD (2021)
- The Birmingham Design Guide (2022)
- The National Design Guide (2021)

7. Planning Considerations

- 7.1. The main considerations in the determination of the application are as follows:
- 7.2. **Principle of Development** –The city’s local centres will be the preferred location for retail, office and leisure developments and for community facilities, and residential uses will be encouraged and supported on the upper floors in local centres subject to it providing good quality, well designed living environments. Due to the application site’s location within the Sparkhill Local Centre, adjoining the Sparkhill Primary Shopping Area, the principle of the proposal is considered acceptable, subject to an assessment of its impact on residential amenity, visual amenity and highway safety as discussed below.
- 7.3. **Impact on Residential Amenity** – Regarding the residential amenity for occupiers of the proposed flats, all 3 flats would comply with the Nationally Described Space Standards. Furthermore, regarding flat three which is proposed to be located at loft level, the submitted plans suitably demonstrate that at least 75% of the flat’s internal floor area would have a floor to ceiling height of at least 2.3m. In terms of amenity space, the unauthorised roof covering the rear yard area would be removed, and therefore the residents of the proposed flats would benefit from an external rear yard of approximately 40m², exceeding minimum guidelines. In addition, all habitable rooms would receive sufficient levels of natural light and possess suitable outlook and therefore, the proposal would provide future occupiers with an acceptable living environment.
- 7.4. As recommended by Regulatory Services, a condition has been attached which requires a scheme of noise insulation between the ground floor retail premises and first floor residential accommodation to be submitted to and approved in writing by the local planning authority prior to the commencement of works to create the three flats. This is in order to protect the residential amenity of future occupiers.
- 7.5. Regarding the residential amenity of surrounding occupiers, due to their size, scale, location and orientation, the roof alterations and rear dormer windows would not breach the Council’s 45 Degree Code and as such, it is considered that they would not have a detrimental impact on the residential amenity of surrounding occupiers by way of a loss of light or outlook.
- 7.6. The rear dormers would fall short of the required 5m per storey (15m for three storeys) set back overlooking private amenity space at the rear. However, 2 of the dormers would be obscurely glazed and the other 2 would achieve a minimum separation distance of 10m and 13m respectively. This is considered acceptable as existing projecting wings and extensions make it unlikely that overlooking of rear amenity areas could take place. In addition, an existing large conifer tree, which is situated to the rear

of the application site, further protects the privacy of nearby occupiers.

- 7.7. The nearest opposing window, at 436 Stratford Road, is located at an angled position compared to the application site and as such there would be no direct overlooking from the dormers. As such, it is considered that the rear dormers would not have a detrimental impact on the residential amenity of the occupiers of 436 Stratford Road, by way of overlooking and a loss of privacy.
- 7.8. In addition, as the rear dormer nearest to no.26 Weatheroak Road would face straight towards the rear of the application site, it is unlikely to result in any significant overlooking of the rear yard of the adjoining property.
- 7.9. Furthermore, the nearest window within the rear elevation of this property is at an angled position and therefore, the dormers and opposing window would not be able to look directly into opposite living spaces. As such, it is considered that the south-western dormer would not have a detrimental impact on the residential amenity of the occupiers of 436 Stratford Road, by way of overlooking and a loss of privacy at 26 Weatheroak Road.
- 7.10. The proposed new rear first floor window would comply with the 5m per storey separation distance and again, would face straight towards the rear end of the site, which would reduce any overlooking of the adjoining yard.
- 7.11. In terms of the retention of the change of use from a food manufacturing and packaging business and office to 2 no. retail shops on the ground floor is considered acceptable. They are located within the local centre and are modest in size. As such, it is considered that the 2 units would not additionally impact negatively on the residential amenity of local residents in terms of noise and general disturbance emanating from comings and goings to the site, or from activity within the site.
- 7.12. Finally, the proposed three flats would have a maximum combined occupancy of 5 residents with the front entrance being sited away from any nearest residential windows. Therefore, whilst concerns in this regard are noted, they would unlikely negatively impact on the residential amenity of adjoining residents.
- 7.13. **Impact on Visual Amenity** – The proposed roof amendments, including the alignment of the two individual roofs and their increase in height by 0.7m, would be appropriate in terms of their scale, design and massing and would not negatively impact on the visual amenity of the local area. Furthermore, the dormer windows would not over dominate the application property's rear roof scape and are symmetrical in their appearance. In addition, the rooflights located to the front of the application property are of an appropriate size and are not overly visible within the street scene on Weatheroak Road. There are also various other examples of roof lights to the front of properties along the road.
- 7.14. The proposed installation of a first-floor rear window is considered to represent a visual improvement compared to the existing unauthorised first floor rear door. Furthermore, the proposed ground floor front door, which would provide access to the rear yard, would not represent an incongruous addition to the property's existing commercial frontage.
- 7.15. In light of the above, it is considered that the proposal would not have a detrimental impact on the character and appearance of the application property or on the visual amenity of the surrounding area and street scene.
- 7.16. **Impact on Highway Safety** – The concerns raised by local residents regarding traffic and parking are noted. However, the application site is located within a sustainable

area within a local centre and a short walking distance from bus stops located on Stratford Road. In addition, sheltered and secure cycle parking is proposed as part of the application. Subsequently, the proposal would be unlikely to result in a significant increase in the number of comings and goings to and from the application site, given the modest size of the retail units and the modest maximum occupancy levels of each of the three flats. Therefore, it is considered that the proposal would not significantly increase parking demand along Weatheroak Road over and above the existing situation and would as such would not have a detrimental impact on highway and pedestrian safety.

- 7.17. As illustrated on the approved ground floor plan, a storage facility for commercial and residential refuse will be provided within the application property's rear yard. This facility will be accessed via a new entry, which will enable both commercial and residential waste bins to be moved to kerb side on Weatheroak Road on collection day. A suitably worded condition has been attached which requires this refuse storage facility to be provided prior to first occupation of the three flats and thereafter maintained in accordance with the approved plan.
- 7.18. **Other** – Concerns were raised in relation to the informal reservation of on-street parking spaces by the applicant. However, this is not considered to be a planning related matter.
- 7.19. Noting the objector's concerns in relation to previous instances of the applicant failing to abide by planning law, it should be highlighted that each application is considered on its own individual merits and so previous instances whereby the applicant may have breached planning regulations are not considered as part of this current assessment.
- 7.20. It would appear that there are structures at the rear of the property which do not benefit from planning permission and do not form part of this application. Investigations are currently being made by the Council's Enforcement team and as these structures do not relate to or impact on the assessment of this current application, they are being dealt with as a separate matter.

8. Conclusion

- 8.1. The proposal is acceptable in principle, and it would not have a detrimental impact on residential amenity, visual amenity or highway and pedestrian safety.

9. Recommendation:

- 9.1. Approve, subject to conditions.

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- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of cycle storage details |
| 4 | Requires that the materials used match the main building |
| 5 | Requires the prior submission of noise insulation (variable) |
| 6 | Unauthorised roof to be removed within 3 months of the date of this permission |
| 7 | Requires obscure glazing for two rear dormer windows |
-

-
- 8 Limits the hours of use to between 10:00-18:00 Monday to Sunday
 - 9 Requires refuse storage to be in accordance with the approved plans
-

Case Officer: Jack Hanly

Photo(s)



