

Birmingham City Council

Planning Committee

02 July 2020

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	2019/07956/PA Former TRW Site Mere Green Road Mere Green Sutton Coldfield Birmingham B75 5BN Erection of a retail foodstore (Use Class A1) with associated car parking, access, landscaping and associated engineering works

Committee Date:	02/07/2020	Application Number:	2019/07956/PA
Accepted:	28/10/2019	Application Type:	Full Planning
Target Date:	03/07/2020		
Ward:	Sutton Mere Green		

Former TRW Site, Mere Green Road, Mere Green, Sutton Coldfield, Birmingham, B75 5BN

Erection of a retail foodstore (Use Class A1) with associated car parking, access, landscaping and associated engineering works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning consent is sought for the provision of supermarket namely a Lidl food-store (Use Class A1) with a new access point from Mere Green Road with a surface level car park, servicing areas and landscaping on land at the former TRW factory site, off Mere Green Road, Mere Green, Sutton Coldfield, B75 5BN.
- 1.2. The main building would be single storey structure with a total GIA of 2,074sq.m and would be positioned along the sites south eastern boundary and frontage in a rectangular fashion with a glazed elevation facing the public highway. The proposed access would be positioned centrally along the frontage which itself would be landscaped. Beyond the landscape frontage strip (itself a depth of 6m) further landscaping parcels would be provided around the surface level car park. The car park would provide 124 no. spaces, including 6 no. disabled spaces, 8 no. parent/child spaces, 12 no. staff spaces, 2 no. electric vehicle charging bays and a trolley bay would be provided. Servicing and deliveries would utilise access through the car park to a dedicated service bay to the rear most elevation of the building facing into the car park.
- 1.3. The customer entrance would be located at the building's south-western corner facing the public realm and car park. External finish materials would consist of aluminium composite panelling, wooden cladding (terracotta) around the entrance area and rendered walls in a variety of grey shades. Furthermore, the glazed elevation facing the southern elevation onto Mere Green Road would extend along the entire southern elevation with the solar horizontal and vertical louvre type detailing above. The building would be erected to a maximum height 8.95m with a mono-pitched roof (minimum height of 5.9m) with its highest point above the customer entrance area to the buildings south western corner. The building would measure approx. 63.5m long and 35.9m wide in a rectangular fashion with the shorter width facing Mere Green Road.
- 1.4. [Link to Documents](#)



Site Layout.

2. Site & Surroundings

- 2.1. The application site is approx. 0.58ha in size and an irregular shape (approx. 136m wide and 89m deep at their maximum) and is located within the suburb of Mere Green in northwest Birmingham. The site is located adjacent to, but outside of the Mere Green District Centre with the centre boundary fronting the site with Mere Green Road acting as the boundary.
- 2.2. The site itself has been cleared of existing buildings for many years and was the site of an industrial complex, specifically the TRW manufacturing site. The application site lies beside Mere Green Road, which provides access to the site currently, which runs east/west along the sites southern boundary beyond which lies the Mere Green District Centre with a variety of retail and commercial offerings and car parking.



Application site in relation to Mere Green District Centre

- 2.3. To the west of the site lies Mere Green Primary School which is also accessed from Mere Green Road. To the east of the site lies St James Church hall which is a single storey building with a surface level car park to the sites eastern and northern

boundaries. The nearest residential dwellings to the sites boundaries lie both along Mere Green Road, opposite St James Church Hall (approx. 35m) and to the rear of the site off Wilmcote Drive which are separated by an existing surface level car park that serves St James Church (approx. 35m).

2.4. [Location Map](#)

3. [Planning History](#)

- 3.1. 2011/04724/PA – Prior notification of proposed demolition – No prior approval required – 12/08/11.

4. [Consultation/PP Responses](#)

- 4.1. Local residents, Ward Councillors, Residents and Business Associations and M.P. notified. Advertised by press and site notice with 37 no. letters of objection received with the following concerns raised, as summarised;

- What is a concern is the effect on an already very busy Mere Green Road.
- There's a constant stream of traffic making it difficult for school children to cross safely.
- The entrance does not have a crossing. This, I feel, is totally unsafe.
- To consider aligning Lidl and Sainsbury's entrances and exits.
- The traffic in and out of the existing Sainsbury's already causes gridlock at peak times.
- Why not make use of the St James Church car park exit, situated on adjacent land, as an alternative this would take the exit/entry further down the Mere Green Road.
- Make both Sainsbury's and Lidl exits left turn only reducing right turning traffic clashes.
- The Lidl building in the images is awful. Mulberry Walk carefully designed and completed in order to make it look as best it can but now we're to be given a huge, black/grey, imposing building which looks like it sits proud looking over Mere Green Road.
- It is noted that the Transport Assessment submitted is limited and a more rigorous Transport Assessment should extend the survey wider to also include surrounding roads used to bypass Mere Green Road.
- I would query if the car park is on the correct side of the structure as it will be next to a school and playground creating more fumes and poor air quality for the children.
- Access Birmingham recommends that that the staff toilet provision includes a disabled toilet.
- I consider that this site should be used for low rise flats/apartments. We need more housing in the Mere Green area.
- There are already available units within Mulberry Walk that could be used for further development.
- Four supermarkets will completely saturate this small area and is not in the best interest of the health of the local residents.
- 6 no. disabled parking spaces is not enough.

- 4.2. 7 no. of letters of support were received on the following points, as summarised;

- Mere Green needs an affordable food supermarket.
- We should not have to travel to other towns to be able to shop at such stores.

- Brilliant, definitely need a more economic shopping option in Mere Green.
- 4.3. Sutton Coldfield Town Council – Objection received on the following points;
- Potential to create noise disturbance for residential properties.
 - Members respectfully request that the opening and delivery hours for these premises is not a noise nuisance for nearby properties.
 - Members raised concerns over the impact on highways, in particular the proposal for HGVs to enter the vicinity via pedestrian areas.
 - Members feel that there is insufficient detail of highway provisions in the application.
 - Members understand that the design and appearance is not in keeping with the local character and would adversely affect the heritage of the current street scene.
- 4.4. Regulatory Services – No objection, subject to conditions;
- Hours of Use – 07:00 – 22:00 Monday to Saturday and 10:00am – 17:00 Sunday.
 - Provision of Contamination Remediation Scheme.
 - Provision of Contaminated Land Verification Report.
 - Adherence to the Hoare Lea noise report June 2019 in terms of delivery and plant noise.
- 4.5. Transportation Development – The analysis submitted suggests that the impact of the development in principle is unlikely to result in severe/materially significant impact subject to conditions;
- Construction Method Statement.
 - Measures to prevent mud on the highway.
 - Means of access – Construction.
 - Siting/Design of Access.
 - Details of pavement boundary.
 - Parking management strategy.
 - Commercial travel plan.
 - Delivery and service area completed prior to occupation.
 - Parking areas – laid out prior to use.
 - Cycle storage details.
 - Delivery vehicle management scheme.
 - Submission and completion of works for the S278/TRO Agreement.
- 4.6. Lead Local Flood Authority (LLFA) – No objection, subject to conditions;
- Prior submission of a detailed sustainable drainage scheme.
 - Submission of a sustainable drainage operation and maintenance plan.
- 4.7. Severn Trent Water – No objection, subject to condition;
- Drainage plans for the disposal of foul and surface water.
- 4.8. West Midlands Police – No objection, subject to condition;
- Deliveries to commence after 07:00 weekdays and 08:00 weekends.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Birmingham UDP (Saved Policies), Places for All SPG, Shopping and Local Centres SPD, Loss of Industrial Land SPD, Car Parking Guidelines SPD, Mere Green Development Framework, NPPF 2019.

6. Planning Considerations

Principle of Development.

- 6.1. The application site is a former brownfield site, previously used for manufacturing purposes, which has been derelict for a number of years. The site itself was cleared of all buildings following a prior notification application for the demolition of the buildings on site in 2011. The site itself is allocated on the Brownfield Register 2017 and has been the subject of a Development Framework, namely the Mere Green Development Framework, adopted in 2013. This looked at the Mere Green district centre as a whole and identified two sites, the former Spring UR site which has now subsequently been developed into Mulberry Walk (a retail, leisure and commercial offering) and the current application site, the TRW automotive site, to ensure that those development sites contributed to the overall regeneration of the district centre and to provide informal planning guidance for interested parties.
- 6.2. The development framework outlines the types of development proposals that the authority would wish to see on the site which includes residential, small scale residential institutions and ancillary office space. The document also goes on to state that D2 Uses (Assembly and Leisure) and retail uses would need to satisfy the key sequential and impact tests as outlined within the NPPF. Furthermore, it is noted that in relation to the development framework, the use of the site for B2 General Industrial is no longer considered acceptable.
- 6.3. Given the site's former industrial use, the Council's employment land supply policies apply, in particular policies TP16 and TP19 of the adopted Birmingham Development Plan 2017 (BDP) and the Loss of Industrial Land SPD. In this case the application site is considered to be a 'Other Quality' as whilst it exceeds the 0.4ha size, its location within a suburban location surrounded by sensitive receptors (i.e. a school, residential and retail and leisure offerings) and accessed by a local road network away from the national road network site does not mark it out to be good quality land from an employment land perspective. On this basis there is a sufficient supply of such land in this category.
- 6.4. Furthermore, Policy TP20 within the BDP and Loss of Industrial Land SPD provides guidance on assessing whether a site is considered to be non-conforming in relation to loss of employment land with reference to its compatibility with other uses, the sites (poor) location and "Non-conforming uses will mostly consist of small (generally less than one acre) isolated industrial sites within predominantly residential areas".
- 6.5. In this case, I consider the application site to be a non-conforming use given its location surrounded by sensitive receptors, in this case residential dwellings, within a wider residential suburb and adjacent to an existing school which are at odds with commercial/industrial uses and the associated impacts that such uses generally create (noise, odour, air quality issues, etc.). Furthermore, the site is located within an isolated location away from other existing industrial sites within this residential suburb. I consider the site's existing use to be non-conforming with sufficient 'Other

Quality' employment land retained in accordance with policies TP17 and TP20 within the BDP and the requirements outlined within the Loss of Industrial Land SPD.

- 6.6. It is noted that as the floor-space of the proposed food store will be below 2,500sq.m and the development will therefore not require an impact assessment as specified within Policy TP21 and paragraph 89 of the revised NPPF. However, Policy TP21 which relates to the city's network and hierarchy of centres, specifically in relation to preferred locations for retail and commercial development, states that proposal's for uses outside of such boundaries will not be permitted unless they satisfy the requirements of the NPPF, specifically within paragraphs 86-90 of the 2019 NPPF. Such proposals require a sequential assessment to be undertaken which looks at the suitability and availability of other sites located within existing designated centres. In this case, a sequential assessment has been submitted, broadly following initial pre-application advice provided by the LPA on which centres were considered most suitable to assess (Mere Green and Sutton Coldfield Town Centre) with such centres considered with the availability of sequentially preferable sites and premises within these identified centres.
- 6.7. I raise no objections to the methodology and the wider assumptions that underpin the assessment which has identified potentially available sites and which have been considered as part of the proposals. The assessment however identifies that there are no sequentially preferable site's that could accommodate the proposed development within a 5 min drive time of the application site when coupled with the operational needs of the discount retailer model, within the identified centre locations. As such, the proposals are considered to be acceptable in this regard and would thereby meet the requirements as set out within paras. 86-90 within the NPPF and relevant policies within the Birmingham Development Plan.

Design and Appearance

- 6.8. As mentioned previously, the application site forms part of the Mere Green Development Framework. As part of the framework, design guidance specific to the application has been prepared to guide future development proposals. These are;
- Development would be generally expected to be 2 and 3 storeys high.
 - The green verge fronting Mere Green Road should be retained and enhanced with additional tree planting and landscaping.
 - Buildings facing Mere Green Road should have active frontages, with parking to be subservient in the street scene.
 - Trees close to the eastern boundary of the site should be protected and their visual amenity value enhanced.
 - Consideration should be given to allow possible future pedestrian access from the car park at the north of the site to allow a direct route for residents onto Mere Green Road.
 - Architecture, detailing and materials should be of a high standard that reinforces the prominent District Centre character and contribute to a strong sense of place. 'Standard', bland buildings that fail to respond to the local context will not be acceptable.
- 6.9. The proposed building would be a single storey structure, albeit with a mono-pitched roof, measuring 8.95m at its highest point over the customer entrance as seen from Mere Green Road with the roof sloping downwards away from the entrance canopy to a height of 5.9m towards the sites boundary with St James Church Hall. The

building would have a large glazed elevation, facing the site's southern, public realm (Mere Green Road) boundary to create an active frontage which is supported.

- 6.10. This area of glazing would sit below an area of aluminium solar shading vertical fins finished in dark grey so as to mirror the roof trim, which would then wrap around the south-western corner of the building. This would continue to the western elevation forming the customer entrance area with a projecting canopy making use of the highest point of the roof with a pronounced slope. The entrance area would be further articulated by the use of different materials, including Red Terracotta wood planks and dark grey aluminium used for the trim and Brise Soleil. The use of such materials is considered to be appropriate in the sites context and provides a modern, contemporary response that contributes to a strong sense of place in this suburban location.



Proposed Supermarket Elevations.

- 6.11. The wider western elevation would largely be solid in appearance, with a number of small door and window openings, alongside featuring the servicing entrance along the western elevation. The elevation would however be broken up horizontally with the use of two different materials, light grey render at the lower level and dark composite grey aluminium cladding at the upper level with the dark grey roof trim above. The roof form along this elevation would be mainly flat at 6.8m high with the higher customer entrance canopy located on the south western corner adjacent to Mere Green Road at 8.95m high.
- 6.12. The northern and eastern elevations would also be finished in a similar external treatment as the western (car park elevation), i.e. render and composite cladding.

