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Committee Date:	09/07/2015	Application Number:	2015/00988/PA
Accepted:	22/04/2015	Application Type:	Full Planning
Target Date:	22/07/2015		
Ward:	Sparkbrook		

62 Montgomery Street, Sparkbrook, Birmingham, B11 1DU

Continued use of gymnasium & kick boxing training centre (Use Class D2)

Applicant: Ultimate Sports Kickboxing Association  
62 Montgomery Street, Sparkbrook, Birmingham, B11 1DU  
Agent: Ali Architectural Services  
414 Coventry Road, Small Heath, Birmingham, B10 0UF

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Recommendation

**Approve Temporary**

1. Background/ Proposal

- 1.1. Planning consent was granted under ref: 2008/05634/PA for the part change of use of an industrial property to gymnasium and kick boxing training centre (Use Class D2) on 23<sup>rd</sup> April 2009, subject to a condition which limited the use to a temporary period of five years, which expired on 23<sup>rd</sup> April 2014. The reason for the temporary permission was to ensure that the long term regeneration of the area is not compromised.
- 1.2. The applicant within the current submission seeks consent to regularise the use as gymnasium and kick boxing training centre (Use Class D2). The internal layout comprises entrance lobby, lift, security office and incidental offices at ground floor level. The first floor provides meeting rooms, managers and admin offices incidental to the proposed use. The second floor provides kick boxing training room, male and female gyms, lounge and changing facilities. The combined floor area for the change of use is approximately 1,600 sq. metres. The proposed hours of operation are 1000 to 2200 Monday to Saturday and 1000 to 1400 on Sundays.
- 1.3. Within the supporting statement submitted the applicant has stated that the kick boxing studio and gymnasium is for the local community, particularly youngsters in the disadvantaged community of Sparkbrook. All sessions have a maximum of 20 people. The maximum capacity is 50 people.
- 1.4. There are no external alterations proposed to the building. All car parking would continue to occur on street.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is former offices associated to an adjoining industrial unit that has been operating as gymnasium and kick boxing training centre since 2009. The

building extends over three floors and has an attractive brick façade to Montgomery Street with full height windows. The use currently operates in an unauthorised manner; opening 24 hours a day 7 days a week.

- 2.2. The surrounding area is mixed commercial and residential in character. The northern section of Montgomery Road is mixed commercial area that includes the adjoining timbers merchant. The southern section of Montgomery Road is predominantly terrace residential dwellinghouses that are situated to the back of pavement edge with no front gardens. There is an unauthorised car sales yard operating immediately opposite the site on Montgomery Street, where planning consent ref: 2005/07454/PA for residential development lapsed in 2012. A Council car park on the southern side of Montgomery Road, which is allocated for residential development is situated approximately 70 metres from the application site. The Grand Union Canal runs to the rear of the site beyond which there is a waste transfer and storage depot for inert material. Sparkbrook Neighbourhood Centre as defined by Shopping and Local Centre is situated approximately 600 metres from the application site.

#### [Location Map](#)

### 3. Planning History

- 3.1. 23/04/2009 - 2008/05634/PA - Sub-division of existing industrial unit (Use Class B2 with ancillary offices) and part change of use to gymnasium & kick boxing training centre (Use Class D2) – Temporary 5 year approval

### 4. Consultation/PP Responses

- 4.1. Press and site notice displayed. Adjoining neighbours, Resident Association and Ward Councillors consulted – 6 letters of objections received from adjoining neighbours, who object on the following grounds:
- Increased parking and traffic congestion
  - Increased in number of accidents as cars double park on the road
  - Increased litter within the street
  - Operating up until midnight in breach of conditions
  - Use of premises for the sale of drugs
  - Increased noise and disturbance from late night music played from vehicles parked on street
  - Abusive language from patrons
  - Pedestrian safety by people parking on pavement
- 4.2. Transportation Development – Concerns raised to the lack of parking available on street or off-street parking facility provided within the site. The public car park on the opposite side of Montgomery Street is due to cease and be redeveloped for housing in 2018. Recommended 1-year temporary consent to monitor the impact of the use upon highway safety and free flow of traffic.
- 4.3. Regulatory Services – I am informed that the use operates 24hours/ 7 days contrary to conditions of previous temporary consent and hours specified within this application. Recommend temporary consent in order to monitor the hours/ days of operation and any impact the use has on amenity of residential occupiers on opposite side of Montgomery Street.