Ariel view of the application site



View of the application site from Weatheroak Road

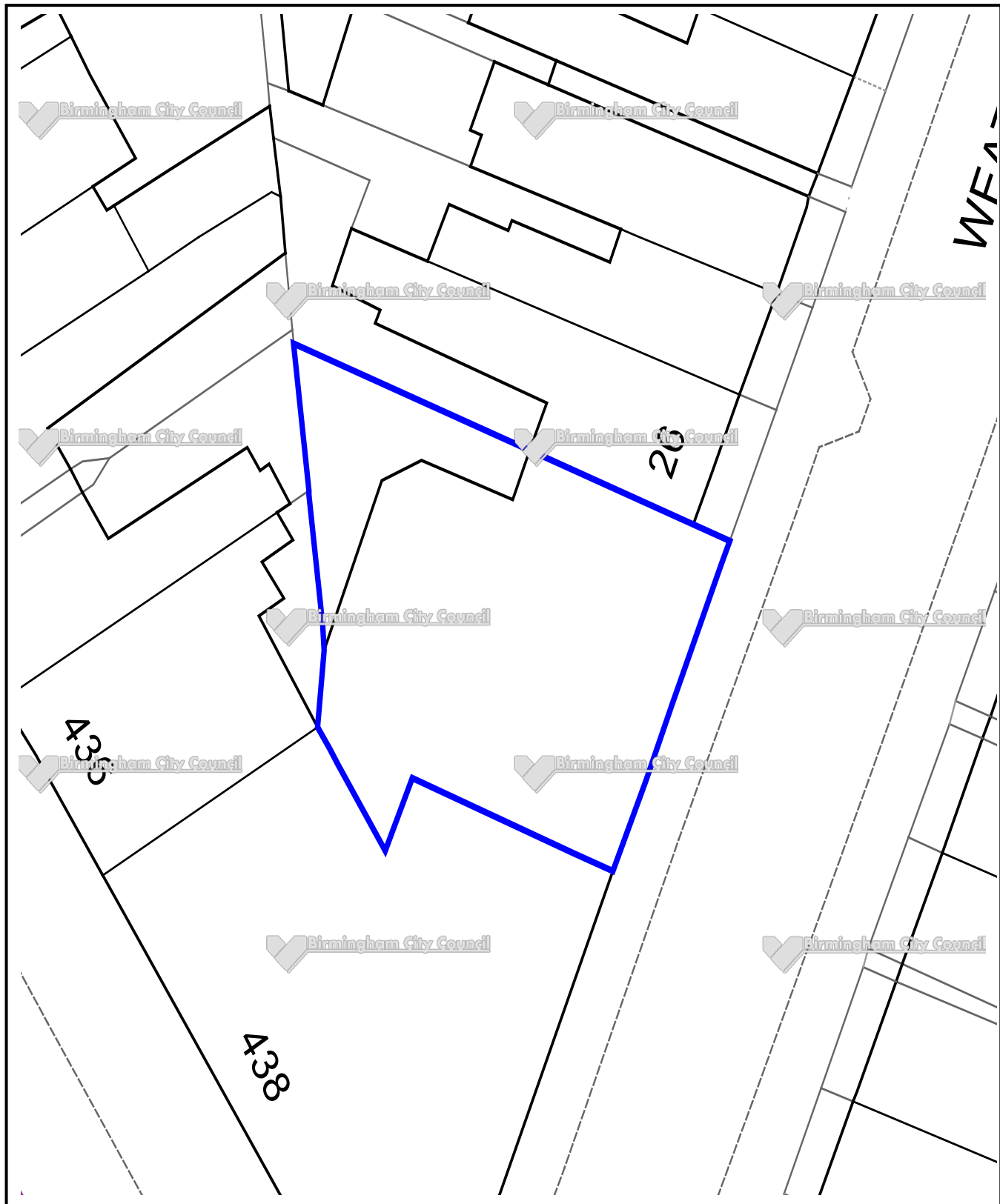


View of the application site from Weatheroak Road



View of the application site from Stratford Road

Location Plan



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Committee Date:	20/10/2022	Application Number:	2022/03227/PA
Accepted:	19/04/2022	Application Type:	Full Planning
Target Date:	21/10/2022		
Ward:	Tyseley & Hay Mills		

201 Stockfield Road, Yardley, Birmingham, B25 8DY

Change of use from car show room to banqueting hall (Sui Generis) and ancillary building works

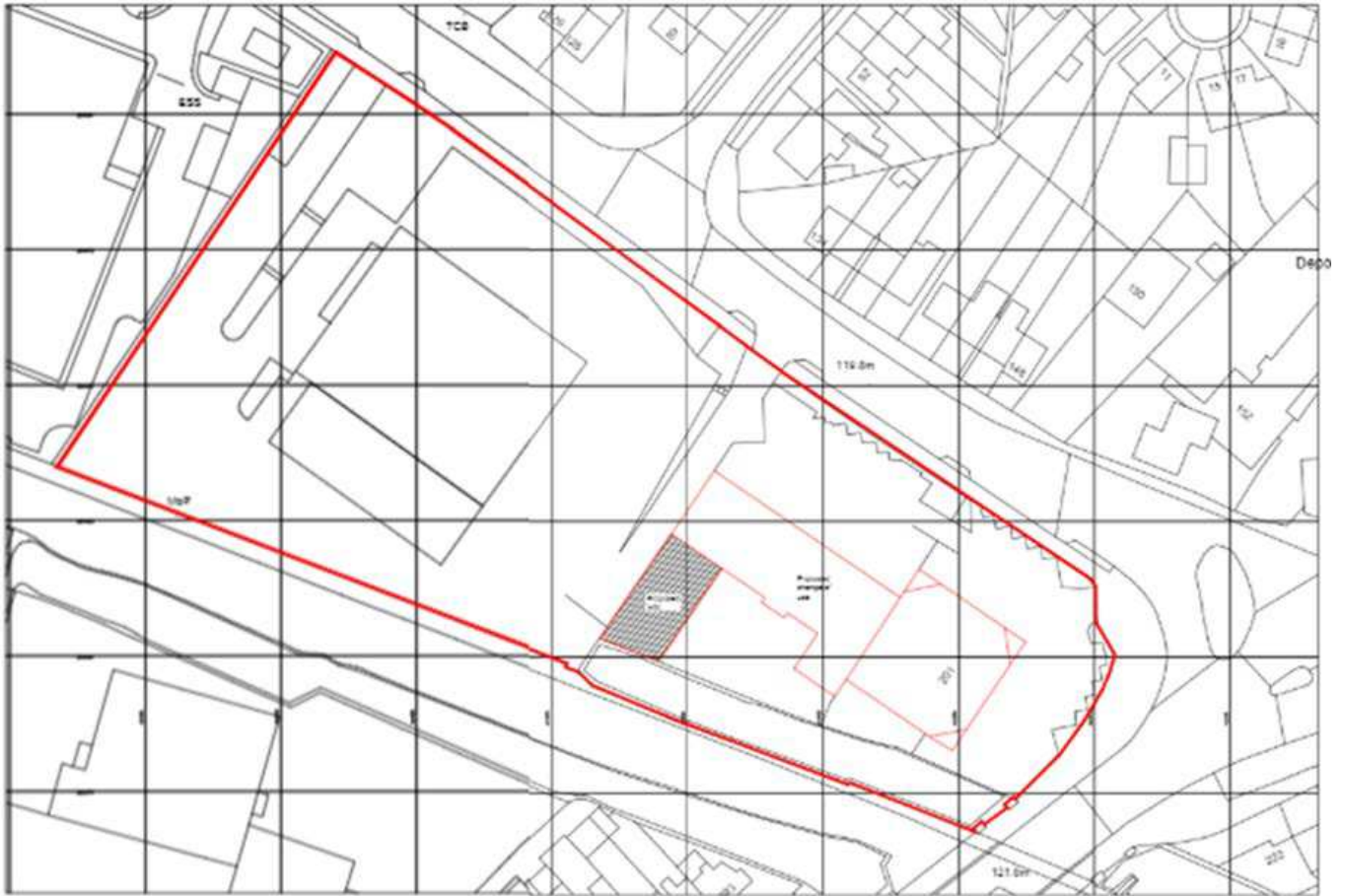
Applicant:	Washcraft Appliances (UK) Ltd 109 Amington Road, Yardley, Birmingham, B25 8EP
Agent:	Architecture and Interior Design Ltd 51 Coleshill Road, Hodge Hill, Birmingham, B36 8DT

Recommendation

Approve subject to Conditions

1. **Proposal:**

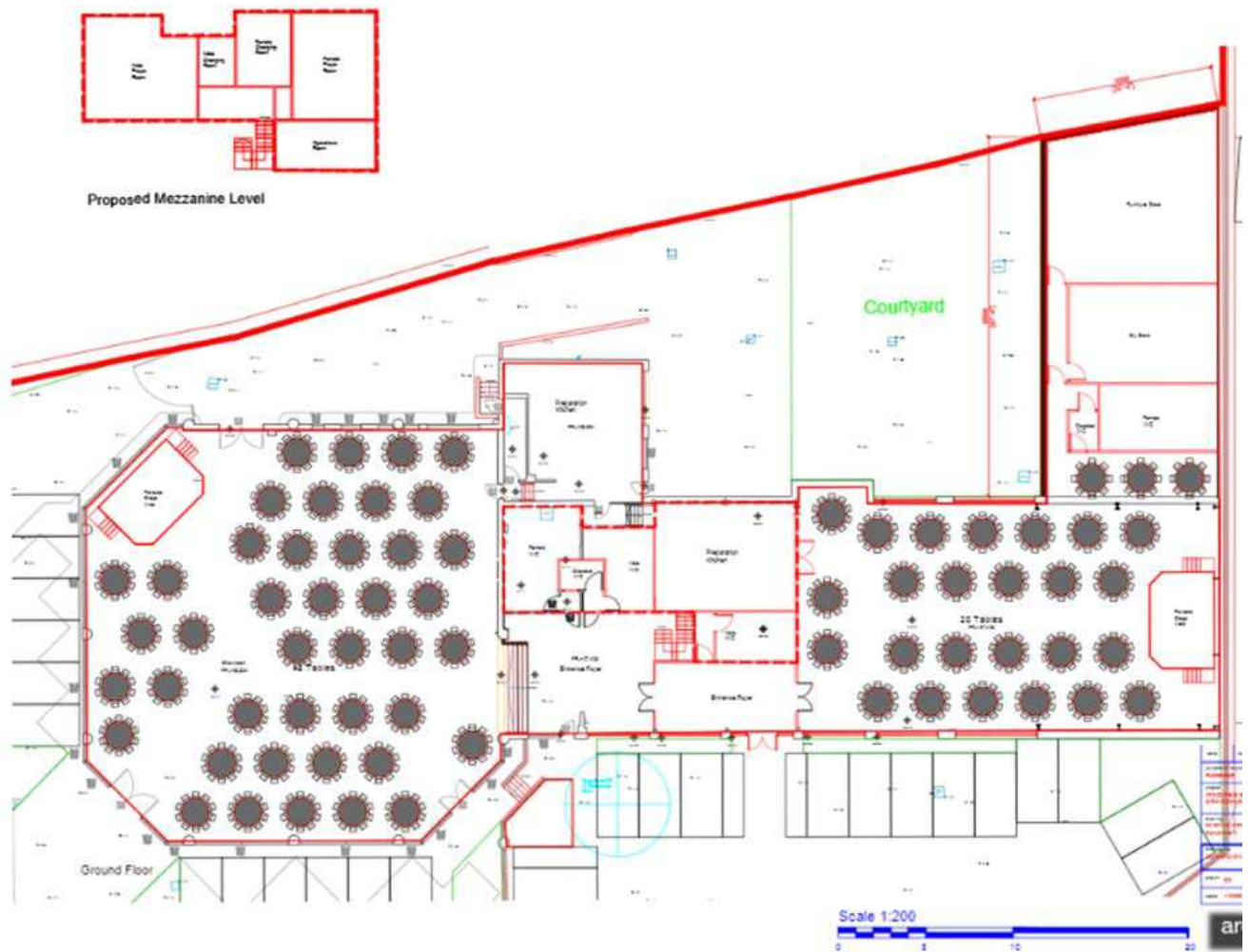
- 1.1 Planning permission is sought for the change of use at 201 Stockfield Road, from Car Showroom (Use Class Sui Generis) to a Banqueting Hall (Use Class Sui Generis) and ancillary building works.
- 1.2 The banqueting hall will accommodate a total of 700 covers and will include two halls, two preparation kitchens, two male and female toilets, a dry store, and a furniture store. In addition, the mezzanine level will feature female and male prayer rooms, respective changing rooms, and operations rooms. The kitchens will solely be used for the preparation of pre-cooked food only, and no food is to be cooked on-site.
- 1.3 The operating hours would be 18:00-23:00 Monday to Friday and 12:30-23:00 on weekends, including bank holidays. The banqueting hall would employ 10 full-time employees and 30 part-time staff.
- 1.4 External amendments include the removal of six garage doors on the north-east elevation and replacement with windows and to the central garage door a double door to create an additional entrance on the north-east elevation. The other external amendment is to enclose an open bay with metal panels on the south-east. Internal amendments include the addition of a mezzanine floor accessed via stairs in the entrance foyer and internal walls to create additional rooms.
- 1.5 The proposal also includes the permanent closure of the vehicular access to the site from Stockfield Road, but will retain the other three accesses on Stockfield Road and Amington Road and the two additional accesses located further west on Amington Road.
- 1.6 As part of the proposal the neighbouring commercial site, which operates as a B8 unit (storage and distribution), will be used for car parking. In total, 219 parking spaces will be provided, including 3 disabled bays. Also, 12 cycle racks and 1 motorcycle space would be provided.