Subject to the imposition of a condition securing samples of external finish materials along with appropriate boundary treatments and hard surface details, my city design officer is content that the proposal would result in a high quality building that contributes positively to the streetscene.

- 6.13. A number of (538 no.) photovoltaic solar panels would be roof mounted and whilst largely screened out of sight of the public realm by the sloping roof profile, some would be viewable to the buildings eastern elevation within the context of the proposed building's roof profile. However, such provision is not considered to be unsightly or out of context within or upon a commercial building and is considered appropriate in this context.
- 6.14. The western portion of the site would be used for on-site surface level car parking for customers and although a large area for such parking is proposed, this is considered acceptable, given the use of the site and its parking requirements, the large landscape buffer between the public highways and the car park itself and the proposed layout of the building facing the public realm. The landscape buffer would extend from the sites vehicular entrance to its boundary with the neighbouring Primary School, a length of approx. 55m and a maximum depth of 6m. Such provision is considered to be appropriate in this context and allows sufficient space for appropriate levels of planting to be provided.
- 6.15. The applicant has provided a landscape scheme which includes provision of grass and trees in this area which is generally considered to be acceptable. However, amendments to the landscaping are required elsewhere on site where the schemes design has evolved through the planning process to include provision of a rainwater garden. However, such details, along with pavement boundary details can be secured by planning condition. With the imposition of such conditions it is considered that the scheme generally accords with the provisions outlined within the development framework and would enhance the visual amenity of the application site in the wider street-scene. As such, the proposal is considered to accord with relevant policies within the Birmingham Development Plan and the NPPF and is acceptable in this regard.



Visual of proposed building – Mere Green Road elevation.



Visual of site looking North East across Mere Green Road

Neighbour Amenity

- 6.16. The application site is located on the boundary of Mere Green district centre with Mere Green Primary School abutting its western boundary and St James Church Hall to its eastern boundary. To the north of the site lies a surface level car park associated with St James Church with Mere Green Road along the sites southern boundary with the district centre beyond.
- 6.17. The nearest residential dwellings to the application site are those at Wilmcote Drive which are approx. 35m north of the site boundary beyond the surface level car park associated with the neighbouring church whilst there are also additional residential dwellings at a similar distance located on the opposite side of Mere Green Road adjacent to existing commercial premises and opposite the church hall. The proposal has been put forward with a noise assessment that demonstrates that the proposal, in terms of noise associated with general site activities including site deliveries, would result in a 'low impact' upon residents of the nearest dwellings subject to the imposition of a 2m high boundary treatment along the sites northern elevation. This would negate the need to impose a condition restricting delivery hours to the premises, a view supported by Regulatory Services. However, the provision of such a boundary treatment can be secured by planning condition, and is recommended that such matters are secured.
- 6.18. My Regulatory Services officer has also had an opportunity to assess the proposal and has raised no objections to the proposal but has requested the imposition of a number of conditions to secure an appropriate standard of development. Such conditions relate to the hours of use of the building to those specified by the applicant (07:00 – 22:00 Monday to Saturday/Bank Holiday and 10:00am – 17:00 Sunday) and adherence to the points raised (e.g. 2m high boundary treatment) in the submitted noise assessment.
- 6.19. Furthermore, it is noted that plant and machinery associated with the general operation of the store is proposed to be located on the building's eastern elevation

facing the staff car park and St James Church Hall beyond. It is considered appropriate to impose conditions restricting maximum noise levels associated with the plant and machinery on site to ensure that neighbour amenity isn't compromised. I consider the imposition of such conditions to be appropriate in this case in securing a satisfactory form of development.

- 6.20. It is noted that a local resident has queried as to whether the proposed car park associated with the proposal is located on the correct side of the building as it will be positioned next to a school and playground potentially impacting upon air quality. The submission has not been accompanied by an air quality assessment which ordinarily would not assess the impacts of a surface level car park. My Regulatory Services officer has assessed the proposal in this regard and is of the view that the proposal would not result in sufficient levels of poor air quality that could impact upon neighbouring land uses. Furthermore, the air quality of the existing area sits below any exceedance levels for Nitrogen Dioxide (NO₂) and my officer is content that the proposal would not exacerbate such matters and is therefore acceptable in this regard.

Environmental Matters

- 6.21. The application site is situated within Flood Zone 1 and is deemed to have a very low risk of flooding and a sustainable drainage scheme has been submitted as part of the applications supporting documentation. This states that the proposed drainage strategy would reduce the overall surface water flow rate from the site to satisfactory levels into the Severn Trent Water network. Foul water is proposed to be discharge unrestricted to an existing foul water sewer system, for which the applicant will seek consent directly from Severn Trent Water. The applicant has further incorporated rain water gardens into the scheme, in order to help decontaminate rainwater, which will then infiltrate into the sewer system.
- 6.22. The Lead Local Flood Authority has raised no objections to the development proposals, based upon the submitted plans and supporting statements. They however recommended specific conditions requiring the prior submission of a sustainable drainage scheme and sustainable drainage operation and maintenance plan. I concur with this view and feel the recommended conditions are both warranted and required in order to approve the proposed scheme.
- 6.23. Severn Trent Water were also consulted on the application who have raised no objections subject to a condition requiring the prior submission of details for the application sites foul and waste water. Subject to the imposition of these conditions, it is considered that the proposal is acceptable in this regard.
- 6.24. The site is covered by hardstanding following on from the previously demolished industrial buildings. The site has very little in the way of vegetation areas with those present of low ecological value, other than some existing protected trees on the sites eastern boundary which are to remain. The city ecologist has assessed the submitted ecological appraisal and has requested the imposition of a planning condition to secure appropriate ecological enhancement measures on site, to include future planting proposals to include native species of trees, which would create foraging and nesting opportunities for birds and bats. I consider such an approach to appropriate in this case and can be secured through the previously discussed landscaping scheme.
- 6.25. The application has also been accompanied by a tree assessment. This has identified that a number of trees within the site, primarily along the sites boundaries.

Three of these trees, namely Oak trees which are located on the site's eastern boundary with St James Church are subject to a Tree Preservation Order (TPO). The trees subject to the TPO are not proposed to be removed. Indeed out of the 6 no. trees identified on site, only 1 no. is to be removed, a Silver Birch tree, that is a category C tree with a limited lifespan and is required to accommodate the proposed car park and circulation space. The remaining trees comprise of 2 no. category A, 1 no. category B and 2 no. further category C trees which would remain and be subject to tree protection measures.

- 6.26. The city tree officer has assessed the proposal and submitted documents and has raised no objection subject to the imposition of conditions to secure works being undertaken in accordance with the submitted Arboricultural Assessment methodology and with the defined tree protection areas. I agree with such an approach and consider that with the imposition of such conditions the proposal to be acceptable in this regard.
- 6.27. Given the site's previous industrial/manufacturing uses, the potential for land contamination is considered high. The applicant has provided a land contamination verification with the submission which itself concludes that land contamination is present on site and has had effective remediation undertaken. However, it is noted that the report goes on to state within its recommendations/conclusion that the low risk is predicated on the provision of gas protection measures for which details have yet to be submitted. As such, it is considered appropriate to secure such details through the imposition of a condition for a revised contamination remediation scheme and associated verification report.
- 6.28. Policy TP3 requires developments of a certain type and threshold to meet BREEAM (Building Research Establishment Environmental Assessment Method) Standard Excellent. The proposed development has been submitted with a Pre-BREEAM Assessment which outlined various points in the assessment to demonstrate on site limitations of achieving BREEAM Standard Excellent, which upon consideration are accepted. I also note that a further exercise to evaluate whether the proposed scheme could achieve BREEAM Excellent under any circumstances has been undertaken but that the costs associated with such provision would render the scheme economically unviable whilst also not fully meeting the requirements for BREEAM Excellent. However, the submitted pre-assessment confirms that a BREEAM Very Good rating can be achieved and confirms that credits for this rating are achieved in all key stages of the development, including demolition, construction and long-term management. It is considered appropriate to impose a condition to secure final certification and a Post Construction Assessment Report within 6 months of first occupation of the building.
- 6.29. In addition to the BREEAM pre-assessment, an Energy and Sustainability Statement has been submitted which looks to secure Sustainable Construction and which also references Low and Zero Carbon Energy Generation. The statement has demonstrated that the proposal goes beyond the requirements of policies TP3 and TP4 in terms of energy efficiency and carbon reductions with various measures proposed, including the; orientation of the building, alongside the site location, in order to make use of solar gain and reduction of energy consumption, ensuring U values are much lower than those required under Building regulations, improved fabric performance and thermal mass, natural ventilation and low energy lighting are also to be used.
- 6.30. Furthermore, the provision of roof mounted photovoltaic panels (538 no. in total) at an incline of 5 degrees and an east orientation along with an air source heat pump,

which are considered acceptable for a building of this size and scale, are proposed to be used which are supported. On this basis it is considered that the proposed energy strategy is appropriate and the development is considered to represent a highly sustainable form of development, from construction through to occupation and would be in compliance with policies TP3 and TP4 of the Birmingham Development Plan and the NPPF.

Highway Matters and Parking

- 6.31. A total of 124 no. car parking spaces are proposed within the application site to serve the proposed development. Such provision is broken down into the provision of 6 no. disabled bays and 8 no. parent and child spaces located closest to the building entrance along with 2 no. electric vehicle charging points which are located on the car parks south western boundary. As part of the overall figure, 12 no. staff parking spaces are proposed to the rear of the building in a separate 'staff only' parking area. The applicant has also indicated the provision of 11 no. cycle storage stands (to provide space for 22 no. cycles) to the sites frontage on Mere Green Road to the buildings south eastern corner. The overall parking provision levels are considered appropriate in this regard subject to an increase in 1 no. disabled bay as commented upon by Transportation Development.
- 6.32. The proposal seeks to provide a new vehicular access point centrally on the site's southern boundary, offset to the right of the Sainsbury's access opposite, from Mere Green Road. The two existing access points that serve the site would be removed and the kerbstones reinstated to full height. Furthermore, the provision of the new access would result in the relocation of an existing pedestrian crossing 17m further east along Mere Green Road and would also make provision for a new pedestrian crossing approx. 38m to the west of the existing Sainsbury's site access and in front of the boundary between the application site and Mere Green Primary School.
- 6.33. The application has been accompanied by a transportation statement and associated survey information of traffic levels and behaviours along Mere Green Road in the vicinity of the application site. The applicant has also confirmed that a Road Safety Audit process will be undertaken and such measures would be secured by planning condition, should permission be granted for the proposed development. This view is supported by my Transportation Development officer. The officer has also assessed the internal layout of the car park which would also be used for delivery vehicles and is content that the access and internal car park layout offers sufficient space for HGV's to manoeuvre within the site and into the delivery bay in a safe manner.
- 6.34. A number of objections and concerns have been raised by local residents regarding high traffic levels along Mere Green Road associated with existing uses in and around the district centre and the impacts of additional traffic generated by the proposed development. Specific concerns have also been raised over the scope of the transport assessment and the traffic survey undertaken. This concern has been relayed to the applicant following discussions with the Transportation Development officer and given that the original survey was undertaken 18 months previously, further survey work along Mere Green Road during peak times (weekday PM rush hour and Saturday lunchtime) was undertaken in February 2020 and provided for assessment. Concerns have also been made regarding the siting of the proposed access and its operation with the Sainsbury's access opposite.
- 6.35. My transportation officer has assessed the scheme in its entirety along with all associated documentation, the additional survey information and has undertaken

their own observations and assessment using local authority data and raises no objections to either the scope of the survey work undertaken which is considered to be representative of traffic levels and behaviours observed on site or with regards to the siting of the proposed access on which advice was provided for at pre-application stage, which is considered to be an appropriate design solution in this case. When coupled with the revised and additional pedestrian crossings either side of the proposed access, it is considered that the development proposal would not adversely impact upon either highway safety or upon the operation of the wider highway network sufficient to warrant refusal.

- 6.36. Furthermore, the provision of an additional crossing point is welcomed which would provide access directly from the site and other uses such as the school, to the district centre. As such, the site is considered to be located in a sustainable location, close to public transport options and within walking distance to other facilities within the district centre promoting linked trips and the overall health and vitality of the adjacent centre.
- 6.37. Whilst no objections are raised by My Transportation Development officer in relation to highway safety and network issues they have recommended a number of conditions to ensure that the development proposal achieves those aims. Firstly they have requested the imposition of a cycle storage condition on the basis that the provision indicated on the submitted plans is isolated away from the store entrance and a revised location should be looked at. I agree with this comment and recommend the imposition of such a condition to secure such changes. In addition they have requested that the disabled parking bay provision is increased by 1 no. which can be secured via condition.
- 6.38. Furthermore, a condition to secure S278 works, including delivery of site access and all necessary and associated highway modification to Mere Green Road to include, removal of redundant vehicular accesses, lighting, drainage, signage, TRO and carriageway markings, relocation of existing/provision of new light controlled pedestrian crossing facilities, road safety audits (including post-implementation), future maintenance, interactive driver speed limit signs and/or a mechanism for review of speed limit on Mere Green Road in the vicinity of the site, is proposed. Alongside conditions looking at the provision of a Construction Method Statement, mud prevention measures, means of access and design of the site access, pavement boundary details, parking management and provision of parking layout prior to occupation, a commercial travel plan, as well as conditions to monitor and control delivery vehicles on site. These conditions are considered reasonable and necessary to facilitate the development proposal and subject to their attachment to any subsequent planning consent, the development proposals are considered acceptable in this regard.

