
Committee Date:	06/08/2015	Application Number:	2014/06775/PA
Accepted:	01/06/2015	Application Type:	Full Planning
Target Date:	31/08/2015		
Ward:	Lozells and East Handsworth		

The Former Endwood PH, Hamstead Road, Handsworth, Birmingham, B20 2RA

Change of use from public house (A4) to community educational centre including prayer facilities (D1), repair and renovation of detached former stables to form associated funeral service and new boundary fencing and gate

Applicant: Mr Anjuman E Tabligh
6 Wye Cliff Road, Handsworth, Birmingham, B20 3TB
Agent: Catalyst Regeneration (UK) Ltd
Branston Court, Branston Street, Hockley, Birmingham, B18 6BA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for the conversion of an existing vacant Grade II listed public house for a community educational centre with prayer facilities and an associated funeral service within a former stables located within the curtilage of the site. Planning permission is also sought for new railings and gates on the Hamstead Road frontage.
- 1.2. The existing public house comprises a basement cellar, ground floor bar and store areas and w/c's, first floor function room, kitchens, office and w/c's, and associated living accommodation on the 2nd floor. The application proposed conversion of the building to provide a store and boiler room at basement, male prayer/function room with associated ablution area, ladies function room and ablution, special needs classroom/meeting room and w/c's at ground floor, school hall, 2 classrooms, office, kitchen and toilets at first floor, 5 classrooms, office, kitchen and w/c's at 2nd floor. The funeral service comprises a reception waiting area, body wash room and garage.
- 1.3. The proposal involves the relocation of an existing mosque from 6 Wye Cliff Road. Due to a growing community a larger premises is required.
- 1.4. The applicant's design and access statement explains that the education facilities will provide tuition for up to 150 students, with 8 tutors on weekdays only between 17:00 and 19:30 hours.
- 1.5. In respect of the use as a Place of Worship, the statement advises that the maximum number of persons on site at any one time will be 190 during Friday

prayer between 12:30-14:00 hours. For morning prayer the site will attract up to 20 people and for all other prayers the maximum number will be 100 people.

- 1.6. The applicant advises that other than the usage for prayer, education and funeral services, no other community events, special activities, ceremonies or additional services will take place.
- 1.7. The existing car parking is proposed to be used providing 61 car parking spaces.
- 1.8. Minor external alterations are proposed to the listed building, including removal of a non-original timber lean-to at the rear, 2 new windows at the rear/side, with other works only consisting of repairs and repointing as required, removal of pub signage, lighting, and some minor internal works to remove some small sections of internal wall, block up door openings, and to remove some none original internal piers. In the main, the existing windows and doors are to be repaired and retained. The re-use of the garage building would keep the existing external walls with a new front elevation in timber cladding.
- 1.9. The application is accompanied by a Design and Access Statement, Heritage Statement, Transport Statement and Travel Plan.
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site comprises a large detached former dwelling house and its curtilage dating from circa 1820, previously known as Church Hill House. It was the home of the Muntz family for many years around the 1880's. During the early part of the 20th century a rear subordinate wing was added to the rear.
- 2.2. The dwelling was later converted to a hotel in 1918 and then a Public House in the 1930's. There is a large tarmaced car park to the north west side of the building, with open grassed areas and landscaping to the east. Access is taken from Hamstead Road. The mini island junction where Hamstead Road meets Wellington Road, Church Lane and Handsworth Wood Road is located approximately 120 metres to the north west.
- 2.3. A railway line passes beneath the building through a tunnel, with St Marys Church and Handsworth Park to the south. St Marys Junior and Infant school is situated to the south east, with residential properties to the north.
- 2.4. [Site location and street view](#)

3. Planning History

- 3.1. 02/08/1962 – 22067000 – Car park extension – Approved.
- 3.2. 21/03/1974 – 22067001 - Extensions to public house – Approved.
- 3.3. 08/01/1976 – 22067002 – Extension to existing car park – Approved.