Site Location Plan



Site plan



Proposed internal layout



Proposed elevations

2. **Site & Surroundings:**

- 2.1. The application site is situated within the Kings Road Core Employment Area and Tyseley Environmental Enterprise District.
- 2.2. The surrounding area is mixed-use in character. To the north, east and south of the site are residential dwellings and to the west comprises predominantly industrial uses. To the south of the application site is the Grand Union Canal. I note that the Site adjoins the Grand Union SLINC (Site of Local Importance to Nature Conservation) to the south.
- 2.3. 201 Stockfield Road is located on the corner of A4040 Stockfield Road and Amington Road. The Site, including the neighbouring B8 use, measures approximately 3.0 acres. The property itself is a large, detached building with an adjoining car park and previously operated as a car showroom (Use Class Sui Generis), but is now vacant.

2.4. [Site Location](#)

3. **Planning History:**

- 3.1. 27/06/1991 – 1991/02458/PA; Demolition of existing premises. Approve subject to Conditions.
- 3.2. 09/07/1992 – 1992/00217/PA; New car showroom and workshop facility. Approve subject to Conditions.
- 3.3. 04/07/2005 – 2005/03202/PA; Recladding and redecoration of external elevations. Approve subject to Conditions.
- 3.4. 18/11/2015 – 2015/07332/PA; Demolition of part of existing workshop and erection of new workshop and parts extension, with wet wash, valet, photography and smart repair facilities and alterations to parking layout and used vehicle display layout. Approve subject to Conditions.

4. **Consultation Responses:**

- 4.1. Transportation Development – no objection subject to conditions relating to the submission of details of pavement boundary, entry and exit signage details, submission of Parking Management Strategy, details of Commercial Travel Plan, cycle storage details, the delivery and service area prior to occupation, Parking Plan Layout, Car Park Management Plan (including disabled spaces), and EV charging points. They have also suggested an informative explaining if works are to be carried out on public highway, then the developer must enter into an agreement with the Highway Authority.
- 4.2. Regulatory Services – no objection subject to conditions pertaining to noise levels for plant and machinery, approval of mitigation scheme, details of installation and operation of a device to control amplified sound, hours of use for the car park, permitted hours of deliveries and the provision of electric vehicle charging points.
- 4.3. Ecology – no objection subject to conditions relating to scheme for ecological/biodiversity/enhancement measures, bird/bat boxes being provided, the implementation of acceptable mitigation/enhancement and a lighting condition.
- 4.4. Trees – no objection.

- 4.5. Canal and River Trust – no objection and has suggested a condition relating to the implementation of Ecological Appraisal, Planning Statement and Landscape Enhancement Scheme, and lighting scheme to be submitted. It is also suggested that two informative articles relating to permission for any works that affect the Grand Union Canal and informing that the canal offers no support for new works and will be the applicant's liability.
- 4.6. West Midlands Police – no objection, but has highlighted that the applicant may find useful information in 'Secure by Design'.
- 4.7. West Midlands Fire Service – no objection.

5. **Third Party Responses:**

- 5.1. The application has been publicised by a site notice and neighbours, resident associations and ward members have been notified.
- 5.2. Jess Phillips MP has made representation making the following comments:
- Noise concerns have been raised and has highlighted that conditions should be attached to minimise impact and should ensure that the construction is in accordance with noise assessment;
 - Parking provisions within the site are insufficient and should include provisions for parking minibuses and coaches. The proposal does not include sustainable travel provisions;
 - Additionally, the transport note does not include information regarding collisions on Stockfield road;
 - Highlighted that the proposal would impact amenity for neighbouring residential dwellings.
- 5.3. 62 objections, 20 comments and 1 support has been received from local residents, whereby the following has been raised:
- The proposal does not provide sufficient parking levels, leading to cars parking on neighbouring roads and potentially blocking driveways to neighbouring properties. As such, the applicant will not be able to police parking on neighbouring roads;
 - Increase noise and disturbance due to fireworks, loud children, excessive coming and goings, car horns and engines from supercars;
 - The application will further exacerbate the high traffic level on Stockfield Road and Armitage Road, leading to further collisions and impacting highway safety;
 - The surrounding area already suffers from anti-social behaviour and the application will further encourage;
 - Lead to the devaluing of neighbouring dwellings;
 - Would the property be able to ascertain a alcohol license?
 - The proposal would lead to increased anxiety affecting mental health and well-being;
 - The proposal could attract vermin and pests to the area;
 - The use is out of character for the surrounding area;
 - The proposal will have an environmental and ecological impact due to the excessive noise and vehicles visiting the site, which will negatively impact air quality and neighbouring wildlife;
 - The capacity is too big for the site and surrounding area would be negatively impacted;
 - Deliveries to neighbouring kingdom appliances occurs during the proposed opening hours;
 - Inaccurate noise assessment;

- Emergency vehicles would be obstructed due to the change of use especially neighbouring fire station;
- The proposal does not provide sufficient disabled parking;
- The applicant has submitted false and conflicting information;
- Light pollution would impact neighbouring wildlife;
- The development is located too close to residential properties;
- There are enough banqueting halls in Birmingham.

5.4. A petition has also been signed by 74 residents (some of which have also submitted a written objection) objecting to the proposal and has included the following reasons for objection:

- Noise pollution (i.e. music, fireworks, car horns, general meeting and greeting);
- Traffic (i.e. Not enough capacity in the carpark);
- Increased volume of traffic;
- Cars speeding and racing;
- No residential notification to surrounding area;
- Devaluing of property within the local area as stated by local estate agent;
- The direct impact on build on traffic and disruption to local residence

6. **Relevant National & Local Policy Context:**

6.1. National Planning Policy Framework:

- Chapter 2 Achieving sustainable development
- Chapter 8 Promoting healthy and safe communities
- Chapter 12 Achieving well-designed places

6.2. Birmingham Development Plan 2017:

- PG3 Place making
- TP15 Location of waste management facilities
- TP19 Core Employment Areas
- TP20 Protection of employment land
- TP44 Traffic and congestion management

6.3. Development Management DPD:

- DM2 Amenity
- DM6 Noise and vibration
- DM14 Transport access and safety
- DM15 Parking and servicing

6.4. Supplementary Planning Documents & Guidance:

- Birmingham Parking SPD 2021
- The Birmingham Design Guide: The Design Principles Document 2022
- The Birmingham Design Guide: Healthy Living & Working City Manual 2022
- The Birmingham Design Guide: The Streets & Spaces City Manual 2022
- The Birmingham Design Guide: Landscape & Green Infrastructure City Manual 2022
- The Birmingham Design Guide: The Birmingham ID City Manual 2022

7. **Planning Considerations:**

7.1. This application has been assessed against the objectives of the above mentioned

policies. The key matters for consideration in determining this application are the principle of the proposed change of use, impact upon visual amenity, amenity of local residents and highway safety /parking matters.