Other Matters

- 6.39. It is noted that the development framework associated with the application site makes reference to the fact that consideration should be given to allow possible future pedestrian access from the car park at the north of the site to allow a direct route for residents onto Mere Green Road. This was discussed by the applicant at pre-application stage with the LPA and Town Council and the view was taken at that stage that the purposes of such a link would not meet any obvious pedestrian desire lines, would not provide access to the public realm north of the site and could also create potential surveillance (or lack of) and safety issues. The LPA accepts this approach in this case.

- 6.40. The Councils Employment Access Team have been consulted on the application and have raised no objections to the proposal, subject to a condition securing the prior submission of an on-site local employment opportunities plan, for the Councils consideration. This seeks to ensure that local residents can benefit from the proposal in terms of employment opportunities during both the construction process and end retail use. The imposition of such a condition is considered appropriate and is included within the recommendation.
- 6.41. West Midlands Police's Secure by Design team have been consulted on the application and have raised no objections. They have however requested the imposition of a condition to ensure that deliveries to the supermarket take place after 07:00 weekdays and 08:00 at weekends in order to maintain residential amenity of nearby dwellings. The imposition of such a condition is not considered necessary in this case given that the submitted noise assessment has demonstrated that the delivery noise would result in a low impact upon residential amenity due to the distance of sensitive receptors along with the imposition of appropriate mitigation measures (2m high boundary treatment).

7. Conclusion

- 7.1. The application site has adequately demonstrated through the submission of a sequential assessment that the provision of an A1 use class retail store is appropriate on this former industrial site on the edge of, but outside of Mere Green district centre.
- 7.2. The proposal would result in a high quality development that would enhance the streetscene and accord with the general guidance outlined within the development framework subject to the imposition of conditions.
- 7.3. The submission has also adequately demonstrated that the use of and layout of the site would not adversely impact upon highway safety or upon the operation of the wider highway network, again subject to suitable safeguarding planning conditions.
- 7.4. Furthermore, the building would achieve a very good BREEAM rating and therefore meet the Councils aim for its carbon reduction and sustainable construction measures. As such the application proposal, subject to conditions, is considered to be in compliance with the relevant sections of the local and national planning policy and the application is recommended for approval on this basis.

8. Recommendation

- 8.1. 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 prior submission of a construction method statement/management plan |
| 4 | Requires the submission of the design of the access |
| 5 | Requires the submission of a parking management strategy |
| 6 | Requires the submission of a commercial travel plan |
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- 7 Requires the delivery and service area prior to occupation
 - 8 Requires the submission of cycle storage details
 - 9 Requires the submission of details of a delivery vehicle management scheme
 - 10 Requires the submission and completion of works for the S278/TRO Agreement
 - 11 Requires the submission of an amended car park layout - disabled bay provision
 - 12 Requires the prior submission of a sustainable drainage scheme
 - 13 Requires the prior submission of a Sustainable Drainage Operation & Maintenance Plan
 - 14 Requires the prior submission of a drainage scheme for foul and surface water
 - 15 Requires the submission of sample materials
 - 16 Requires the submission of hard and/or soft landscape details
 - 17 Requires the submission of hard surfacing materials
 - 18 Requires the submission of boundary treatment details
 - 19 Limits the hours of use - Monday-Saturday and Bank Holidays 07:00-22:00 and Sunday 10:00-17:00
 - 20 Requires the prior submission of a contamination remediation scheme
 - 21 Requires the submission of a contaminated land verification report
 - 22 Limits the noise levels for Plant and Machinery
 - 23 Requirements within pre-defined tree protection areas
 - 24 Requires implementation of recommendations outlined in Hoare Lea Noise Impact Assessment Revision 3
 - 25 Requires the prior submission of a BREEAM certificate and post construction report
 - 26 Requires the prior submission of a construction employment plan.
 - 27 Requires the submission of a CCTV scheme
 - 28 Requires the submission of an external lighting scheme
-

Case Officer: Christopher Wentworth

Photo(s)

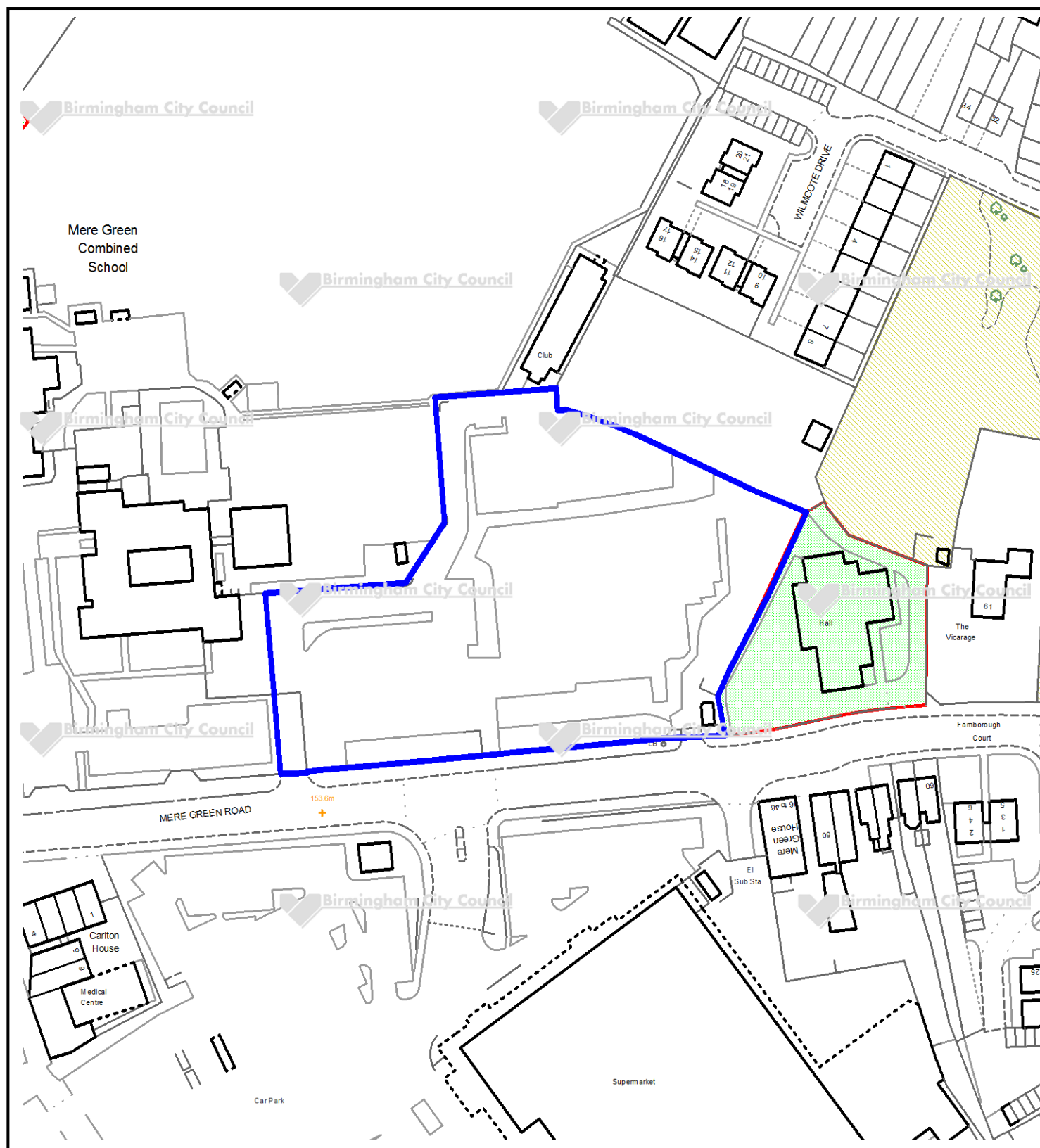


Application site.



Mere Green Road frontage looking towards application site.

Location Plan



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Birmingham City Council

Planning Committee

02 July 2020

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>
Determine	7	2020/01120/PA The Loft College Court 1 College Road Moseley Birmingham B13 9LS Change of use from storage and distribution (Use Class B8) to Islamic Education Community Centre (Use Class D1) with installation of additional windows to be used by no more than 90 persons at any one time from 07:00am to 08:00pm on Monday to Friday; 08:00am to 08:00pm on Saturday and 09:00am to 06:00pm on Sunday
Determine	8	2019/04481/PA Elite House 95 Stockfield Road South Yardley Birmingham B27 6AT Change of use from offices (Use Class B1) to hostel incorporating 45 No. bedrooms and ancillary facilities (Sui Generis)

Committee Date:	02/07/2020	Application Number:	2020/01120/PA
Accepted:	17/02/2020	Application Type:	Full Planning
Target Date:	03/07/2020		
Ward:	Sparkhill		

The Loft, College Court, 1 College Road, Moseley, Birmingham, B13 9LS

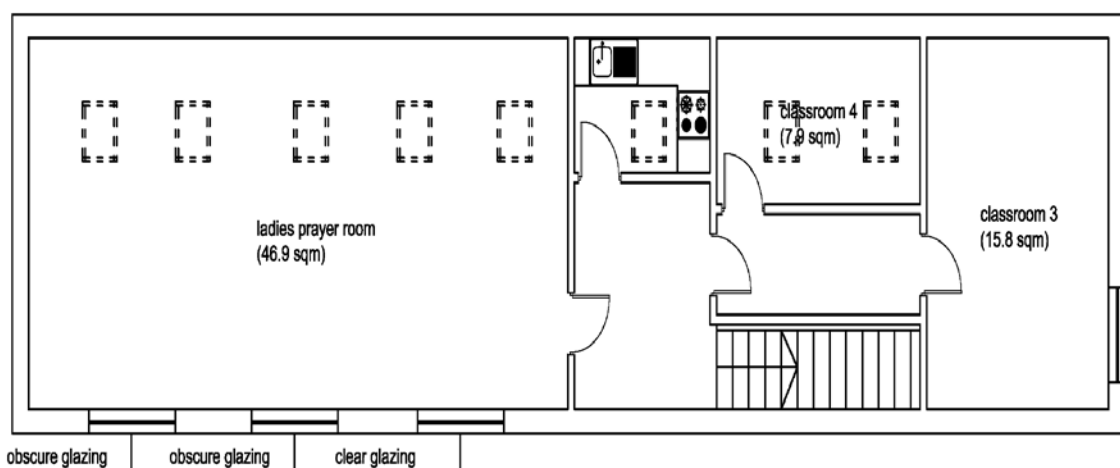
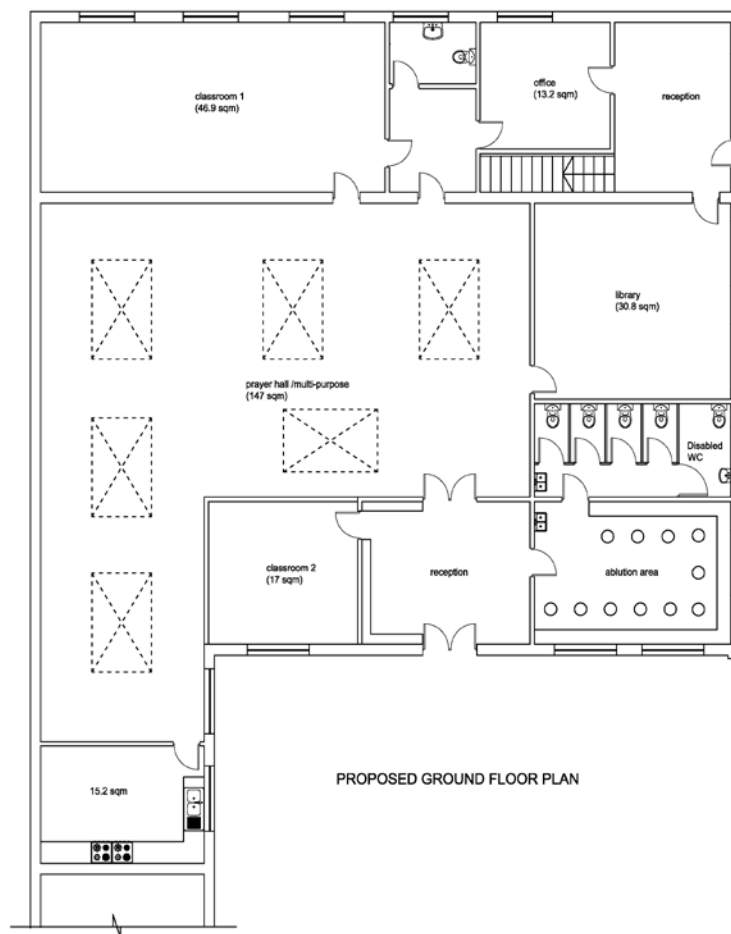
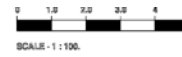
Change of use from storage and distribution (Use Class B8) to Islamic Education Community Centre (Use Class D1) with installation of additional windows to be used by no more than 90 persons at any one time from 07:00am to 08:00pm on Monday to Friday; 08:00am to 08:00pm on Saturday and 09:00am to 06:00pm on Sunday

Recommendation
Determine

ADDENDUM

REPORT BACK

- 1.1. This application was previously reported to the Planning Committee at the meeting on 4 June 2020, when a decision was deferred requesting additional information from the applicant and Transportation Development regarding the parking impacts of the development, both on-site and within the wider area, together with further information regarding the compliance with Places of Worship and Faith-Related Community and Education Uses SPD.
- 1.2. In their response, the applicant has revised the submitted information and provided the following more detailed floor plans:



PROPOSED FIRST FLOOR PLAN

- 1.3. The applicant has also provided the following clarifications with regards to the proposed activities to take place with the Centre:

GROUND FLOOR

The following activities are expected to take place in the main prayer hall of the Centre:

Friday prayer (12:45 and 15:15) – (All other activities to be suspended during Friday prayers).