- 3.4. 18/08/1988 – 22067003 – Alterations to elevations and provision of fire escape from 1st floor – Approved subject to conditions.
- 3.5. 18/08/1988 – 22067004 – Alterations to elevations and provision of fire escape from 1st floor – Approved subject to conditions.
- 3.6. 27/01/2003 – 2001/06409/PA – Conversion of public house to 8 flats and 1 house, external alterations to elevations, erection of 7 flats and 15 houses within grounds, construction of parking spaces and access roads – Non determination appeal dismissed.
- 3.7. 27/01/2003 – 2001/06410/PA – Listed Building consent application for part demolition of the Endwood Public House, external and internal alterations in connection with change of use to create 8 flats and 1 house, and erection of 7 flats and 15 houses within grounds – Non determination appeal dismissed.
- 3.8. 22/06/2005 – 2004/00384/PA - Alterations and conversion of public house to 9 flats and erection of 14 houses – Approved subject to conditions.
- 3.9. 22/06/2005 – 2004/00385/PA – Listed Building Consent application for conversion of public house into 9 flats, external alterations to elevations and demolition of extension – Approved subject to conditions.
- 3.10. 2014/06830/PA – Listed Building Consent application for internal alterations, restoration of existing windows associated with change of use from public house (A4) to community and education centre (D1), renovation of detached former stables and new boundary fencing and gate – Reported elsewhere on the Committee agenda for determination.

4. Consultation/PP Responses

- 4.1. Press and Site notice erected. MP, ward members for Lozells and East Handsworth and Handsworth Wood wards, residents associations, and neighbouring residents/occupiers notified. 44 representations received objecting on the following grounds :
 - Existing traffic and parking problems will be made worse
 - There is a need for a pedestrian crossing
 - There are existing facilities nearby and so there is no need for this proposal. There are enough mosques in the area to meet local needs.
 - Loss of the pub which is an important local community facility
 - It is unclear whether this will be an education use or a mosque
 - Noise impact on residents including from the call to prayer
 - Funeral service is inappropriate so close to primary school and a nursery
 - Will have a detrimental impact on the listed building
 - Their existing premises is painted bright red, they should not be allowed to do the same to the listed building which should be kept white as existing. Any signs, emblems, decorative features would be out of character with the building and the area.
 - There have been works on site to remove trees, works to the roof, works to remove the internal features and an internal fire and there is concern that this was done wilfully to obtain support for these proposals.

- It would be better for the building to be acquired by Historic England and restored for the enjoyment of the whole community.
 - Impact on the railway tunnel
 - The existing trees are at risk of being cut down
- 4.2. One letter of comment from the Governors of St Marys Primary School has been received, stating that they welcome the potential restoration of the derelict building and its site, but raise a number of concerns regarding traffic and parking issues.
- 4.3. Two representations of support has been received commenting that the proposed use is a good idea that is needed by the community and would be far better than a pub.
- 4.4. In addition, representations of an inappropriate nature have been received which have not been reported, and are not relevant considerations to the determination of this application.
- 4.5. Transportation Development – No objections regarding the proposed use for prayer and education subject to conditions to agree an amended car parking layout and details of car parking management. Requests additional information in respect of the proposed funeral facility and advises that if this aspect is to be approved that a temporary permission for this activity should be considered in order to assess the impact of this.
- 4.6. Regulatory Services – No objections. Recommends conditions relating to no external amplification equipment for external use, electric vehicle charging points and noise levels from plant and machinery.
- 4.7. Fire Service – No objections.
- 4.8. Police – Makes detailed comments relating to provision of CCTV and lighting. Expresses concern about the impact of traffic and parking.
- 4.9. Network Rail – Makes detailed comments relating to regarding building works over the railway tunnel.

5. Policy Context

- 5.1. Adopted UDP, Draft Birmingham Development Plan, Places for Worship SPD, Car parking guidelines SPD, Development involving former public houses SPG, Places for All SPG, Regeneration through Conservation SPG, NPPF.

6. Planning Considerations

6.1. Policy

- 6.2. Paragraph 3.25 of the adopted UDP sets out that any development affecting a listed building should preserve or enhance its character. The change of use of a listed building should not have a detrimental effect on the character or appearance of the building.