Principle of Development

- 7.2. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.3. The site is situated within Kings Road Industrial Core Employment Areas and Tyseley Environmental Enterprise District. Policy TP20 (Protection of employment land) recognises the valuable resource of employment land to Birmingham's Economy and ensures long-term protection. The policy also explains that change of use of protected land will only be considered for non-conforming uses or if the site is no longer attractive employment land that has been actively marketed. I note that the existing use as a car showroom is a Sui Generis Use and is not one of the defined uses within TP19 (Core Employment Area). As such, the change of use from one Sui Generis Use to another Sui Generis Use will not result in the loss of industrial land and is considered acceptable as the principle of a non-industrial use on the site has already been agreed/ established.

Design and Appearance

- 7.4. Paragraph 126 of the NPPF states, '*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*'
- 7.5. In this instance, only minor external changes are proposed on the north-east elevation of the building, the existing six metal garage doors will be removed and replaced with windows, with one of the central garages becoming an entrance to the building with a double door. Additionally, on the south-east elevation, the open canopy building will be enclosed with metal panels.
- 7.6. The material changes are considered minor and modest, and the character and appearance of the property would be retained, and hence the character and appearance of the property and locality would not be impacted.

Residential Amenity

- 7.7. Policy DM2 of the DPD states that '*all development will need to be appropriate to its location and not result in unacceptable adverse impact on the amenity of occupiers and neighbours. In assessing the impact of development on amenity the following will be considered: visual privacy and overlooking, sunlight, daylight and overshadowing, aspect and outlook, access to high quality and useable amenity space, noise, vibration, odour, fumes, dust air or artificial light pollution, safety considerations, crime, fear of crime and anti-social behaviour, compatibility of adjacent uses, individual cumulative impacts of development*'.
- 7.8. The proposal will not impact residential amenity in terms of loss of visual privacy and overlooking, sunlight, daylight /overshadowing, aspect /outlook, amenity space, dust or artificial light pollution as no extensions are proposed, only minor external /internal alterations are sought.
- 7.9. With regard to the impact of noise and disturbance, the application is accompanied by a

Noise Impact Assessment. The nearest residential property is located 34m south-west of the application site on the opposite side of the Grand Union Canal, and 39m to the north of the site are more residential properties. The Noise Impact Assessments concluded that the operational sound limit required by the LPA from the banqueting venue, car park and atmospheric plant sound emission would be achieved. As such, Regulatory Services has no objection to the proposal subject to conditions pertaining to noise levels for plant and machinery, approval of mitigation scheme, details of installation and operation of device to control amplified sound, hours of use for the car park, permitted hours of deliveries and the provision of electric vehicle charging points. Consequently, it is considered that the proposal would not have a harmful impact upon neighbouring occupiers in terms of noise and disturbance.

- 7.10. With regards to safety and anti-social behaviour, West Midlands Police have been consulted and are satisfied that the scheme will not lead to increased instances of crime or anti-social behaviour. Notwithstanding this, West Midlands Police have stated that the applicant may want to view new homes' safety and crime prevention advice which has been forwarded to the applicant.
- 7.11. Overall, the proposal maintains residential amenity and complies with policy PG3 of the BDP and DM2 of the DMB and relevant standards as set out in the Birmingham Design Guide which seeks to protect residential amenity.

Highway Safety and Parking

- 7.12. The proposal would remove access to the site from Stockfield Road but keep accesses from the corner of Stockfield Road and Amington Road, as well as two additional accesses on Amington Road.
- 7.13. The proposal would provide 219 car parking spaces within the curtilage of the proposed banqueting suite / adjoining building to the north-east. The provision is sufficient when looking at guidance within Parking SPD 2021 which states that a Sui Generis Use for Assembly or Leisure would require 1 space per 5 seats. Therefore, 140 parking spaces would be required for the proposed use. Furthermore, the neighbouring site which is currently operating as a B8 unit would require only 25 spaces as recommended by the Parking SPD (2021). As such, the recommended combined parking provision is 165. The proposal would therefore provide ample car parking for both uses to operate satisfactorily.
- 7.14. As a result of the consultation process, many residents have objected on highway grounds and consider the car parking provision is inadequate and have expressed concerns regarding parking on the highway and obstructing access to neighbouring residential properties. It is noted that the surrounding area has historically suffered from high parking demand due to previous uses at the site and neighbouring high density of Victorian terraced style of housing, creating highway and parking issues. However, the proposal provides ample parking and Transportation Development has no objections to the application, subject to condition 3,4,5,6,7,8,9,10 and 11 which would address coach and sustainable travel provisions and parking.
- 7.15. Overall, the parking provision is considered sufficient for the change of use, and the applicant has reasonably demonstrated within the supporting documents that the proposal would not impact the surrounding highway.

Ecology and Trees

- 7.16. Ecology has been consulted as Grand Union Canal SLINC is adjacent to the site's southern boundary. In addition, the canal corridor forms part of the city's strategic nature network, providing ecological connectivity to important nature conservation sites to the

west (Cole Valley SLINC and The Ackers SINC/SLINC) and east (Yardley Cemetery PSI).

7.17. The application is supported by a Preliminary Ecological Assessment, which has concluded that the application site is unsuitable for roosting bats due to architectural /structural characteristics. Trees and areas of shrubs and scrub provide suitable habitats for nesting birds. The site is considered generally favourable for other protected /notable species. A brick wall along the southern boundary restricts wildlife access to the site from the canal corridor.

7.18. The landscaping plan has been amended to allow for a 1m (approx.) wide landscape buffer between the car parking adjacent to the proposed banqueting hall and the southern boundary with the canal (shown on Landscape Enhancement Scheme Plan drawing number 787.1). This buffer will tie in with small areas of native tree and shrub planting shown on the landscape scheme. As such, the ecology officer has no objection subject to conditions relating to the scheme for ecological /biodiversity /enhancement measures, bird /bat boxes being provided, the implementation of acceptable mitigation /enhancement and a lighting condition.

7.19. The Tree Officer has expressed no objections to the proposals.

Other Matters

7.20. The Canal and River Trust has expressed no objections and has requested several conditions to protect the Grand Union Canal – conditions attached. These are considered appropriate and have been attached.

8. Conclusion

8.1. The proposed change of use from vacant Car Showroom (Use Class Sui Generis) to Banqueting Hall (Use Class Sui Generis) and ancillary building works is acceptable. The evidence above demonstrates that the proposal will not result in the loss of industrial land and would comply with policies TP19 and TP20 of the Birmingham Development Plan. In addition, the proposal would not adversely impact the visual amenity, residential amenity, highway safety, ecology or trees. As such, the application accords with relevant national and local planning policies and should be approved subject to conditions.

9. Recommendation:

9.1. Approve subject to conditions

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- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of details of pavement boundary |
| 4 | Requires the submission of entry and exit sign details |
| 5 | Requires the submission of a parking management strategy |
| 6 | Requires the submission of a commercial travel plan |
| 7 | Requires the delivery and service area prior to occupation |
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| 8 | Requires the parking area to be laid out prior to use |
| 9 | Requires the submission of cycle storage details |
| 10 | Requires the submission of a car park management plan for disabled spaces |
| 11 | Requires details of EV Charging point |
| 12 | Limits the noise levels for Plant and Machinery |
| 13 | Submission of Noise Mitigation Scheme |
| 14 | Device to Control Amplified Sound |
| 15 | Hours of Operation shall only take place between the hours of 18:00-23:00 Mondays to Fridays, and 12:30-23:00 Saturdays, Sundays and Bank Holidays. |
| 16 | Limiting Hours of Delivery, Refuse and Service Vehicles to the site between the hours of 08:00- 18:00 Monday to Friday and 08:00-13:00 on Saturday. |
| 17 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 18 | Requires the prior submission of details of bird/bat boxes |
| 19 | Requires the implementation of the submitted mitigation/enhancement plan |
| 20 | Lighting Condition |
| 21 | Submission of Lighting Details |
| 22 | Requires the submission of boundary treatment details |
| 23 | Requires the submission of a landscape management plan |
| 24 | Requires the submission of details of refuse storage |
| 25 | Requires that the materials used match the main building |
| 26 | Requires the submission of a CCTV scheme |
-

Case Officer: Jacqueline Hughes

Photo(s)



Ariel View of the Application Site (Source: Google Earth)



View from South Elevation (Source: Google Earth)