Persons attending – 70

Daily prayer (Seven days)

Prayer Fajar (early morning)

Time: 7.00am to 7.30am

Persons attending: 30 to 40

Zohar (midday)

Time: 1.00pm to 1.30pm

Persons attending: 20 to 30

Asr (mid afternoon)

Time: 2.45pm to 3.00pm

Persons attending: 30 to 40

Magrib (dusk)

Time: 3.45pm to 4.15pm

Persons attending: 30 to 40

Isha (evening)

Time: 7.00pm to 7.30pm

Persons attending: 30 to 40

Library

Time: 5.00pm to 7.30pm

Persons attending: 10 to 20

Method of transport: Car, cycling and walking

Classroom 1 - Islamic Studies and Quran Classes

Monday to Friday

Time: 4.30pm to 6.00pm

Children attending: 30 to 40

Method of transport: Car, cycling and walking

Classroom 2 - Support School

Saturday

Time: 9.30am to 12.00pm

Children attending: 15 to 40

Programs: English, Science & Mathematics

FIRST FLOOR

Ladies prayer room - Daily prayers during opening of centre persons attending – 10 daily and same during Friday prayer

Ladies programs

Wednesday

Time: 10.00am to 12.00pm

Persons attending: 20 to 30

Programs: Arabic and English

Classroom 3

Community Service

Monday and Wednesday

Time: 10.00am to 12.00pm

Persons attending: 20 to 30

Method of transport: Cycling and walking

Programs: Community welfare; form filing; housing advice; social issues and personal welfare help.

- 1.4. With regards to the parking facility, the applicant has explained that there is a public car park for about 52 vehicles, behind Mughal E Azam restaurant on Colgreave Avenue (off Stratford Road), which is located about 30 metres from the site.
- 1.5. All three buildings Lancaster House, The Thistle and The Loft are owned by the applicant. Lancaster House has allocated 2 vehicular parking spaces within the communal parking and the Thistles has allocated 4 car parking spaces. Majority of the parking spaces (21 in total) would be allocated to the new community centre. The applicant has also confirmed that there are no car wash/ car sales taking place on the site as this was a temporary permission which has now expired and no such activities are taking place within the site. Furthermore, Lancaster House and The Thistles would not be using the allocated car parking during Friday prayers. The proposals would accommodate 14 cycle parking spaces.
- 1.6. The applicant would introduce a number of measures, which would encourage the community centre visitors to use alternative modes of transportation. These measures would include a Travel Plan and a community centre team that controls the traffic on Fridays at peak time.
2. Additional Representations:
- 2.1. Following the Planning Committee meeting on 2 June, Councillor Brennan has forwarded 27 emails, with 25 supporting and 2 objecting to the proposals; the following has been raised:

Objection:

- The concern about the traffic in this area. Since College Road was turned into one way, at the peak time there are queues up to Wake Green Road causing danger for the children of Moseley School, Jamatia Center, Springfield School and the nursery in the church.
- There is no need for another Islamic Centre we have many, as there are already similar centres on Woodlands Road (yards apart), Oakwood Road, Knowle Road (1 road apart), Hillfield Road, Stratford Road, Hall Green.
- The Centre would attract hundreds of visitors for which there will be no parking within the site.
- Adjacent Knowle Road is already crowded in parking – photo images were attached to the emails.

Support:

- The centre would meet the community need and would help the local community to tackle anti-social behaviour.
 - Look forward to attending and benefitting from the services on offer, as these would especially cater to young people.
 - This project will immensely benefit young British born females.
 - The community centre organisers are the same people behind proposals that took many young drug users off the street and in the past carried out charitable work for homeless people, food banks etc. in local area.
 - There is ample of parking on the site and plenty of parking behind the site on Stratford Road which is rarely used. It is certainly empty during Friday lunch times. As for the roundabout there would be less traffic impact as people from the adjoining roads such as Knowle Road, Bromyard Road, Sarehole Road and Shaftmore Lane would most likely walk instead of drive to the centre as it would be closer than the one which is on Woodlands Road hence the impact on the roundabout junction would be minimised.
 - The Springfield Primary school has several entrances and serves the local area with most pupils walking to school. The entrances on Springfield Road are widely used and by having this centre people would be moved from the Woodlands Road / Springfield Road area to Tenby Road area making it safer for the children to leave the school at the end of school day. In the mornings this centre would make absolutely no difference to the amount of people / traffic in the area as they tend to be visited in the afternoon / early evening.
 - The numbers of worshippers would be split across two sites Woodlands Road. Mosque and the new centre (with a small percentage increase) thereby reducing impact on the roundabout.
 - The centre services would generally take place after rush hours and school time, mostly in the evenings.
 - As local residents most of us have the intention to walk rather than drive given the short distance to the centre.
 - A large portion of residents currently attending the Woodlands Road Mosque would switch to this centre thus reducing current human and traffic flow around this roundabout.
 - This centre has the largest parking space compared with similar establishments of this type and there is Council Public Car Park available just a few metres away.
- 2.2. Two more representations received from the residents who have previously objected to the application raising the following:
- The Council has been miss-lead by the applicant as the development would attract more than 90 people especially for Friday prayers and other religious gathering;
 - There are extant parking issues on all the surrounding roads;
 - Totally against another Mosque opening as that is the real purpose of the premises.

Additional Comments

- 2.3. Transportation Development Officer has reviewed the previously recommended conditions and advised the additional conditions:
- Requesting a parking management strategy.
 - Requesting a commercial travel plan.
 - Requesting cycle storage details.
 - The premises shall not be used for festivals, funerals, weddings or civil partnerships.

- Requires minimum of 40 minutes between cessation of prior/commencement of latter prayer meetings.

3. Observation

3.1. On 2 June 2020 Planning Committee deferred the planning application requesting clarifications to following:

- Planning policy compliance with Places of Worship SPD.
- Additional information regarding the parking impacts of the development, both on-site and within the wider area.

3.2. *Planning Policy Context*

3.3. Based on the above, it is reasonable to review the principle with the detailed assessment of the National and local planning policies and guidance.

3.4. The Places of Worship SPD aims to guide faith-related development into areas where they are within easy walking distance of the worshippers in attendance. The SPD distinguishes between facilities meeting a local need and those serving a wider constituency need.

3.5. Constituency-sized facilities are more appropriately located away from predominantly residential areas where they would not have an adverse impact in terms of noise and disturbance. Given the size of the premises and typical travel distance to the facility of less than 2km the proposal is between the local and constituency scale.

3.6. The SPD recommends that larger facilities are located where there is easy access to public transport and references car parking guidelines.

3.7. BDP policy TP21 identifies the network and hierarchy of centres in the city. It states that these centres will be the preferred location for community facilities (e.g. health centres, education and social services and religious buildings). With this in mind, it is noted the applicants intends to provide a range of services (community centre and children's education facility) which generally fall under such categories.

3.8. TP21 also states "...proposals for main town centre uses outside of the boundaries of the network of centreswill not be permitted unless they satisfy the requirements set out in national planning policy."

3.9. The NPPF (Annex 2) defines 'Main Town Centre Use' and this does not specifically include community centres, education facilities and or places of worship. NPPF paragraph 86 requires a sequential test for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan. Although TP21 states centres are the preferred location for community facilities, the proposed uses do not fall within the definition of 'main town centre uses' set out in the NPPF and I therefore do not consider a full sequential assessment is required.

3.10. Although the new Community Centre would be located just outside the Local Centre, the proposals would be a relatively small local prayer facility located with the residential area and therefore it would be located within walking distance. As mention in the original report (para. 6.9) the site has good links to public transport as

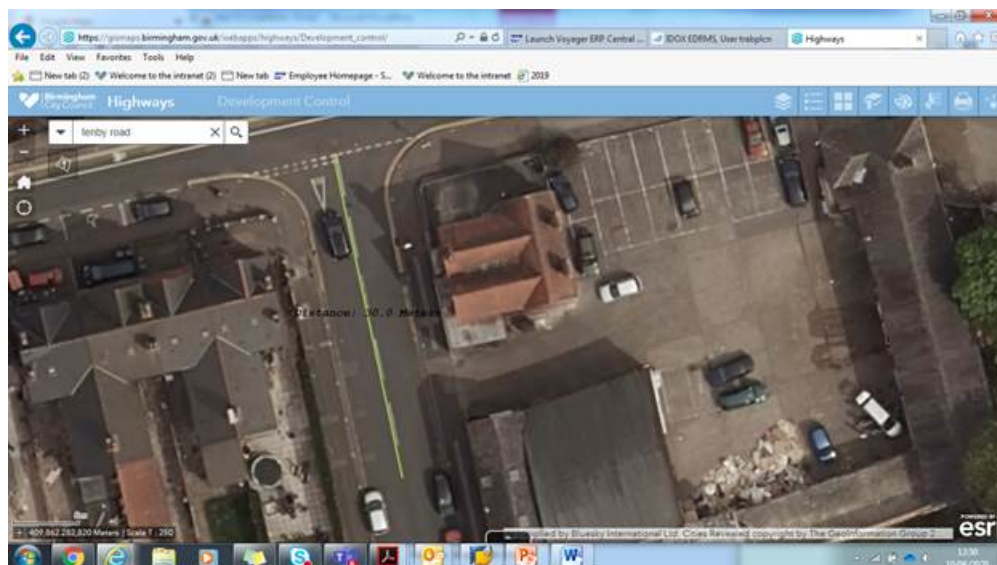
an option for potential worshippers and is therefore considered to broadly accord with the aims of the SPD.

Highway Safety and Parking

- 3.11. Transportation Development Officer has provided further observations of the parking impact within the wider area and his observation of the Local Highway Network.
- 3.12. **Passey Road:** Two – way operation with on street parking allowed along both sides of the carriageway.

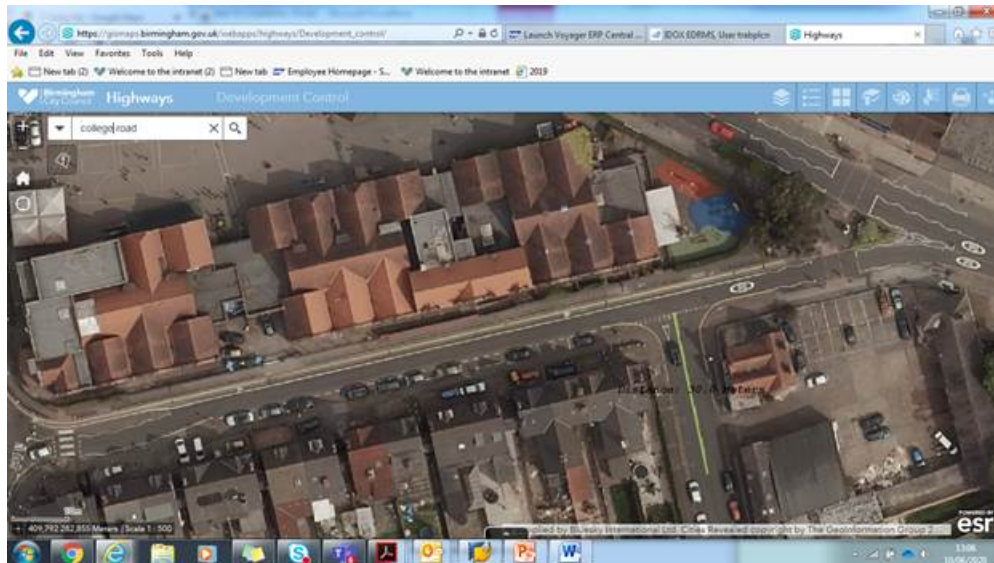


- 3.13. **Tenby Road:** Two – way operation with on street parking allowed except within 30m of the road junction Tenby Road/College Road where double yellow lines (and kerb markings) prohibit on street waiting and loading at any time; this section includes the existing site access/majority of the site frontage; the right-turn prohibition at the junction with College Road.