- 6.3. The guidance in the NPPF sets out that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account.
- 6.4. The Council's SPD on the Loss of public houses advises that consideration should be given to the impact which the loss of the public house would have upon the amenities available to the local population. Many public houses perform a valuable function as a focal point for local social/community activities. In assessing the impact which proposals involving the closure of a public house may have on local amenity, consideration will be given to a number of factors including the availability of alternative public houses to serve the needs of the local community, including their accessibility, and also the nature of the proposed use, and in particular whether or not the proposal provides for retention of a leisure/community use on all or part of the site.
- 6.5. The SPD advises that where it can be demonstrated that there are no other reasonably accessible public houses or other similar social facilities in the local area and the existing public house performs a valuable local community function, proposals involving the loss of the public house are likely to be resisted on the grounds that local amenity would be adversely affected.
- 6.6. The Places for Worship SPD sets out that such uses should be located in accessible locations to reduce the need to travel by car. This normally means locating such uses within established centres. If suitable sites cannot be found within designated centres then a site within easy walking distance of a centre, and on the fringe of residential areas should be identified. The guidance sets out that the impact on noise disturbance and traffic problems normally means that predominantly residential areas are not suitable for places of worship.
- 6.7. The size of the use, its floor space and numbers of users are factors to consider in assessing its impacts. Premises should be found that can adequately serve the need. Those serving a local need should be within a parade of commercial premises, easily accessible to the community, and if suitable premises cannot be found within a commercial parade, then a site within easy walking distance of a commercial parade, and/or on the fringe of residential areas should be identified. Larger facilities serving a wider population should be located within larger shopping centres with easy access to public transport.
- 6.8. Taking all of the above policies and guidance into account, I consider that the principle of the proposed use of the site for such a community/cultural use would be acceptable. The pub has been vacant for several years and has been vulnerable to damage. A fire was started in part of the ground floor bar area, and whilst this was isolated, the continued vacancy of the building makes the site vulnerable to further damage. The best way to secure the future of a listed building is to identify a suitable use that will ensure that the building is occupied.
- 6.9. In respect of the loss of the pub use, it is evident that the site has been vacant for some time indicating that there is no demand for this use any longer and that it is the appropriate time to consider alternative uses. As the proposed use would be a community use, providing a range of activities including, prayer, education and funeral services, such that a public use of the building would remain, and so there would be no loss of this function of the use of the site. In addition, there are other public houses in the area, including The Grove at corner of Grove Lane/Oxhill Road (1km from the site) and The Crown and Cushion at Birchfield Road/Wellington Road

(1.3km from the site) I therefore do not consider that the loss of the pub warrants refusal in this case.

- 6.10. The site is not located within a local centre, but is in an accessible location to the local community on a through road and in a mixed use area including residential properties, a school, church and a park. It is located relatively close to the existing facility at Wye Cliff Road in order to serve the same catchment. I consider that the proposal therefore accords with the guidance in Places for Worship SPD.
- 6.11. Traffic and parking
- 6.12. The submitted transport statement considers the trip generation for the extant use as a public house and compares this to the proposed D1 use. For the existing floor space the report sets out that the pub is expected to generate 21 trips to the site and 18 trips departing the site in the pm peak, with no trips generated in the am peak. Peak trip generation would be during the evening after the pm peak traffic period.
- 6.13. The Council's car parking guidelines provide standards for Prayer facilities that meet a local need at 1 space per 10 square metres of floor space, and where they meet a wider need a standard of 1 space per 4.5 square metres. Given, the proposed ground floor floorspace for prayer being approximately 180 square metres, the standard for facilities meeting a local need would equate to a maximum of 18 spaces and a maximum of 40 spaces for those meeting a wider need. In respect of the education use a standard of 1 space per 8 children equates to 19 car parking spaces for the proposed 150 children. The existing car park provides 61 car parking spaces.
- 6.14. The education facilities will provide tuition for up to 150 students with 8 tutors on weekdays only between 17:00 and 19:30 hours. The applicant therefore makes the case that the trips associated with this part of the use would occur either side of the pm peak period, though I consider that there is potential for parents to be dropping off and collecting children during the peak traffic period where more than one session is undertaken.
- 6.15. In respect of the use for prayers, the maximum number of persons to be accommodated at any one time will be 190 people during Friday prayer between 12:30 and 14:00 hours, outside the peak traffic periods. The use for morning prayer is likely to attract approximately 20 people and so there will be minimal impact from this aspect in terms of trip generation to and from the site. The report sets out that at all other prayer times it is expected that there will be a maximum of 100 people on site.
- 6.16. The applicant has surveyed existing users at Wye Cliff Road advising that the modal share is 46% by car, 39% walking, and 15% cycling. The applicant has used this to estimate the likely trip generation for these activities, advising that the education activity would generate 57 arrivals and the same departures by car. In respect of Friday prayer, the total trip generation by car would be 68 arrivals and the same departures. As the peak times for use as a place of worship on Friday lunchtime are unlikely to coincide with the education use that starts later in the day, it is evident that the existing 61 space car park will be sufficient to meet the needs of both of these activities.
- 6.17. The applicant advises that in respect of the funeral use, funeral prayers are likely to coincide with the lunchtime prayer period (typically at 1pm) and will tend to be