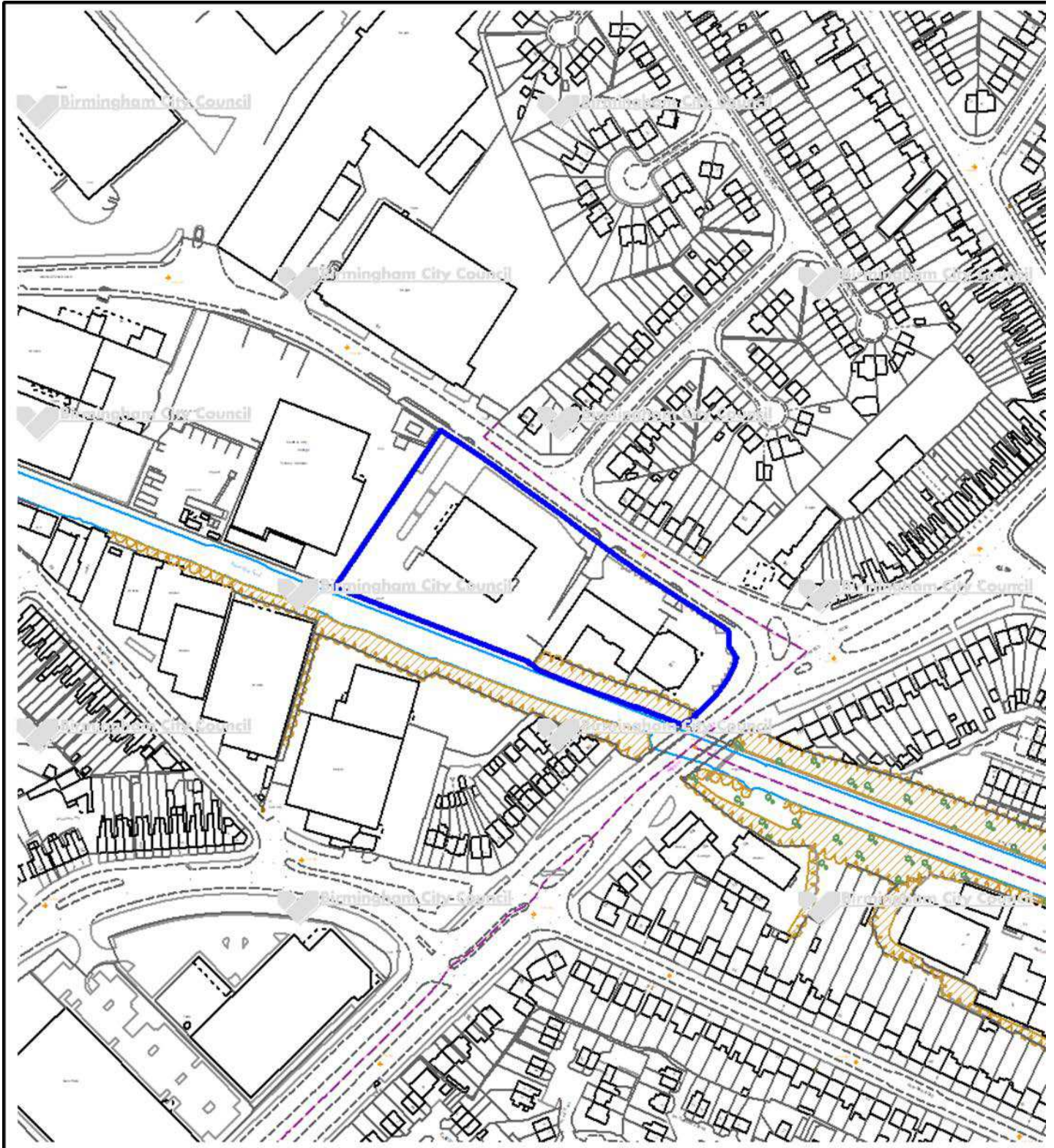


View from East Elevation (Source: Google Earth)



Street view from the corner of Stockfield Road and Amington Road (Source: Google Earth)

Location Plan



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Committee Date:	20/10/2022	Application Number:	2020/09459/PA
Accepted:	27/11/2020	Application Type:	Full Planning
Target Date:	16/09/2022		
Ward:	South Yardley		

Equipoint, 1508 Coventry Road, South Yardley, Birmingham, B25 8AD

Construction of a mixed use development of two Blocks of between 3-9 storeys comprising 105 residential apartments (Use Class C3) with ancillary internal and external amenity areas, ground floor commercial floorspace (Use Class E) and associated works including public realm, landscaping and parking

Applicant:	Equipoint Property Ltd 7 Trinity Place, Midland Drive, Sutton Coldfield, Birmingham, B72 1TX
Agent:	Corstorphine + Wright Architects Alpha Tower, Suffolk Street Queensway, Birmingham, B1 1TT

Recommendation
Determine

Report Back

1. This Planning Application was considered by Planning Committee on 28 October 2021, when a decision was made to approve the application, subject to the prior completion of a S106 Legal Agreement to secure:
 - The on-site provision of 10 no. (7no. 1 bed and 3 no. 2 bed) affordable units based on 20% discount affordable rent.
 - Payment of a monitoring and administration fee associated with the legal agreement of £1500.00
2. To date, the legal agreement has not been completed as the applicants are re-assessing the viability, against a challenging background of rising construction costs in an area where sales prices are relatively low.
3. The applicant has requested some flexibility in terms of the implementation of the development. They are considering implementing the development in 2 phases, including the provision of the affordable housing. The 2 approved buildings, indicated as Block A & Block B on Figure 2 – Site plan below, could be implemented independently. This may assist with the viability of the scheme. The applicant has stressed that they would prefer to build the development in 1 phase, and that this is likely to be the case, but require a degree of flexibility. The Director of Housing has raised no objections to this approach.
4. Consent was granted for the on-site provision of 10 units (7 no. 1 bed and 3 no. 2 bed units) at 20% discount affordable market rent in perpetuity. However, as the agreement was not completed before March 2022 the application is now subject to

the new government policy on First Homes and therefore 25% of the affordable housing units are required to be provided as First Homes. The discount for First Homes is greater at 30%, placing further pressure on the viability of the scheme. As such, by including First Homes, the number of Affordable Units provided will reduce. The viability has been further assessed by the Councils' independent advisors and it has been concluded that the resulting development could provide 9 Affordable units, including the First Homes provision.

5. Having had extensive negotiations with the applicants this is to be provided as follows:
 - Phase 1 - The on-site provision of 5 no. (3 no. 1 bed and 2 no. 2 bed) affordable units. The 1 bed units are based on 20% discount affordable rent and the 2 bed units based on 30% discount market sale.
 - Phase 2 - The on-site provision of 4 no. (3 no. 1 bed and 1 no. 2 bed) affordable units. The 1 bed units are based on 20% discount affordable rent and the 2 bed unit based on 30% discount market sales.
6. Therefore, although the overall numbers of Affordable Units would reduce from 10 to 9 to balance the increased discount in respect of the First Homes, the revised mix is essentially like for like to reflect the First Homes requirement.
7. Since consideration by Committee on 28 October 2021, there has also been updates to the following local policy:
 - A. The Development Management DPD (Adopted December 2021); whilst this was considered in its draft publication form it has been adopted since the planning application was originally reported to Committee. The relevant policies within the Development Management DPD are considered to be:
 - DM1 Air quality
 - DM2 Amenity
 - DM3 Land affected by contamination, instability and hazardous substances
 - DM6 Noise and vibration
 - DM10 Standards for Residential Development
 - DM14 Transport access and safety
 - DM15 Parking and servicing

The alterations to the policy wording that now appears in the adopted DPD are minor and do not alter their thrust or intent. It is therefore considered that the current proposals are in conformity with latest adopted policy.

- B. Birmingham Parking SPD (Adopted November 2021); the previous Car Parking Guidelines SPD (2012) was considered when the planning application was originally reported to Committee. The Birmingham Parking 2021 SPD provides updated policy guidance and revised parking standards for all new developments in the City to reflect the revised National Planning Policy Framework. It considers typical parking levels and seeks appropriate parking provision to ensure development doesn't generate parking pressures on local roads. Transportation Development have considered the proposals in light of the 2021 adopted SPD and have raised no objection.

- C. The Birmingham Design Guide (Adopted 12th September 2022); replaces a

number of SPG's, including Places for All SPG and Places for Living SPG, listed below. The Design Principles relevant to this application largely remain unchanged. The required separation distances (contained within CITY NOTE LW-3) are the same as those contained within Places or Living SPG and the required communal amenity space has reduced from 30sq.m per flat (Places for Living SPG) to 5sq.m for 1 bed flats & 7sq.m for 2 bed flats (CITY NOTE LW-13).

Finally, as of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The tilted balance gives additional weight to the recommendation to approve, subject to a S106 agreement. Therefore, it is considered that the previous recommendation to approve should be upheld.

Recommendation

8. That application 2020/09459/PA be approved, subject to the prior completion of a S106 Legal Agreement to secure:
 - Phase 1 - The on-site provision of 5 no. (3 no. 1 bed and 2 no. 2 bed) affordable units. The 1 bed units are based on 20% discount affordable rent and the 2 bed units based on 30% discount market sale.
 - Phase 2 - The on-site provision of 4 no. (3no. 1 bed and 1 no. 2 bed) affordable units based on 20% discount affordable rent. The 1 bed units are based on 20% discount affordable rent and the 2 bed unit based on 30% discount market sale.
 - Payment of a monitoring and administration fee associated with the legal agreement of £1500.00
9. That the City Solicitor be authorised to prepare, complete and seal the appropriate legal agreement under Section 106 of the Town and Country Planning Act.
10. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by 20th January 2022, or such later date as may be authorised by officers under delegated powers, planning permission for application 2020/09459/PA be APPROVED, subject to the conditions listed at the end of the report (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).
11. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 20th January 2022 or such later date as may be authorised by officer under powers hereby delegated, planning permission be refused for the reason given at the end of the report.