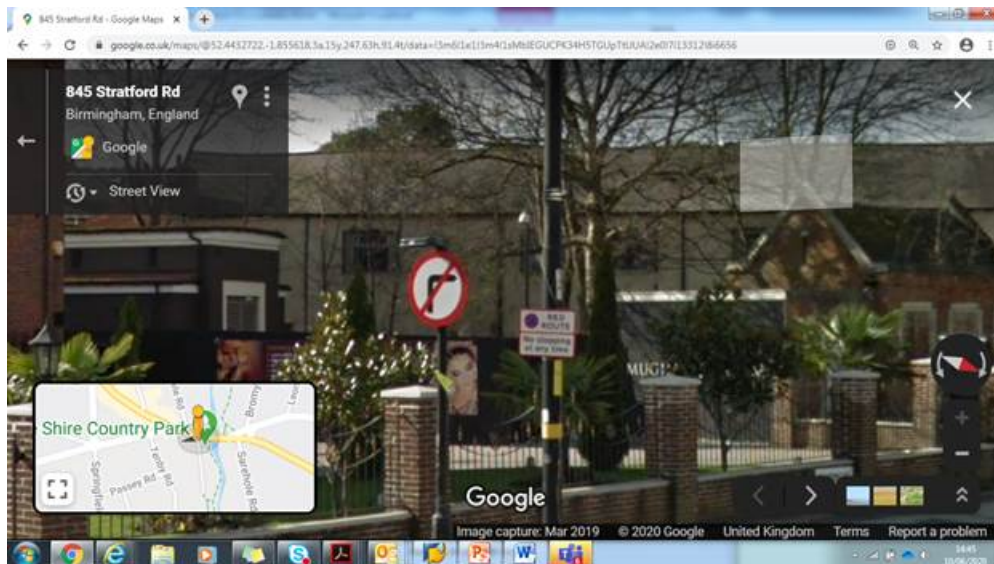


- 3.14. **College Road:** One-way operation (with contra-flow cycle lane) – 20mph. Between Stratford Road and Tenby Road, double yellow lines (and kerb markings) together with zig-zag carriageway markings prohibit on-street waiting (and loading) at any time. Between Tenby Road and Springfield Road, double yellow lines (and kerb markings) prohibit on street waiting and loading at any time, on the northern side of the carriageway. Pedestrian guardrail is located predominantly along the northern side of College Road. On-street parking permissible along the southern side (subject to compliance with operation of established footway crossings and designated disability bays)



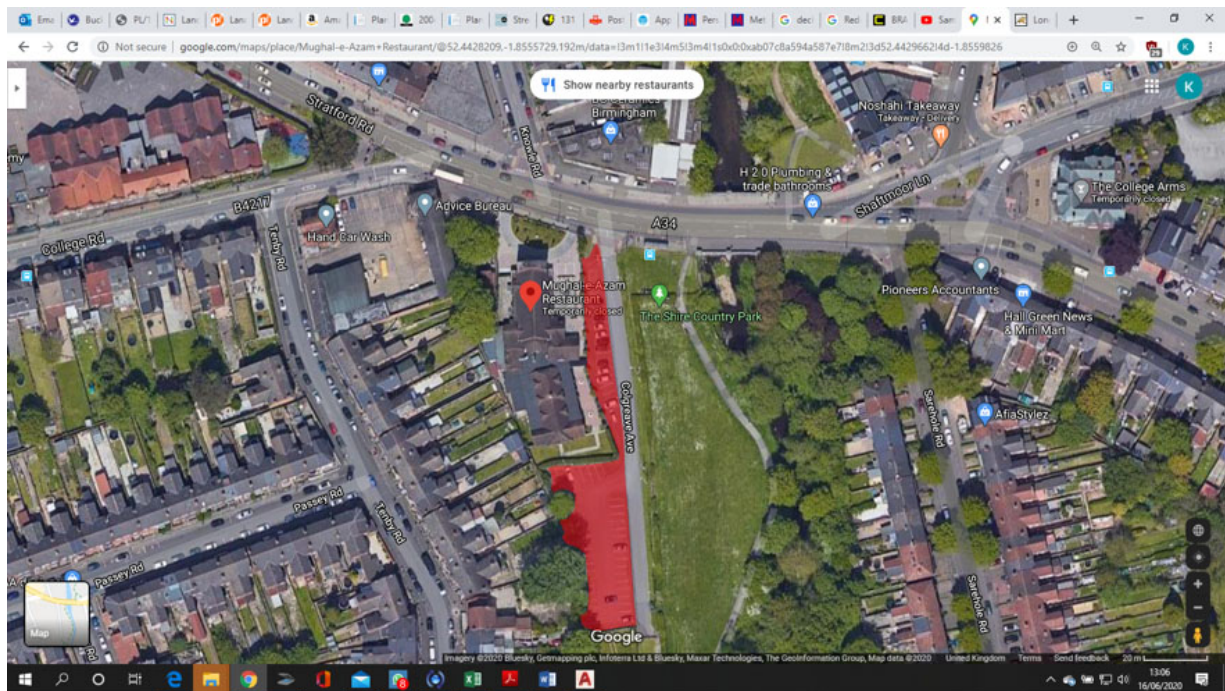


3.15. **Stratford Road: Red Route** – “No Stopping at any time”, with limited, maximum duration, on-street parking permissible at specific hours.





- 3.16. A concern has been expressed by local residents that the current site already suffers from traffic and parking issues at peak times, e.g. Friday Prayer which take place in the Woodlands Road Mosque. One representation included photo images of unauthorised cars parked on the pavements but it is not clear when these photos were taken, and the time of the day and the property/use the cars relates is also unclear. It should be noted that high demand for parking from existing residential properties, the nearby neighbourhood centre, the adjacent day nursery, Springfield School and the nearby children's centre is outside the applicant's control.
- 3.17. As mentioned in the original report (paras 6.7 and 6.8) the demand the parking provision may see an increase in parking along within the surrounding roads during Friday prayer times and proposed 21 spaces would not meet the Car Parking SPD requirements for places of worship as additional 16 car parking spaces would be required.
- 3.18. The applicant has explained all three buildings within College Court are owned by the applicant. Lancaster House has allocated 2 vehicular parking spaces within the shared Court parking area and the Thistles has allocated 4 car parking spaces. Furthermore, Lancaster House and The Thistles would not be using the allocated car parking during Friday prayers. Additionally, public parking for at least 52 vehicles is available behind Mughal E Azam restaurant on Colgreave Avenue (off Stratford Road), which is located about 30 metres from the site (*Aerial image shows the parking spaces highlighted in red in the proximity of the Mughal E Azam restaurant on Colgreave Avenue below*)



3.19. The applicant has explained that it is anticipated that the numbers of worshippers would be split across two sites Woodlands Road Mosque and the new centre (with a small percentage increase) thereby reducing the impact on the local highway network. The new facility would largely serve the local community who would walk to the Centre. As mentioned in the original report, the site is well located in terms of local amenities and public transport options with a number of bus routes passing close to the application site and is within a large residential area which would benefit from the new facility.

3.20. Whilst I appreciate the concerns of local residents, I do not consider that, subject to additional conditions recommended by the Transportation Development Officer, refusal could be justified on grounds of inadequate car parking and highway safety.

4.0. Recommendation

4.1. This application was previously reported to the Planning Committee at the meeting on 4 June 2020, when a decision was deferred requesting additional information. This has been provided above, together with summary of additional comments received (which highlight no new issues). I therefore adhere to my original recommendation to approve, subject to originally recommended conditions and additional conditions recommended by Transportation Development – see below:

- Requesting a parking management strategy.
- Requesting a commercial travel plan.
- Requesting cycle storage details.
- The premises shall not be used for festivals, funerals, weddings or civil partnerships.
- Requires minimum of 40 minutes between cessation of prior/commencement of latter prayer meetings.

ORIGINAL REPORT

1. Proposal

- 1.1. Planning permission is sought for Change of use from storage and distribution (Use Class B8) to Islamic Education Community Centre (Use Class D1), with installation of additional windows at the Loft, College Court, 1 College Road, Moseley.
- 1.2. The total number of people proposed to use the site is about 80 at any one time.
- 1.3. The ground floor would consists of a multi-use hall (368m²) that would be used for community events and prayers, two classrooms, office, 2no. reception rooms, ablution area and WC. There would be 2no. classrooms, ladies prayer room and a small kitchen area. The kitchen would provide food occasionally for elderly persons visiting for socialising, at a small scale. An extractor flue would be fitted as required by the City Council.
- 1.4. The proposal includes the provision of 21 parking spaces, with access off Tenby Road and 14 covered cycle parking spaces.
- 1.5. The external alterations to the building would include additional windows which would largely be inserted on the south-facing elevation of the original building. The roller shutter door to the warehouse portion of the building would be replaced by a two-leaf entrance door and three windows, with the remainder finished in matching materials to the existing building.
- 1.6. [Link to Documents](#)

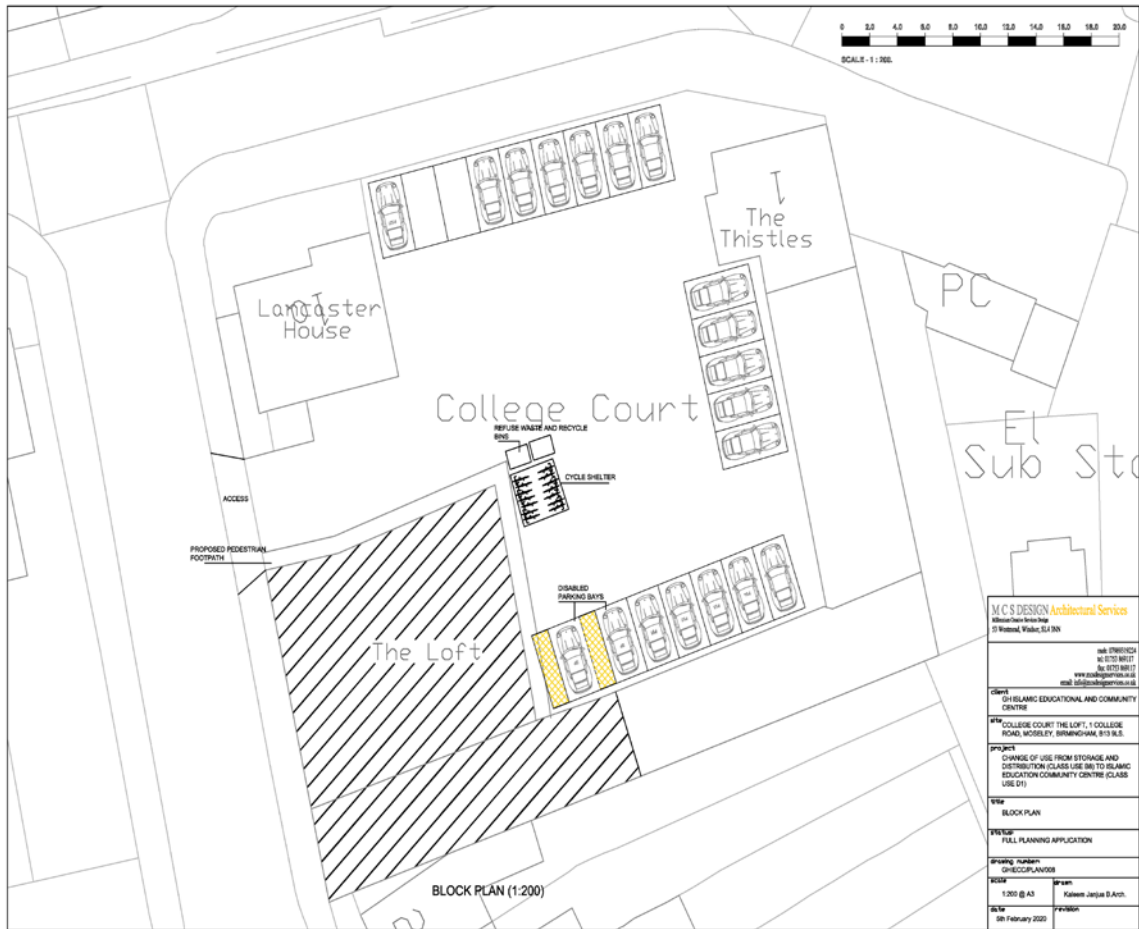


Figure 1: Proposed Site Layout

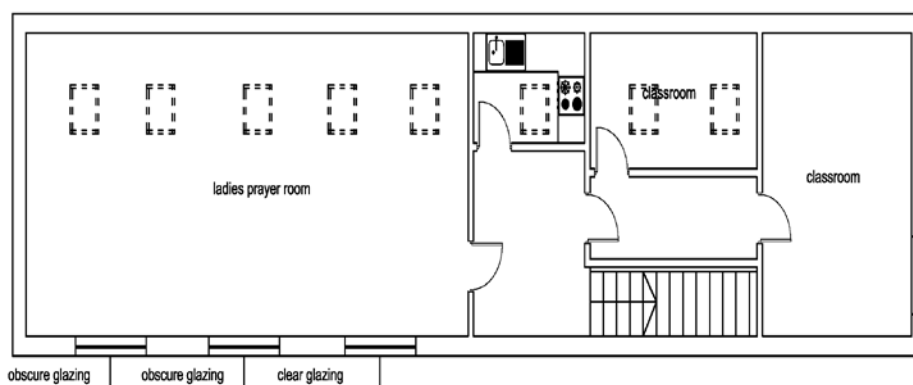
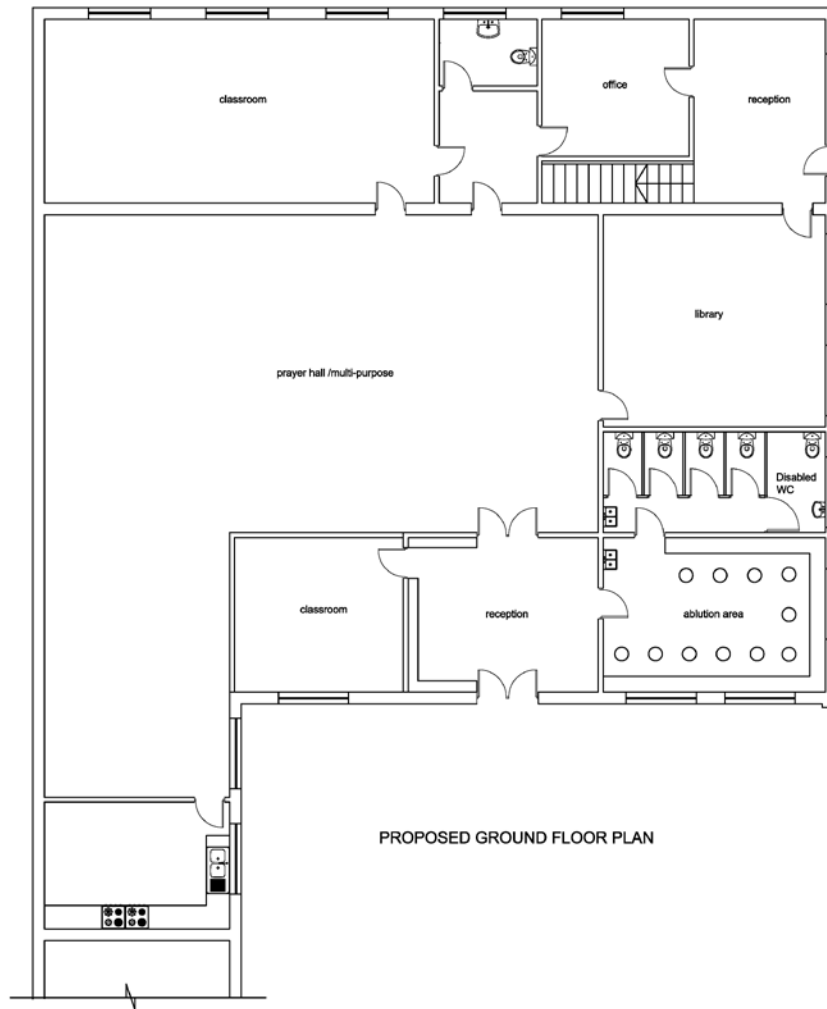