- 4.4. West Midlands Police – No objections.
- 4.5. Canal and Rivers Trust – Awaiting comments (to be reported)
5. Policy Context
- 5.1. NPPF (2012); Adopted UDP (2005); Draft BDP (2012); SPG Places for All (2001); SPD Car Parking Guidelines (2012); SPD Loss of Industrial Land for Alternative Uses (2006);
6. Planning Considerations
- 6.1. The main considerations in the determination of this application are:
- 6.2. **Principle of use** – The established use of the site would be ancillary offices to the adjoining industrial unit. The principle of loss of industrial land has already been considered acceptable as the gymnasium and kickboxing training centre previously had temporary consent and has continued to operate since 2009. The application site and the wider area remain undesignated within the adopted UDP and draft Birmingham Development Plan. The application site has been identified within Strategic Housing Land Availability Assessment (SHLAA) for potential residential development. There are no formal development frameworks/ policies/ documents for Montgomery Street or Anderton Road. The application site lies within Draft Montgomery Street Development Framework that identifies the north side of Montgomery Street in need of investment and regeneration. The Draft Development Framework also allocates the application site and the wider area for mixed residential and commercial uses. The Draft Montgomery Street Framework is at an early stage with no formal status. Consequently, I consider that the proposed use would continue to be acceptable and provide economic benefits for the area through alternative uses. Planning and Growth Strategy have raised no objections to the proposal.
- 6.3. **Impact on highway safety** - Concerns have been raised by neighbours in regards to the impact of parking demand and traffic congestion created by the use. The applicants have failed within their submission to adequately demonstrate that there is sufficient car parking availability within the area to satisfactorily accommodate the use that operates whilst the adjoining industrial/ commercial uses would be operating and also parking demand from the residential dwellinghouses on the opposite side of the road. The public car park specified within the submission is allocated for residential development (BMHT) with the agreed timescale for implementation/ cease of car park use in 2017-2018. Transportation Development have raised concerns to the lack of off-street parking within the vicinity of the site and have recommended that a one-year temporary consent be granted to allow the situation in practice to be monitored in relation to the applicants ability to secure off-street parking provision, availability of public car park and free flow of traffic on the adjoining highways. I concur with this view and consider it to be a pragmatic approach as the applicants have for a number of years continued to operate from the application site.
- 6.4. **Impact on residential amenity** – I note concerns have been raised by neighbours in regards to noise and disturbance. The use continues to operate 24 hours a day and 7 days weeks in breach of planning condition attached to the now expired temporary consent and the hours of operation as specified as part of this proposal. Regulatory Services have recommended a temporary consent in order to monitor the hours of use (to those stipulated by the applicant) to ensure that the proposal

does not adversely impact upon residential amenity of occupiers on the opposite side of Montgomery Street. I concur with this view and consider that a one-year temporary consent is reasonable as it would coincide with Transportation Development recommendation to monitor the use on site.

7. Conclusion

- 7.1. The proposal is recommended for a one-year temporary consent to allow monitoring of the impact of the uses on parking and highway safety and residential amenity.