[End of Report Back]

Background to the Development

This site a landmark in the Swan Centre and along the Coventry Road. It has historically been utilised as an office with extensive car parking facilities. In more

recent times the office had become under-utilised and applications have been received for uses for a mixture of office and hotel which was approved back in 2012. Since this time, there has been prior notification for the change of use of the building from an office to residential use which was approved in 2018 with fenestration and glazing changes along with 28 additional units on the roof in in the under croft of the building.

1. Proposal

1.1. [Link to Documents](#)

1.2. This application is for the erection of 105 apartments amenity areas, ground floor commercial space (Class E), parking and associated works including public realm and landscaping.

1.3. The site is split into 2 discrete buildings each with constant design which is a 'lozenge' shape. Block A is located north west of the original 'Equipoint' and steps down from 7 floors to 5 then further towards the west the building drops to 3 storeys to relate more effectively with the adjoining site. Block A has the one bedroom units and the stairs/lifts within the straighter element and larger two bedroom units towards the curved ends. This building has residential floors above a parking under croft and the entrance lobby.

1.4. Block B is North of the original building. The block is 9 floors and is smaller in footprint still with curved ends with the main entrance, stairs and cycle store and a commercial unit (class e) at the northern element which extends to 229sqm. There are 8 floors of residential above (9 floors in total)

1.5. Across the two blocks, there are a total of 105 apartments. There would be 52 no x 1 bedroom (2 person) units and 53 no x 2 (3 person) bedroom units. Each unit will meet or exceed 47sqm to 66sqm. The design of the buildings is 'lozenge' shape with the one bedroom units and the stairs/lifts within the straighter element and larger two bedroom units located in the curved ends.

1.6. The parking layout shows a total of 236 Parking spaces to serve a total on 352 apartments (Equipoint phases 1 and 2). This also includes disabled parking spaces and covered secure store within the curtilage of the site for these new blocks and the existing

1.7. The commercial space within Block B would be located on the ground floor of Block B (229 sqm)

1.8. The car park will be broken up with landscape areas o

1.9. The application is accompanied by the following

1.10. Suite of plans and elevations

1.11. Planning statement

1.12. Design Statement

1.13. Transport Assessment /Air Quality

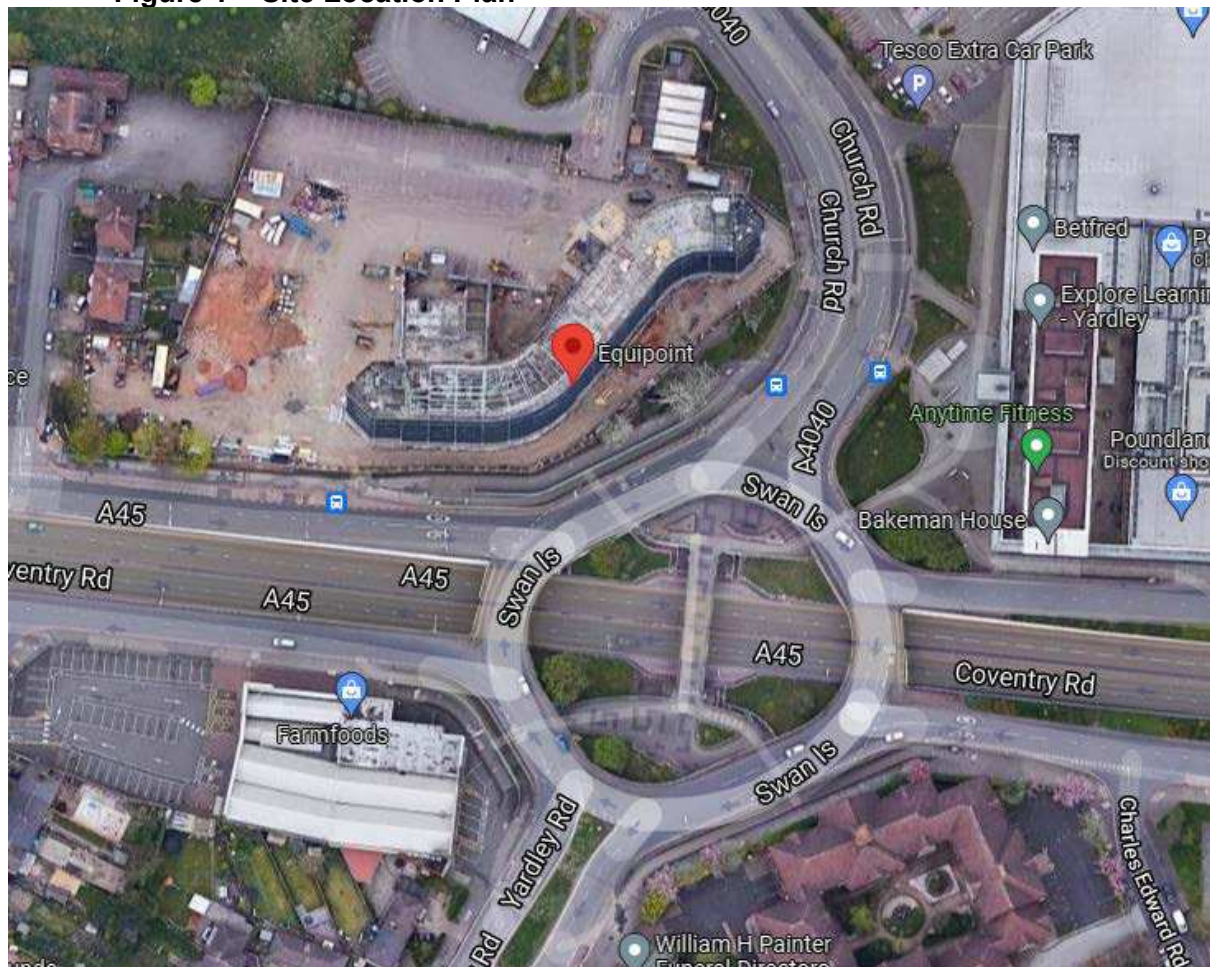
1.14. Noise Assessment

- 1.15. Flood Risk assessment
- 1.16. Viability Statement

2. Site & Surroundings

- 2.1. The application site presently comprises the 10-storey office block and associated large car park (this application site) with access from Church Road and egress onto Willard Road. The current building fronts onto the main Swan Island where Coventry Road (A45), Church Road and Yardley Road converge. Below is the site shown in an aerial format which clearly shows the site and the local environment.

Figure 1 – Site Location Plan



- 2.2. To the east is Swan District Centre. To the north is Oaklands Recreation Ground.
 - 2.3. Towards the west are residential properties fronting Willard Road and retail/commercial units fronting Coventry Road. To the south, on the opposite side of Coventry Road, is a large retail unit, library, and other residential units.
 - 2.4. [SITE LOCATION](#)
- ## 3. Planning History

- 3.1. 21.05.2004 - 2004/01204/PA - Change of use from B1 Offices to A2 Staff Recruitment Offices (opening hours Monday to Saturday, 0800hrs to 1800hrs) – Approved subject to conditions.
- 3.2. 26.02.2010 - 2009/05191/PA - Change of use of 1st floor from Use Class B1 (Business) to Use Class A2 (Financial & Professional Services) – Approved subject to conditions.
- 3.3. 26.04.2012 - 2012/01098/PA - Change of use of ground, 8th, 9th and 10th floor from offices (Use Class B1) to a 125 bedroom hotel (Use Class C1) including minor alterations to entrance area and car park – Approved subject to conditions.
- 3.4. 23.03.2018 - 2018/00071PA – Prior Approval for the change of use of office accommodation to 220 residential units – Prior Approval Granted
- 3.5. 10.12.2018 - 2018/04339/PA - Window and fenestration changes to external appearance of the building – Approved subject to conditions
- 3.6. 05.07.2019 - 2018/03556/PA – Additional 28 units in undercroft and on roof - Approved subject to S106

4. Consultation/PP Responses

- 4.1. Transportation – No objections
- 4.2. Regulatory Services – No objections
- 4.3. Local Lead Flood Authority (LLFA) – No objections
- 4.4. West Midlands Police – No objections
- 4.5. West Midlands Fire Services – No objections
- 4.6. Ward Members, MP, Residents Groups and neighbouring properties notified - No representations received.
- 4.7. Site notice posted and press notice advertised - 1 comment received
- 4.8. Concerned about parking of large van against boundary wall

5. Policy Context

- Birmingham Plan 2017
- Saved policies of the Birmingham UDP 2005
- Emerging Development Management in Birmingham DPD
- Places for All SPG
- Places for Living SPG
- Car Parking Standards SPG
- Emerging Car Parking Standards SPD June 2021
- National Planning Policy Framework 2021

6. Planning Considerations

Principle

- 6.1. This site is currently part of the wider Equipoint conversion the prior notification scheme along with extensions that were approved at committee in 2019.
- 6.2. This scheme represents a second phase of the development site which is located primarily in the existing extensive parking area for the original 'Equipoint' building and the principle of the residential development on the 'brownfield' site is considered acceptable. The site is located within the Swan District Centre and a sustainable location which has excellent access to both public transport and shopping facilities and the provision of housing will help the council meet housing targets and support sustainable neighbourhoods as advocated in policies PG3 and TP27 of the Birmingham.