Figure 2: Proposed Ground and First Floor Plans

2. Site & Surroundings

- 2.1. The 0.18ha site is located adjacent to the southern tip of the Springfield Neighbourhood Centre and essentially forms one of three buildings that sit around the site boundary with a hardstanding central courtyard. The site itself is used as storage/warehouse facility. The Thistles is located to the east of the application site and benefits from the planning permission for an education and training centre (Use Class D1). Lancaster House is a detached property located to the north of College Court and is currently used as an office (Use Class B1). None of the buildings are statutory or locally listed and are of little architectural merit. The vehicular access to the courtyard and parking facility is off Tenby Road. The site is enclosed to College Road by galvanised palisade fencing.
- 2.2. The application building consists of two elements. The original section of the building which is an L-shaped two-storey traditional building with a gable roof and constructed predominantly in red brick. More recent addition to the rear of the building is a half-round roof structure with a separate roller-shutter door used for loading and unloading vehicles.
- 2.3. To the immediate south and west of the application site there are traditional terraced houses and Springfield Primary School to the north, which is on the opposite side of College Road. There are some commercial premises further to the north on the opposite side of Stratford Road. To the immediate east is an electrical sub-station and former public conveniences. Beyond that is the Grade II Listed former Sparkhill United Church, which has been converted into a restaurant with a function room.
- 2.4. Stratford Road is a red route with dedicated on-street parking bays, and College Road is one-way with parking restrictions fronting the application site, which also continues around the junction with Tenby Road and past the existing access into the courtyard. There are existing 'No Waiting at Any Time' and 'No Loading at Any Time' restrictions present outside the access to the site, which extend to the junction of College Road.

2.5. Site and Surrounding

3. Relevant Planning History

- 3.1. 2005/05309/PA – Erection of 2 storey extension and alterations to existing store and warehouse and conversion to offices – approved on 28 March 2006
- 3.2. 2014/03344/PA – Prior approval for change of use from office (Use Class B1(a)) to residential apartments (Use Class C3) – approved on 4 July 2014
- 3.3. 2015/08257/PA – Change of use of existing courtyard to a car wash for a temporary period of time – approved temporary on 11 December 2015
- 3.4. 2015/10201/PA - Demolition of Units 3 and 4, conversion and extension of units 1 and 2, and erection of two new build blocks to provide a total of 33no. flats with associated parking – approved on 20 May 2016
- 3.5. 2017/08902/PA – continuation of use of existing courtyard as a car wash – withdrawn on 19 December 2017

4. Consultation/PP Responses

4.1. Transportation Development – no objection.

4.2. Regulatory Services – no objection, subject to conditions relating to amplification equipment, extraction, hours of use to be restricted to the following hours of 07:00am to 08:00pm Monday to Friday, 08:00am to 08:00pm Saturday and 09:00am to 06:00pm Sunday, including a condition restricting a number of visitors to 90 at any one time.

4.3. West Midlands – no objection.

4.4. West Midlands Fire – no objection.

4.5. Councillor Brennan – called-in the application to be considered by the Planning Committee.

4.6. Local Councillors, Residents Associations and neighbouring properties have been notified; site notice displayed. 11 representations have been received from the local residents: 9 objections, 1 support and 1 comment. The following objections have been raised:

- There is no true identified need for another Islamic Centre in the area.
- There are already two Islamic community centres in a close proximity to the site – one is about 150m away from the site (Nos. 179-181 Woodlands Road (Jamatia Islamic Centre)), which has been operating for 40 years; the second centre is about 100m (Paigham-e-Quran Mosque); therefore there is no need for another Islamic community centre in the area.
- There is Springfield Primary school across the road and increased traffic movement would be dangerous for these children.
- The use would invite all sort of people day and night, hence it would increase continuous obstruction and noise on Tenby Road, hugely affecting privacy and way of living of the local residents.
- It has been known that No. 1 College Road was used as an office for Tahir Hussain, a Labour Councillor and he has very close relationship with the applicants; therefore he would support the proposals. If this is the case, then this would be very unfair to the residents of Tenby Road.
- No neighbour notification letters about the planning application has been received.
- Busy worshippers would rush from their workplaces to attend for prayers and do not have time to walk or cycle.
- The new mosque could lead to children spilling out on to a dangerous junction.
- The adjoining roads to this site (Stratford Road, Springfield Road, and Woodlands Road) are already congested due to close proximity of the Springfield School. Nursery and Woodlands Road Mosque. The parking provided by St Christopher's Church for the Springfield Centre is already overused by the visitors, thereby preventing vulnerable families parking at the access to Children Centre services.
- Owners of No. 1 College Road have already issued videos and leaflets, collecting money from public to build a Grand Mosque, offering new prayer halls, funeral service, Madrassa, education, community centre, youth centre, counselling centre and a welfare clinic. This centre would not be limited to 80 people after investing £1.2 million.

4.7. One representation in support is as follows:

- This is an excellent idea for the youths around this area to tackle drug problems and help them make something useful of their life.

4.8. One comment received as follows:

- No comments as the Centre is already operational and affects the Sparkhill area.

5. Policy Context

5.1. Birmingham UDP, Draft Birmingham Development Plan, Places of Worship and Faith-Related Community and Education Uses SPD, Shopping and Local Centres SPD; Car Parking Guidelines SPD and the NPPF

6. Planning Considerations

6.1. Having given careful consideration to the application and supporting information received, the relevant development plan policies and documents and the other material considerations and consultation responses and representations received; all referred to above, the key issues are considered to be:

- Principle of the development
- Parking
- Impact on local amenities
- Other matters

Principle of the Development

6.2. The applicant has explained that the location for the new centre was chosen due to its close proximity to the local residential area and the space which is fit for the purposes of the education and community centre.

6.3. The proposed development seeks to use the site for a variety of uses, some of which are considered local centre uses by the BDP. BDP policy TP21 identifies the network and hierarchy of centres in the city. It states that these centres would be the preferred location for community facilities (e.g. health centres, education and social services and religious buildings). It is noted that the applicants intend to provide a range of services (community centre and children's education facility) which generally fall under such categories. The site is located adjacent to the southern tip of the Springfield Neighbourhood Centre and although not within the centre itself, is considered generally policy compliant in locational terms.

Parking

6.4. Presently, the internal courtyard would seem to be generally used as a car wash/ car sales area. Transportation Development state that they consider that due to the traffic associated with the proposed education community centre, there may be an increase in parking along the surrounding roads during Friday prayer times. The proposed community centre would accommodate congregational prayer's every day of the week, which is expected to include around 80 people during Friday Prayer, including staff members and those who are visiting the building for other activities.

- 6.5. In terms of car parking requirements, the SPD Car Parking Guidelines for the education element requires 1 space per two members of staff and 1 space per 15 students. The requirement for the parking provision is therefore a maximum of 8 car parking spaces for students and 3 car parking spaces for staff; therefore 11 spaces in total. 21 spaces are proposed.
- 6.6. In terms of the prayer element, the peak requirement would be for Friday prayer. It is recognised that uses such as Friday Prayers can generate a large number of visitors. Car Parking SPD for places of worship requires 1 space per 10m². Based on the floor area of the building (374m²), 37 car parking spaces would be required (max.) Therefore, the proposed 21 spaces would be below the maximum guidelines for Friday prayers.
- 6.7. Transportation Development has raised no objection to the proposals on highway safety grounds. The proposal also provides 14 covered cycle parking spaces. The site has good links to public transport with high frequency buses on Stratford Road which is within 5 mins walk from the site as well as a bus service operating on College Road and 16 mins walk from Hall Green Train Station. The location for the new centre was chosen due its close proximity to the local residential area, which it is to serve. The submitted Travel Plan clearly shows walking as the main mode of transport to the centre without affecting other road users.

Impact on local amenities

- 6.8. Operational hours would be between 07:00-23:00 hours daily serving a variety of different age groups at different times of the day. The application site fronts the heavily trafficked College Road with high levels of ambient noise levels. Furthermore, there are a number of commercial and community uses within the vicinity and it is considered that the proposal would have no unacceptable adverse impact on neighbour amenity.
- 6.9. The originally proposed operational hours of the centre were Monday to Sunday - 07:00 until 23:00. Regulatory Services raised concerns with regards to the impact on the nearest residential properties, more specifically in relation to the proposed early and late hours of comings and goings. It has been advised that the proposed hours of use are restricted to 07:00am to 08:00pm Monday to Friday, 08:00am to 8:00pm Saturdays and 09:00am to 06:00pm Sundays. The applicant has accepted the recommended hours. Taking into consideration the recommended safeguarding conditions, including a condition to restrict the number of people using the site to a maximum of 90 at any one time as recommended by the Regulatory Services, no unacceptable adverse impacts through noise and general disturbance are anticipated.
- 6.10. With regards to the use of the small kitchen, Regulatory Services has sought further clarifications as to whether or not there would be any food prepared in the building. The applicant has confirmed that some cooking would be carried out within the premises and agreed to a pre-commencement condition to provide details of the proposed extraction system.

Other matters

- 6.11. With regard to the claim that there are other facilities nearby for education and prayer, the applicant has stressed that this use would provide a much needed local facility and use of other facilities elsewhere would only increase the need to travel

for locals, with the associated impacts on road networks, the environment and congestion.

7. Conclusion

- 7.1. The proposed development represents an appropriate use of the premises and subject to safeguarding conditions, not adverse impacts are expected to arise.

8. Recommendation

- 8.1. Approve, subjection to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Implement within 3 years (Full) |
| 3 | Requires the submission of sample materials |
| 4 | Requires the parking area to be laid out prior to use |
| 5 | Limits the noise levels for Plant and Machinery |
| 6 | Prevents the use of amplification equipment |
| 7 | Limits the hours of operation to 07:00am to 08:00pm Mon - Fri, 08:00am to 08:00pm Sat and 09:00am to 06:00pm Sun |
| 8 | Requires the submission of extraction and odour control details |
| 9 | Limiting the Capacity of the Premises to 90 persons |
-

Case Officer: Alfia Cox

Photo(s)



Figure 1: Aerial view of the site as existing

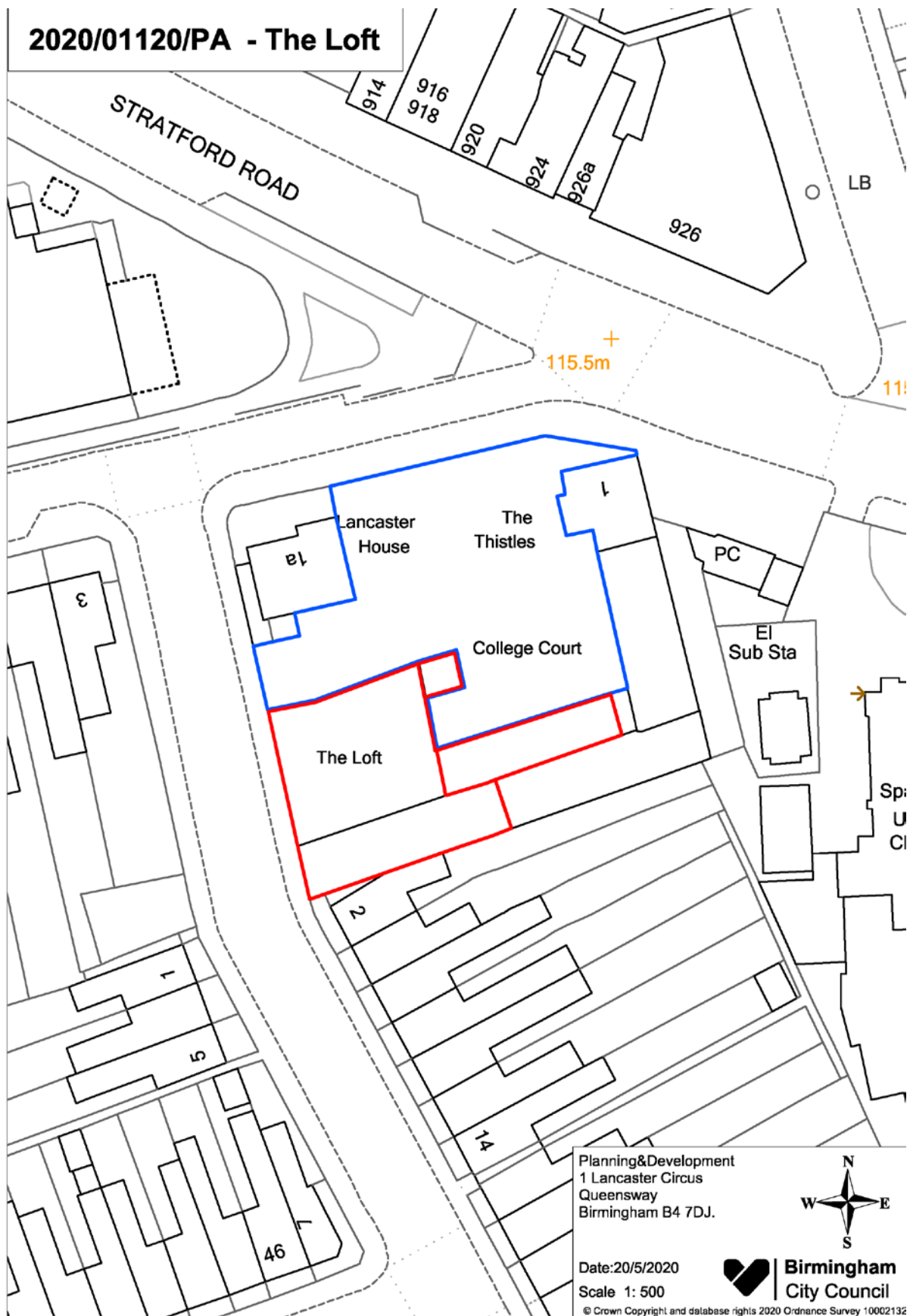


Figure 2: View towards the Site entrance off Tenby Road



Figure 3: Figure 2: View of the nearest residential property

Location Plan



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Committee Date:	02/07/2020	Application Number:	2019/04481/PA
Accepted:	16/07/2019	Application Type:	Full Planning
Target Date:	18/06/2020		
Ward:	Tyseley & Hay Mills		