8. Recommendation

8.1. Temporary Approval

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|---|---|
| 1 | Requires the gymnasium and kick boxing centre use to discontinue within a timescale (1 year).         |
| 2 | Requires the scheme to be in accordance with the listed approved plans                                |
| 3 | Prevents the use from changing within the use class   |
| 4 | Limits the hours of operation (1000-2200 Monday to Saturday and 1000-1400 on Sundays/ Bank Holidays). |
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Case Officer:            Mohammed Akram

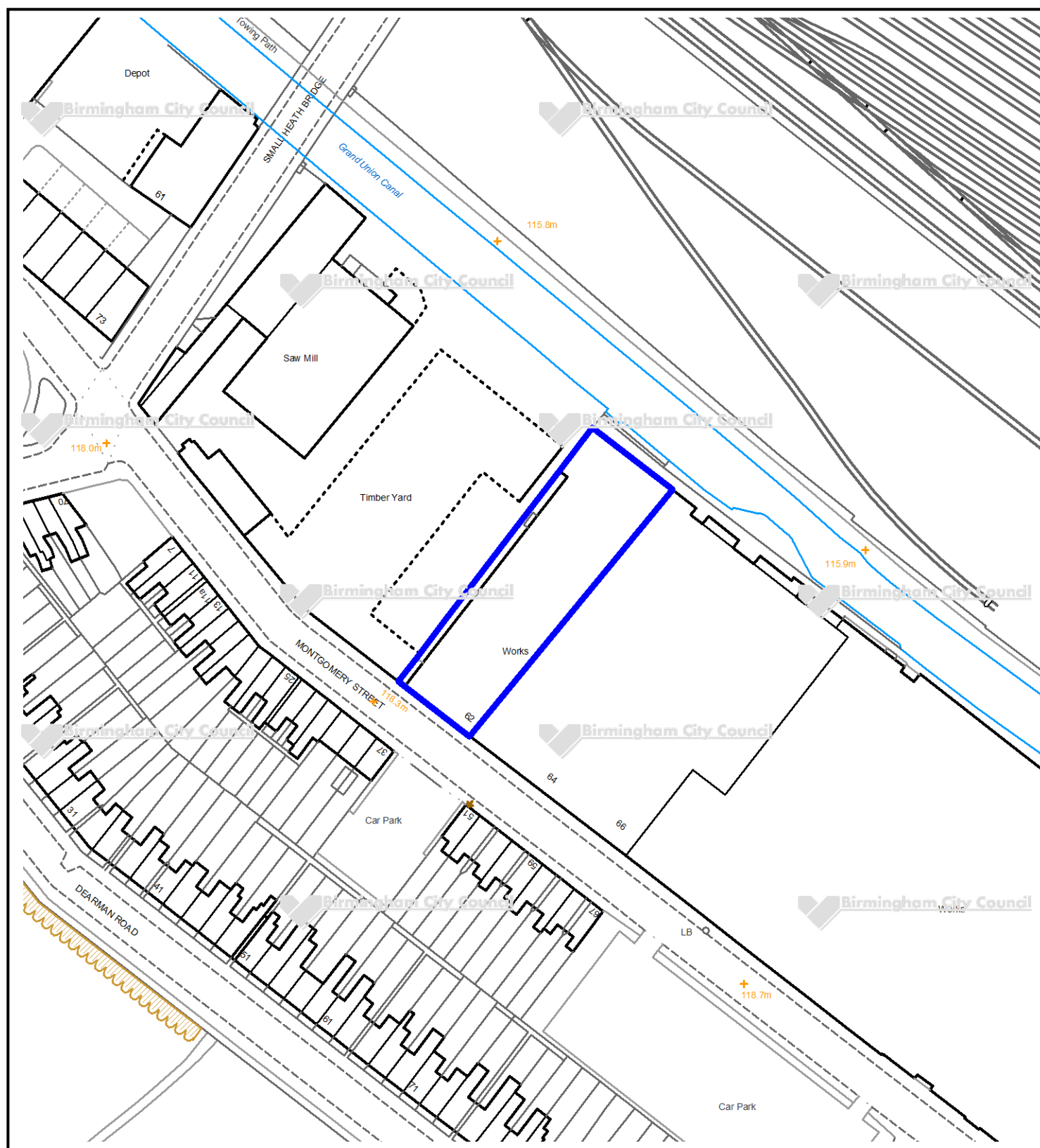
## Photo(s)



Figure 1: Application site



## Location Plan



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