Design and Appearance/Character of the Location

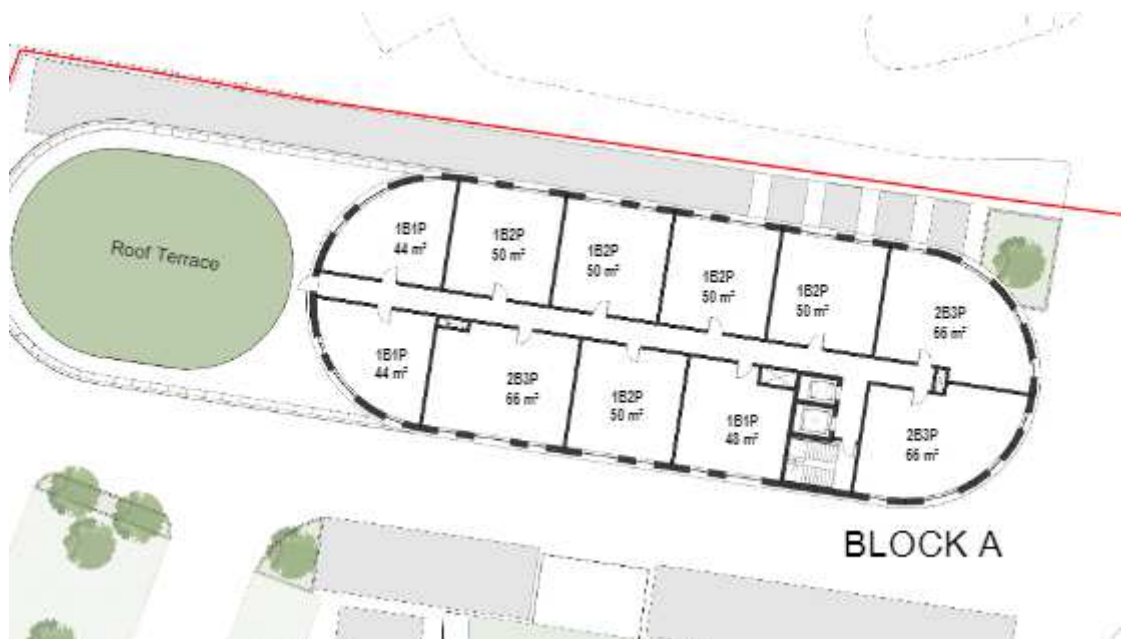
- 6.3. The former 'Equipoint' building is a high rise office block which is a distinctive 'curved' form. This original building is a landmark in the location and does not reflect the location scale.
- 6.4. This second phase remains wholly subservient to the original and have a curved 'lozenge' shaped element. Whilst the scale height and massing of the buildings are lower, they still have a curved format which 'nods to the form of the original building but still have their own style and identity.
- 6.5. *Block A* - The stepped form (3 to 7 storeys) of the block effectively reduces its mass, adds substantial visual interest to the block and effectively reduces in impact on the amenity of existing residential properties at Willard Road.
- 6.6. *Block B* – the 9 storey height, coupled with the footprint creates a well-proportioned block, that complements (but remains subservient) the adjacent Equipoint and helps create a cohesive cluster around it. In turn it gives a degree of enclosure of the vast surface car park serving Tesco.

Figure 2 – Site plan





Figure 4 Example of floor plans with access to roof terrace on Floors 3 and 5



- 6.7. The overall layout and design the would be little impact in terms the character of the location and the local environs which would ensure the development complies with policy PG3 of the Birmingham Plan.

Transport and Highway impacts

- 6.8. The application site is located within the Swan District Centre and has excellent access to public transport with bus routes serving the site between Birmingham City Centre and Sheldon and will be conveniently located near the new 'Sprint Route' along the A45.
- 6.9. The proposals would result in the provision of 236 no. car parking spaces for the total on 352 units (phase 1 and 2) with access from Church Road (adjacent to the Petrol filling Station). This provision would include disabled parking spaces and an area of covered cycle storage.
- 6.10. A Transport Statement was submitted. The analysis prepared by the applicants suggests that the parking provision is at an acceptable level and given the present uptake of parking on the existing scheme is relatively how (29%) and based on this that the parking provision for the two phases will not create any adverse overspill onto the adjacent highway.
- 6.11. Parking is located under the building A and spaces will be served by parking lifts which accommodates two vehicles in effectively one space. This is shown in the diagram below (within Block A (coloured orange/brown):



- 6.12. Transportation Development colleagues have commented on the scheme and noted that the additional proposed residential use on network performance would consequently be unlikely to result in a demonstrably severe impact upon the surrounding highway network and on this basis no objection is raised by Transportation Development.

- 6.13. Notwithstanding the acceptability of the proposal in terms of its likely impact on the highway network, given the increase of the total number of units on this site a number of conditions are recommended to achieve the best possible outcome with regard to highway safety. These a parking management scheme and travel scheme.
- 6.14. Given the scale of the proposals and the level of parking provision proposed here the LPA consider that such conditions would be reasonable and necessary to ensure the safe management and operation of the application site and car park arrangements to ensure compliance with policy TP44 of the BDP

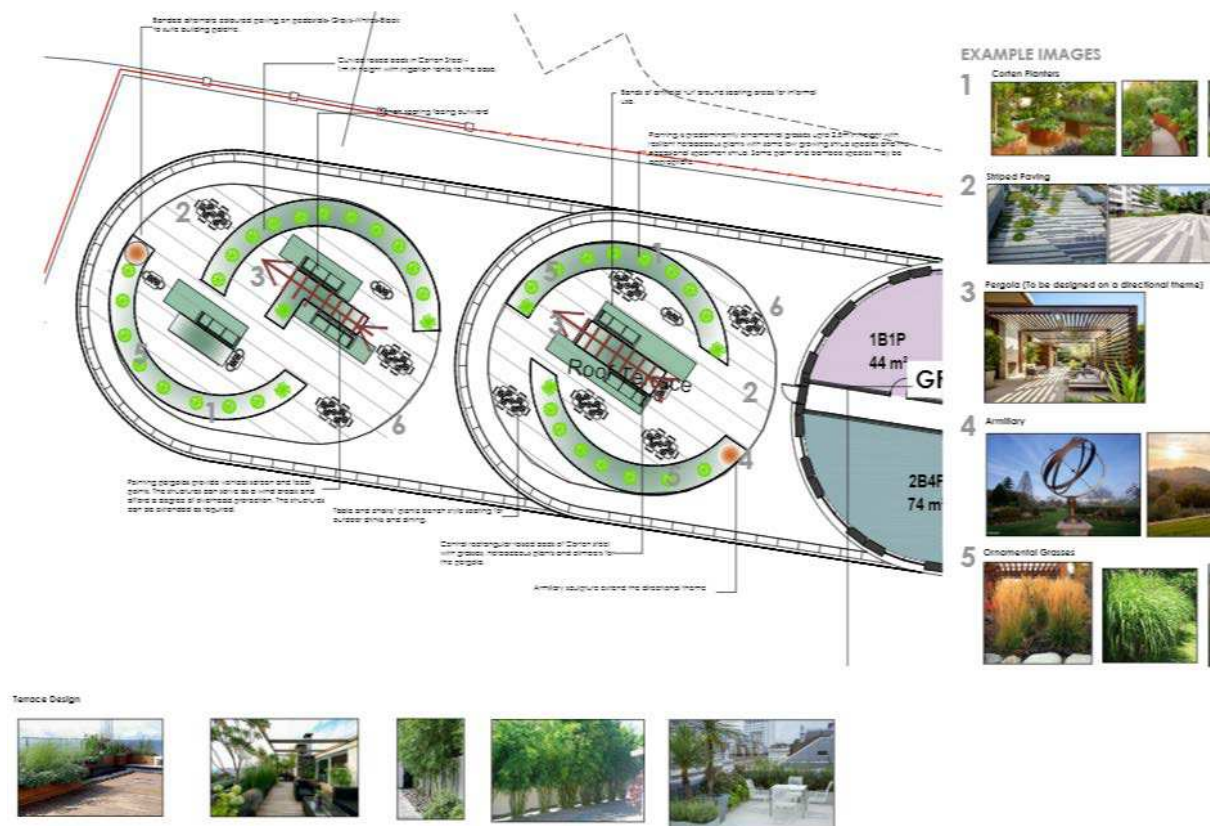
Landscaping/ecology and Biodiversity

- 6.15. There are limited opportunities for landscaping of the site. Landscaping will improve the overall appearance of the site and soften the overall visual impact. The applicant has sought to introduce soft landscaping into the scheme to improve the visual appearance and amenity of the site.
- 6.16. This include areas around Block A, the original building and car park and roof terraces on floor 3 and 5 of Block B. These areas improve the natural drainage and improve the biodiversity where previously there was little opportunity for improvement. The landscape and ecology officer are satisfied with this approach and conditions are suggested in terms of the landscape, its management and the boundary and maintenance to ensure the development continues to comply with Policy PG3 and TP8 of the BDP.
- 6.17. There is also two Green landscaping roof features as part of the building located on Floor Three and Floor Five . There is an access door onto these roof areas from a communal corridor that serves the individual floors in question and these link to the main stairwell which means all of the occupants of Block A can access these space whenever they choose as there is no individual access arrangements for individual flats.