Elite House, 95 Stockfield Road, South Yardley, Birmingham, B27 6AT

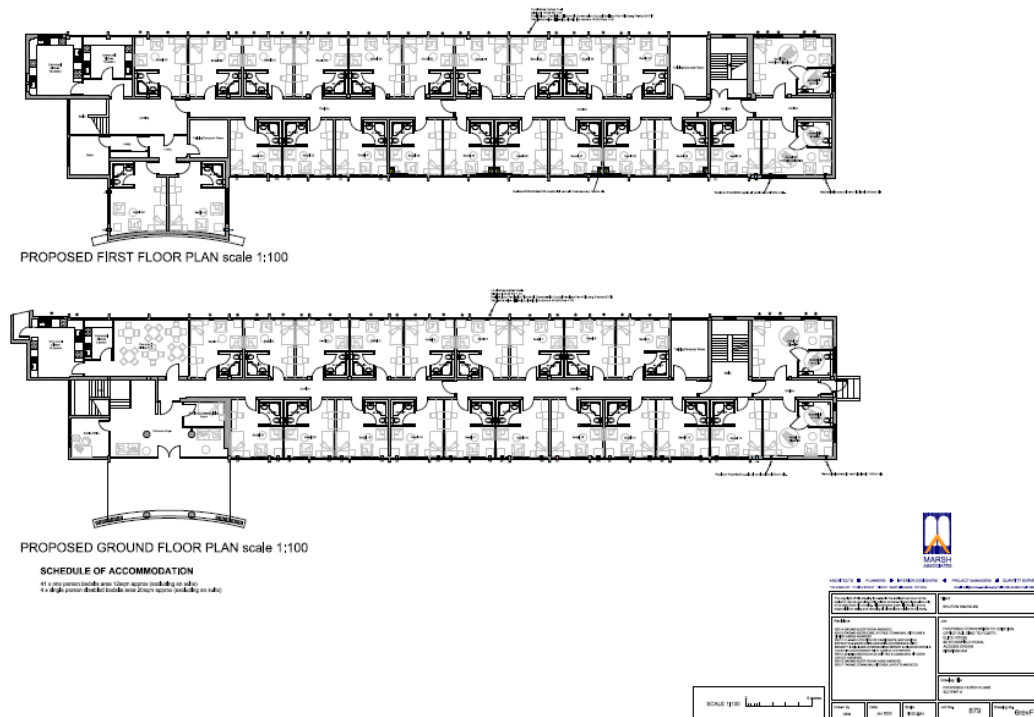
Change of use from offices (Use Class B1) to hostel incorporating 45 No. bedrooms and ancillary facilities (Sui Generis)

Recommendation

Determine

Report Back

- 1.1 Members will recall that this application was presented to Planning Committee on 18th June 2020 with a recommendation to approve subject to conditions. At determination, Members will recall that the application was deferred because Committee were minded to refuse the proposal for the following reasons:
- (i) The internal facilities proposed including kitchens and communal dining areas are inadequate and would have a detrimental impact on the occupants of the hostel
 - (ii) The number of proposed occupants would result in an over intensive use of the premises which would have a detrimental impact on the character and amenity of the area
 - (iii) The proposal would cause concerns in relation to anti-social behaviour and fear of crime
- 1.2. Members also raised concern in relation to the proposed retention of the existing windows and the possible detrimental impact on the thermal performance of the building. However, officers consider that this matter would be difficult to defend on appeal as it could be satisfactorily addressed through the use of an appropriate planning condition.
- 1.3. Members will recall that a verbal update was provided at Committee on 18th June where it was advised that revised floorplans had been provided showing two separate communal kitchens on the ground floor with a capacity for use by 20 occupants and two communal kitchens on the first floor with a capacity for use by 25 occupants. There would be a single communal dining area on the ground floor where there had previously been one on the ground floor and one on the first floor – see revised plans below:



1.4. Officers consider that the recommendation to approve the application for a change of use to a hostel in accordance with the original report dated 04th June 2020 remains appropriate. However, if Members remain minded to refuse the application then the following reasons for refusal are suggested:

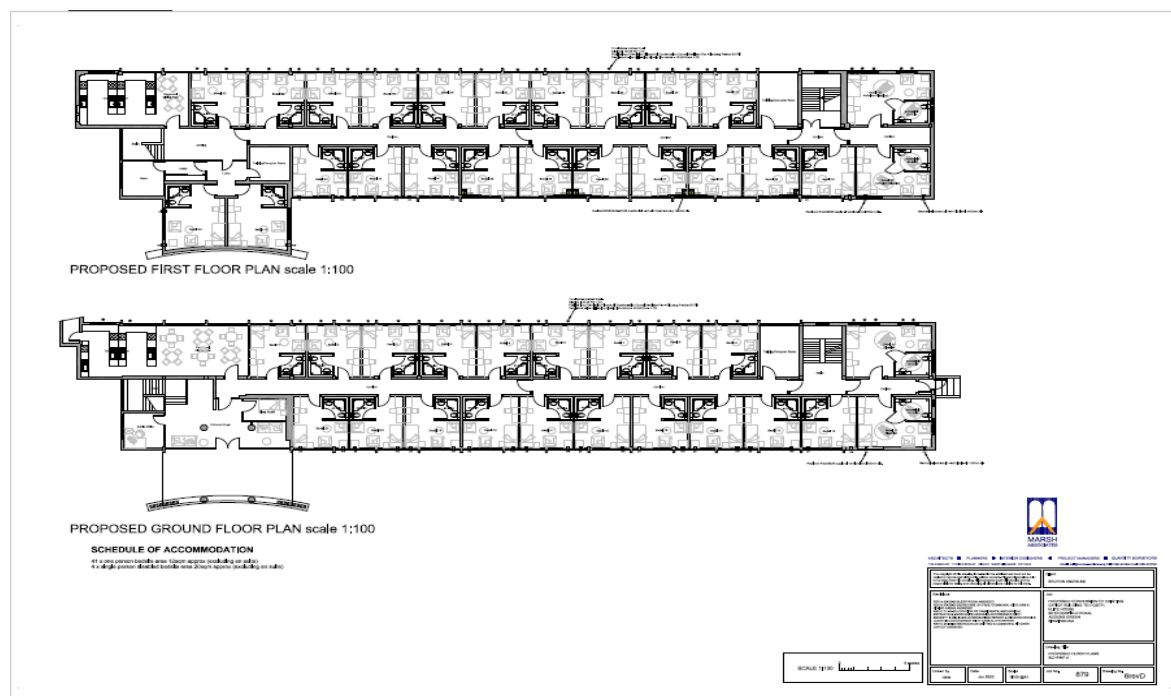
- (i) The proposed internal facilities of the building including kitchen, dining and lounge areas would be inadequate to meet the needs of the prospective residents contrary to Policy PG3 of the Birmingham Development Plan 2017, the advice of the Specific Needs Residential Uses SPG and National Planning Policy Framework 2019.
- (ii) The proposal would amount to an over intensive form of development which would have a detrimental impact on the character and amenity of the area contrary to Policy PG3 of the Birmingham Development Plan 2017, the advice of the Specific Needs Residential Uses SPG and National Planning Policy Framework 2019.
- (iii) The proposed development, by virtue of its scale and location would result in an increased fear of crime and anti-social behaviour in the area contrary to policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework 2019.

Original Report

1. Proposal

- 1.1. The proposal relates to the change of use of Elite House from offices (Use Class B1) to a hostel comprising 45 self-contained one person rooms and ancillary facilities (Sui Generis Use).

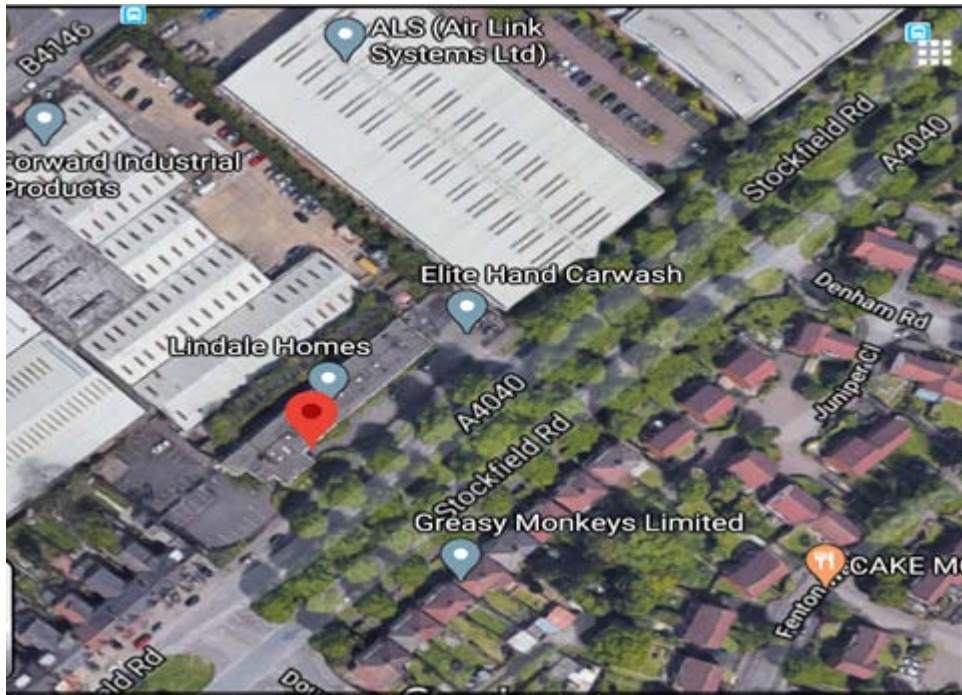
- 1.2. There would be 21 bedrooms provided on the ground floor (19 standard 1 person bedrooms and 2 disabled rooms). The rooms would all be equipped with ensuites and the standard rooms would extend to approx. 16sqm (including the ensuite) and the disabled rooms would be approx. 22sqm in area (including the ensuite). There would also be a foyer, office and computer room provided on the ground floor.
- 1.3. The first floor would have a similar configuration of rooms of equivalent size to the ground floor with two additional bedrooms being provided in the former board rooms to the front of the building. Thereby there would be a total of 24 rooms on the first floor and two training rooms and a store.



- 1.4. There would be an entrance, car park and cycle park provided to the south of the building (where the car park was located previously) and there would external amenity space provided to the rear (west side of the building) and to the north side and front of the building. A revised proposed site plan has been provided which shows hard and soft landscaping provided in the amenity spaces and four seating areas and connecting pathways. The boundary to the rear of the premises adjoining the existing industrial premises would be delineated by a gabion cascade and trailing planting as detailed in the site plan. The revised site plans shows additional space for a refuse vehicle to access the bin store located to the rear of the building.



- 1.5. A revised Management Plan has been provided and states that the hostel would be managed by Reliance Social Housing. In terms of occupation, it would be males over the age of 25 and classified as low risk.
- 1.6. The tenants would be provided with computer skills to assist them in finding a job and reintegrating into mainstream society. In respect of staffing, there would be one site manager, one concierge staff member, one overnight security guard and two full time housing officers. Reliance Social Housing as the registered provider would be responsible for the maintenance of all communal areas, waste disposal and compliance with all Health and Safety requirements.
- 1.7. The application is accompanied by a Planning Statement, Management Plan, Noise Assessment and Addendum and Marketing Brochures.



Elite House within its context on Stockfield Road

1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The building comprises a long rectangular, flat roofed structure situated with two storeys above a basement. The vacant office accommodation is partitioned with mainly stud walls internally, and there is an existing reception area and associated facilities on the ground floor. The quality of the building is notable with a panelled board room to the first floor and the original metal windows in place.
- 2.2. The existing building is a two storey building that fronts onto Stockfield Road and there is a car park along the front and immediately to the south west of the building with two gated vehicular access points directly from Stockfield Road. There is an unauthorised car wash operating within the curtilage at the northern end of the building.
- 2.3. The building is located on the edge of the Kings Road Core Employment Area. It is located adjacent to large manufacturing buildings to the north and west of the site and distribution buildings to the east of the site. Two storey residential dwellings are located to south of the building and also to east on the opposite side of Stockfield Road.

2.4. [Site Location Plan](#)

3. Planning History

- 3.1. 28.07.2017. 2017/02044/PA - Outline application for second floor extension to Elite House (6 no. apartments) and erection of three storey building comprising of 8 no.

apartments (14 no. apartments total) with appearance, layout and scale to be determined. Approved subject to Conditions.

- 3.2. 06.02.2017. 2016/10532/PA – Prior Approval – Change of use from offices (Use Class B1[a]) to residential (Use Class C3) – Prior approval required and approved subject to conditions.
- 3.3. 09.11.2016. 2016/07947/PA – Prior Approval – Change of use from offices (Use Class B1[a]) to residential (Use Class C3) – Prior approval required and refused – Lack of noise assessment and levels of car parking and cycle storage not sufficient.