attended by the same group of people. The funeral use would therefore not coincide with the education use.

- 6.18. There are some known issues of queuing, particularly during peak traffic periods at the traffic island junction to the north of the site. Taking into account the lawful use of the site as a pub, and the permitted change of use to a shop or a restaurant that could take place without the need for planning permission, I consider that the impact on the local highway network is unlikely to result in a significant detrimental impact over and above the fall back position to warrant refusal of this application. I note that Transportation raise no objections.
- 6.19. The application includes a travel plan which sets out that a travel plan co-ordinator would be appointed to oversee the implementation of the travel plan, that they would sign up to Travelwise, and that an annual report would be undertaken to survey the travel behaviours of users and to evaluate the changes made to modal share. I have recommended a suitable condition relating to this. I have also recommended a condition regarding car parking management.
- 6.20. In conclusion, I consider that the traffic and parking impacts of the development are acceptable.
- 6.21. Impact of the character and appearance of the listed building
- 6.22. The submitted heritage assessment sets out that the proposal requires no significant changes to the exterior of the building, only general repairs and restoration of missing features.
- 6.23. The assessment considers that despite some serious deterioration of the fabric and evidence of fire damage and vandalism, the building is generally sound but is now in urgent need of substantial refurbishment and repair. Part of its historic character is the manner in which it has altered over the years from being a villa residence to a hotel and public house. The proposed alterations are justified in that they are minimal and create a new use for a listed building at risk.
- 6.24. My conservation officer advises that the alterations to the building itself are acceptable with conditions to secure details of the windows. The development of the stables to provide the funeral service building is acceptable with details of materials to be agreed by condition. The proposed boundary treatment is acceptable in principle though some further details are required. All these matters are addressed in the recommended conditions.
- 6.25. The non-original pub signage and other associated fittings are all proposed to be removed. There are no proposals for changing the colour of the building.
- 6.26. I consider that the proposed change of use and the associated works will have an acceptable impact on the character and appearance of the listed building.
- 6.27. Noise
- 6.28. In respect of noise, I note that Regulatory Services have no objections subject to a condition to ensure that there is no external amplification equipment installed for use related to the place of worship. I concur that this is necessary given the proximity to nearby residential properties and consider that the proposal will not have a detrimental impact on the amenity of nearby residents with regards to noise.

6.29. Other issues

- 6.30. Whilst I note residents comments regarding need, I do not consider that there is evidence to justify refusal on these grounds, nor do I consider that there is a case for refusal relating to the proximity of the school to the proposed funeral service. In respect of the comments raised by Network Rail, I have recommended an informative to ensure that the applicant is aware of the comments made regarding construction in proximity to the railway tunnel.

7. Conclusion

- 7.1. The proposed development accords with the relevant policies in the UDP, draft BDP, Places for Worship SPD, the development involving public houses SPG, and the NPPF and is therefore recommended for approval subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