Figure 5 Areas of Landscape



Figure 6 Roof landscaping proposal



6.18. Flooding risks

The site falls within Flood Zone 1. Consequently, there are no significant risks from flooding from the proposed new buildings.

- 6.19. The Local Lead Flood Authority have raised no objections and have commented that since there is currently drainage and there are no particular concerns and subject to final Suds drainage details the development is acceptable. A condition relating to foul/surface drainage of the site is recommended in line with Severn Trent comments to ensure the development continues to comply with policy TP6 of the BDP.

Contaminated Land

- 6.20. As the land is considered 'brownfield', Regulatory Services are satisfied that a land contamination and verification report is the most suitable method to ensure the protection of human health and in this case are satisfied that conditions can be imposed.

Amenity

- 6.21. Each of the new flats will have adequate bedroom sizes and overall space as required by the DCLG Technical Standards which will provide a satisfactory living environment for the new occupiers. The units will meet separation distances to neighbouring properties at a least 27m from Willard Road to the 3 storey (offset).
- 6.22. All of the units in Block A will have access to open roof terraces which will provide welcome relief to residents. Oaklands recreation grounds are directly adjacent and provide a benefit of green space to both use and have a view over.
- 6.18. A noise report and AQA within the Transport Assessment which concludes that that is no significant impact on potential residents in terms of air quality impacts to warrant a refusal on these grounds.
- 6.19. Regulatory Services have no objections subject to the conditions requiring the same noise insulation standards as the conversion scheme and recommendations of the noise report being undertaken which will ensure adequate amenity levels are maintained.

Affordable Housing and Planning Obligations

- 6.20. The development site falls within a Low Value Area Residential Zone and will therefore be subject to a nil CIL charge. However, given the scale of the proposed development, seeking to deliver more than 15 no. dwellings, 35% affordable housing must be delivered as part of the scheme, in accordance with Policy TP31 of the Birmingham Development Plan. In accordance with Policy TP9 of the BDP, residential schemes of 20 or more dwellings should provide on-site public open space and / or children's play provision. Developer contributions could also be used to address the demand from new residents if not provided onsite.
- 6.21. The developer has provided a financial viability report based on the new development as proposed and the impact of the viability of the scheme to deliver 35% affordable housing and open space and play space. The report indicates that there are fairly modest capital values which impacts significantly on viability. The construction costs are only marginally lower than city centre schemes, but sales values are circa 20% to 30% lower and more than 10% lower than even the more

peripheral city centre schemes. The abnormal costs relate to site preparation, diversion of services in the site other normal costs of construction such as the piling has been stripped out of the assessment which reduced the construction cost in-line with BCIS. The remaining costs were considered reasonable and necessary with the proposed stacking parking solution an extra over cost.

- 6.19. This has been thoroughly assessed by the Councils' independent advisors and in this instance, given the low land values, and the resulting development being mainly rental that the development could only sustain 10 units (7 no 1 bed and 3 no 2 bed units) at 20% discount affordable market rent in perpetuity.
- 6.20. A local construction/employment condition has been suggested in lieu of a clause in a S106 in this case.
- 6.21. **Community Infrastructure Levy**
The proposed development would not attract a CIL contribution.

7. Conclusion

- 7.1. This is previously developed land and the main principle of residential use has been established and this represents a brownfield site in a highly sustainable location.
- 7.2. The design of the phase will continue to complement the existing building and would be acceptable in terms of highway and residential amenity considerations.

8. Recommendation

- 8.2. That application 2021/00874/PA be approved, subject to the prior completion of a S106 Legal Agreement to secure:

The on-site provision of 10 no. (7no 1 bed and 3 no 2 bed) affordable units based on 20% discount affordable rent.
- 8.3. Payment of a monitoring and administration fee associated with the legal agreement of £1500.00
- 8.4. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 15th November 2021 or such later date as may be authorised by officer under powers hereby delegated, planning permission be refused for the following reasons:
- 8.5. In the absence of any suitable legal agreement to secure the provision of low cost discounted the proposal would be contrary to policy TP31 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- 8.6. That the City Solicitor be authorised to prepare, complete and seal the appropriate legal agreement under Section 106 of the Town and Country Planning Act.
- 8.7. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by 15th November 2021, planning permission be approved, subject to conditions listed below.

-
- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
-

3	Requires the submission of sample materials
4	Requires the prior submission of a contamination remediation scheme
5	Requires the submission of a contaminated land verification report
6	Non Standard Condition Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
7	Non Standard Condition Requires the prior submission of a sustainable drainage scheme
8	Non Standard Condition Foul and Storm Water drainage
9	Requires the prior submission of level details
10	Requires the submission of hard and/or soft landscape details
11	Requires the submission of hard surfacing materials
12	Requires the prior submission of earthworks details
13	Requires the submission of a landscape management plan
14	Requires the submission of a lighting scheme
15	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
16	Requires noise insulation in accordance with noise report
17	Requires the prior submission of a construction method statement/management plan
18	Requires the submission of details to prevent mud on the highway
19	Requires the submission of a parking management strategy
20	Requires the provision of cycle parking prior to occupation
21	Requires the submission of a residential travel plan
22	Requires the provision of a vehicle charging point
23	Requires the prior submission of Architectural details
24	Non Standard Condition Requires the prior submission of a construction employment plan.

Case Officer: Sarah Willetts

Photo(s)

Figure 1–
Site Entrance to Equipoint building under conversion



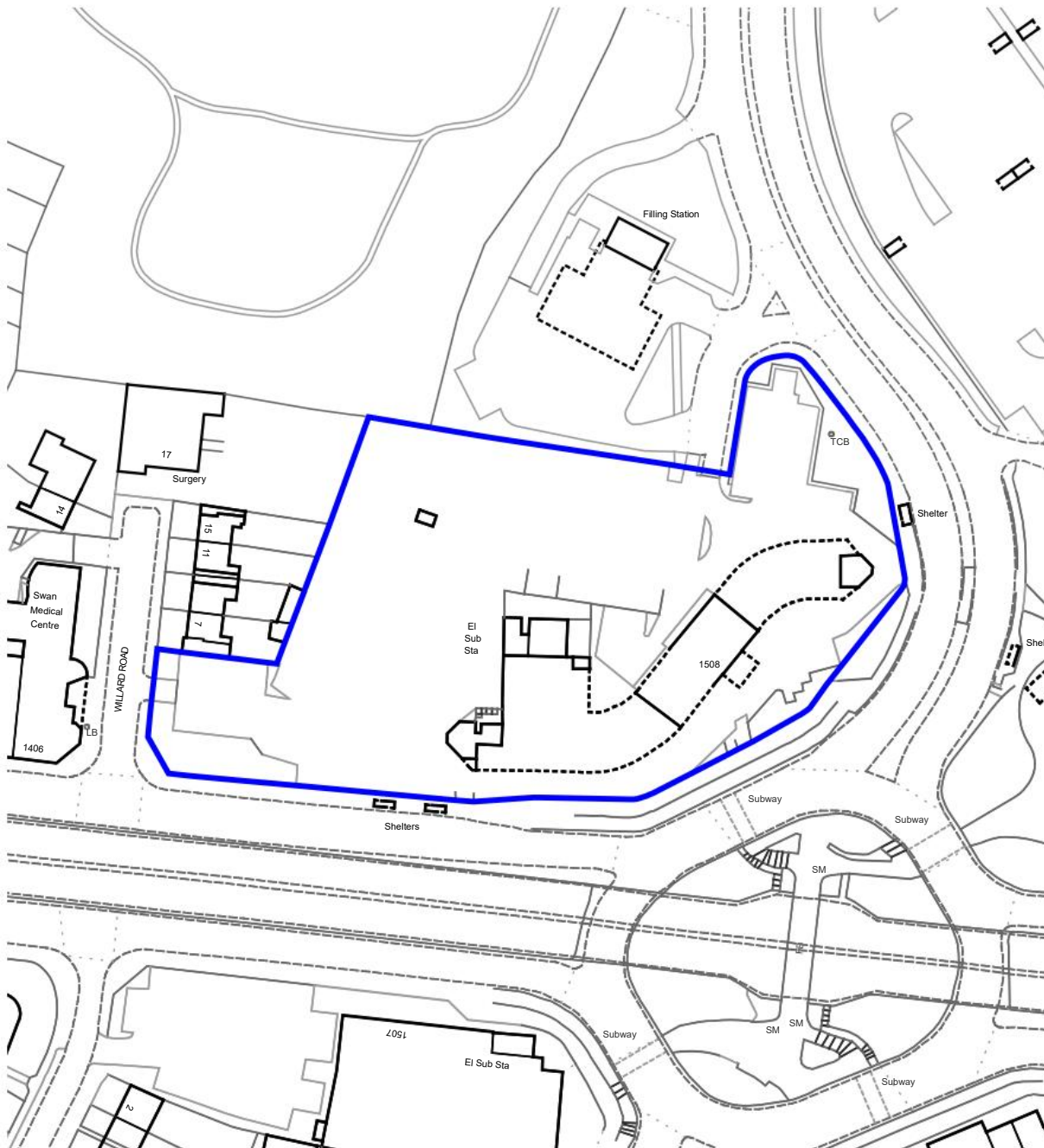
Figure 2 – Longer View from A4040 towards site – Source Google



'Visual impressions' (1 & 2) from Coventry Road and Church Road



Location Plan



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