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| 1 | Requires further details of proposed works to stables building |
| 2 | Requires the prior submission of hard and/or soft landscape details |
| 3 | Requires the prior submission of boundary treatment details |
| 4 | Requires the prior submission of a lighting scheme |
| 5 | Requires the prior submission of a parking management strategy |
| 6 | Requires the parking area to be laid out prior to use |
| 7 | Requires the prior submission of cycle storage details |
| 8 | Requires the prior submission of a commercial travel plan |
| 9 | Requires the applicants to join Travelwise |
| 10 | Prevents the use of amplification equipment |
| 11 | Limits the noise levels for Plant and Machinery |
| 12 | Requires the scheme to be in accordance with the listed approved plans |
| 13 | Limits the approval to 3 years (Full) |
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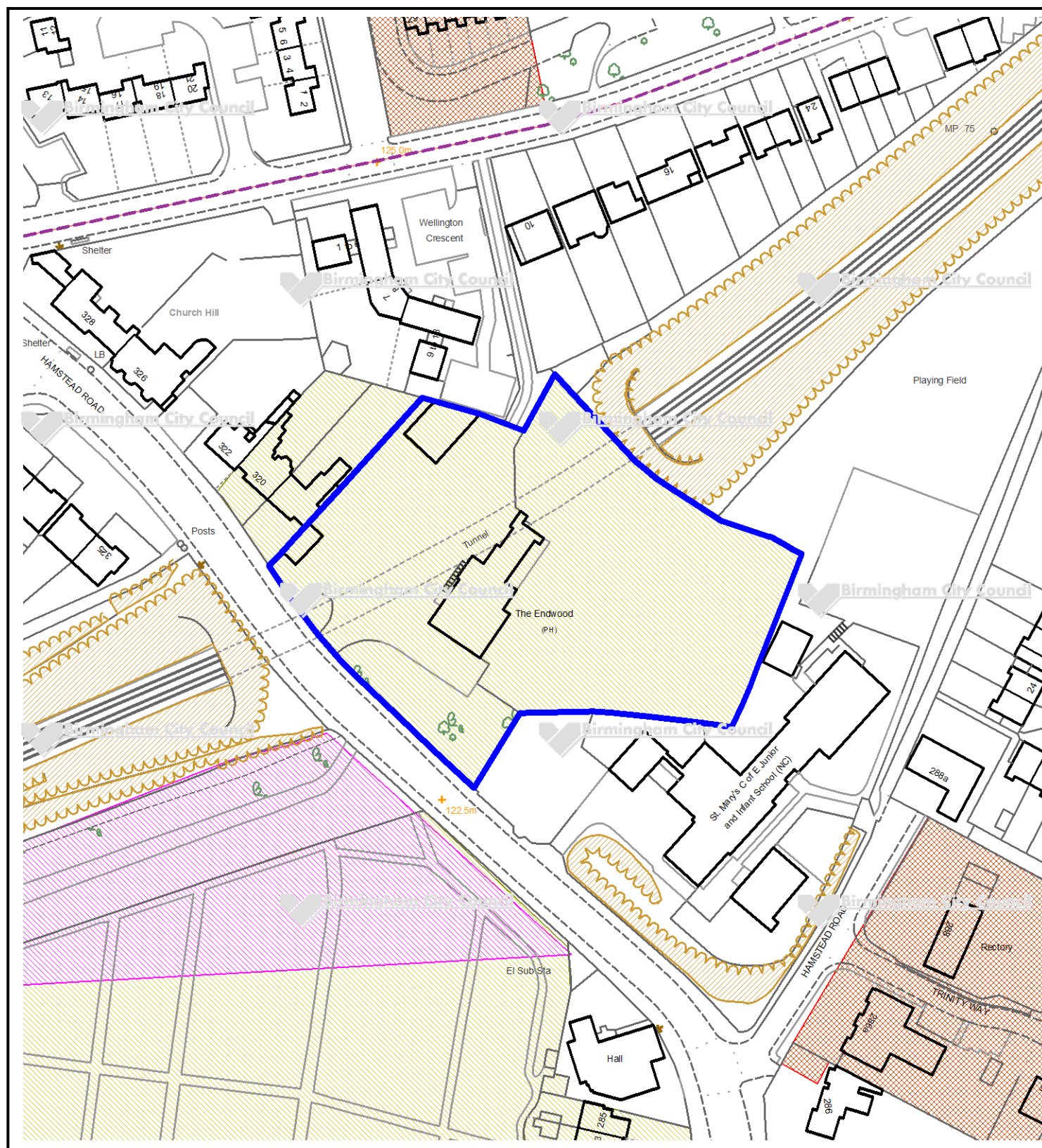
Case Officer: Stuart Morgans

Photo(s)



Figure 1: Existing front and side view.

Location Plan



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