4. Consultation/PP Responses

- 4.1 MP, Ward members, residents associations and neighbouring residents consulted. Site notice posted. 13 comments received, summarised as appropriate. In the interests of clarity, the summary below relates to the additional consultation exercise in relation to the amended plans reducing the number of bedroom units to 46 (with single person occupancy).

- Concerned over safety and security in the vicinity
- The proposed management company necessary capacity or experience to manage such a large hostel.
- The number of residential units is still too high with insufficient security of tenure for the residents.
- Following discussions between the applicant and local Ward Councillors, the scheme has been improved and reduced to a total of 46 persons with just one person per room, en-suites in the rooms and disabled units.
- The communal kitchen/dining room area is insufficient.
- There seems to be a communal kitchen with four cookers and four sinks. On checking the BCC Directorate of Housing and Constituencies Property Management Standards Applicable to Houses in Multiple Occupation (HMOs) believe that this property which is not providing cooked meals, as a hostel would need to, would be classified as an HMO, in which case there should be a sink and a cooker per five residents. (Section 2.15 on p. 19) In a setting like this we believe that a second kitchen-dinner with the same provisions again would be more appropriate.
- There is no suggestion that the applicants have withdrawn the original plan to summarily evict residents who caused them any problems and to evict anyone who stays six months.
- The external amenity space is not weather proof and would result in noise and disturbance for neighbours
- It's unclear whether the windows and heating would be upgraded to make the building suitable for residential use.
- The proposed change of use constitutes the loss of employment land.
- There are a number of large houses in this area used as supported adult housing for various client groups as well as a number of HMOs offering small units to single people which in some cases are more vulnerable and transient and therefore the cumulative impact is a consideration
- It's unclear that the proposal would meet local need as referred to in the planning statement

Cllr Roger Hamer raised the matter that the management company is not suitable, in terms of size, resources and experience for managing such a large and sensitive site.

Cllr John O'Shea raised the loss of commercial/industrial space, poor design and sustainability, inadequate communal space and inadequate external amenity space.

- 4.2 Severn Trent – No objection subject to conditions in relation to foul and storm drainage.
- 4.3 WM Police – No objection subject to conditions in relation to internal door security.
- 4.4 Regulatory Services – No objections in relation to the revised glazing and ventilation plan and details have been added for each bedroom and these are in accordance with the recommendations in the overheating report and vent details. Conditions are also required in relation to contaminated land and vehicle charging points.
- 4.5 Transportation Development - No objections subject to conditions in relation to car park design and cycle parking provision.
- 4.6 Tree Officer - There is an overgrown conifer hedge to the rear of the building and a deciduous tree at the end of the hedge. The hedge and tree would need to be removed to implement the proposal and this would be acceptable. Tree conditions are not required.

5. Policy Context

- 5.1. Birmingham Development Plan 2017 and Birmingham Unitary Development Plan 2005 (Saved Policies); Car Parking Guidelines 2012 SPD; Places for Living SPG 2001; Special Needs Residential Uses SPG and National Planning Policy Framework (2019).

6. Planning Considerations

Background

- 6.1. The proposal was originally submitted in May 2019 and the accommodation was proposed to contain 10 one person bedrooms, 13 two person bedrooms, 11 three person bedrooms and 7 four person bedrooms. The proposed hostel would have accommodated a total of 97 persons. Following concerns raised in the consultation exercise in relation to the scale of the proposal, the scheme was reduced to 45 one person bedrooms with ensembles. The application site is located close to a number of commercial noise generating sources and additional technical information has been provided to address noise impact on future occupiers. The main issues in the determination of the application are the principle of development, the impact of existing noise generating sources and the impact of the proposal on the amenity of neighbouring residential occupiers.

Principle

- 6.2. The application site is located on the edge of a core employment area. Policy TP19 of the BDP states that Core Employment Areas will be retained in employment use and that applications for uses outside these categories will not be supported unless an exceptional justification exists. It is noted that the previous use of the premises as offices B1(a) is not included in the definition of employment use within the policy.
- 6.3. The applicant has provided detailed evidence in relation to the marketing of the site for the B1(a) office use since 2015 with no enquiries or uptake of the premises for the current lawful use. As the site is on the edge of the core employment area, adjoining residential uses, it is considered that the loss of the site for employment purposes would not materially affect the integrity of the employment area.
- 6.4. Members should note that planning permission has been granted for prior approval for a change of use from offices (B1) to residential (C3) under application (2016/10532/PA) and a subsequent outline planning consent (2017/02044/PA) has been granted for the conversion of the building to residential use and provision of apartments in the grounds of the premises. This application remains capable of implementation and carries significant weight in determination of the current proposal. The views of Strategic Planning are noted in this respect. It is therefore considered that the exceptional justification required by policy TP19 of the BDP has been fulfilled and thereby the change of use from offices (Use Class B1) to a hostel (Sui Generis) would be acceptable in principle.

Design, Internal and external space standards

- 6.5. Saved paragraphs 8.28 and 8.30 of the UDP (2005) relate to the provision of hostels and residential homes. Proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance and should include within the site boundary adequate outdoor amenity space to provide a satisfactory living environment for residents which should normally be a minimum of 16sqm of space per resident, separate from car parking areas, access ways and circulation space.
- 6.6. The proposal relates to the provision of 45 single person rooms which would equate to provision of 720sqm of external amenity space. There is an area of amenity space to the side and rear of the property (excluding the proposed car park and access) which would amount to approx. 900sqm. There is currently a car wash operating in part of this land but that will cease upon implementation of this proposal and the proposed site plan shows it removed and amenity space provided. The proposed amenity space would be impacted by the adjoining commercial uses and the traffic noise from Stockfield Road and it is not possible to mitigate these impacts entirely. However, the revised site plan provided shows the provision of boundary treatment including a gabion cascade to separate the site from the adjoining industrial premises. There are coniferous trees to the rear on the site of the proposed amenity space but there are no objections from the Tree Officer to their removal and it is noted that they are overgrown in respect of the available space. The location of the space is such that the residential amenity of existing adjoining occupiers would not be affected since the closest residential properties are located further to the south of the building on Stockfield Road beyond the proposed car park. On balance, the space available is considered sufficient to fulfil policy requirements.
- 6.7. The proposed bedrooms would each have an ensuite and would have an average floorspace in excess of 16sqm which would fulfil the internal standards set out in the

Special Needs Residential Uses SPG. There are communal dining/kitchen areas of 35sqm on each floor and three training rooms in the building.

- 6.8. The building is of high quality in terms of its architecture, circulation and fenestration. The applicant contends that the proposal relates solely to a change of use and the existing external fabric will be retained. The applicant has been requested to confirm that the original metal windows can be retained and satisfactory acoustic ventilation secured. There is a condition attached requiring the provision of details of the proposed window design and materials.

Noise

- 6.9. The application was initially accompanied by a Noise Survey which sought to establish whether there were any significant commercial noise sources nearby and measure the potential noise impact arising from these sources. The report concluded that there will be no significant noise impact from the surrounding commercial/ industrial uses.
- 6.10. Regulatory Services expressed concern in relation to the high daytime (LAeq) noise levels that were observed in the survey. The applicant provided an addendum to the noise survey indicating the locations at which the noise survey was conducted. It was concluded that the external noise level was of the order of 55dB. It was considered that a satisfactory noise level could be maintained with closed windows. However, as an alternative, the applicant provided details of a 'Passivent' ventilation system and an annotated glazing and ventilation plan. There is now no objection to the application subject to conditions.

Impact on Residential Amenity/Third Party Representations

- 6.11. The closest residential property is No. 73 Stockfield Road to the south of the site and it is approximately 30m from the building. The residential dwellings on the opposite side of Stockfield Road are in excess of 55m away from the building. No. 73 would also adjoin the proposed car park rather than the amenity space and it is not considered that this change is significant over and above the present situation.
- 6.12. In terms of the comments received in relation to cumulative impact, there is a planning consent for a change of use from self-contained flats to a residential care home at Nos 53-55 Stockfield Road (1991/01472/PA). It does not appear that this has been implemented. Therefore, it is not considered that the proposal would have a detrimental cumulative impact in respect of the residential dwellings in the immediate vicinity. The revised internal configuration of the building is considered to comply with the requirements of the Special Needs Residential Uses SPG. In terms of the management of the building and expertise of the housing provider, this would be a matter for the applicant and not a material consideration in respect of the whether the proposed use of the building would be acceptable or not in planning terms. The updated Management Plan provided sets out the details in relation to the operation of the proposed use including the number of staff, security and maintenance of the building.

Highway Matters

- 6.13. There are no objections raised from Transportation Development, subject to a number of standard conditions. The previous lawful use of the building is noted in terms of traffic generation and the proposed level of car and cycle parking provision is considered adequate.

7. Conclusion

- 7.1. It is considered that the revised plans with a reduced number of bedrooms and improved external amenity space would be acceptable. The proposal would enable the retention and viable reuse of a prominent building and the proposal which has been vacant for a prolonged period. The technical objection in relation to noise has been satisfactorily addressed and the proposal would comply with the adopted development plan and the NPPF.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|----|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the provision of a vehicle charging point |
| 4 | Development in to accord with Acoustic Recommendations |
| 5 | Requires the prior submission of a drainage scheme |
| 6 | Requires the submission of hard and/or soft landscape details |
| 7 | Requires the provision of cycle parking prior to occupation |
| 8 | Requires the parking area to be laid out prior to use |
| 9 | Occupancy Restriction (45 Residents) |
| 10 | Development in accordance with Management Plan |
| 11 | Architectural Details Required |
| 12 | Cessation of unauthorised car wash |
| 13 | Requires the prior submission of a contamination remediation scheme |
| 14 | Requires the submission of a contaminated land verification report |
-

Case Officer: David Kelly

Photo(s)



Front (east) Elevation of Building



Side (South) Elevation of Building

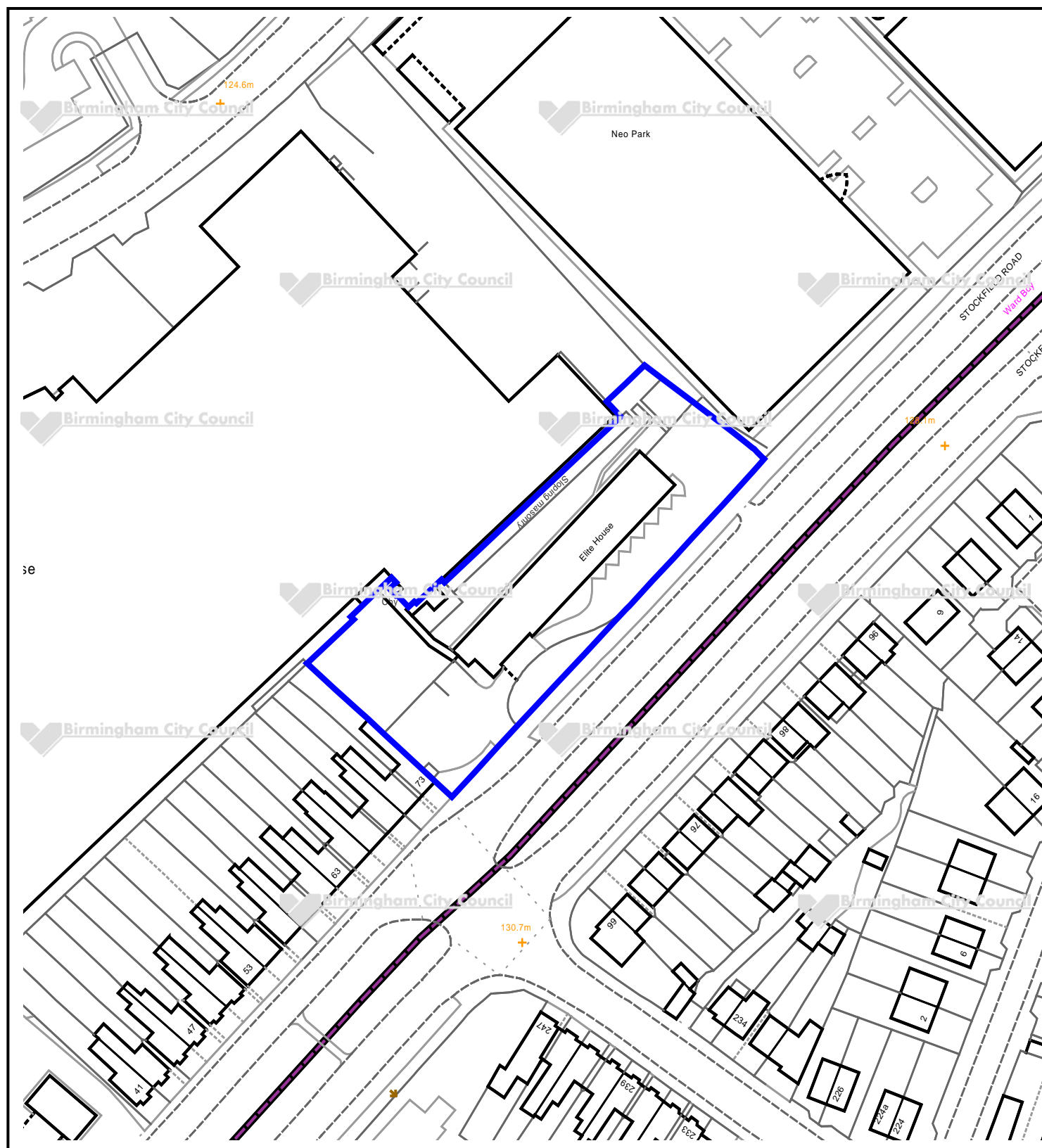


Rear view looking North



Rear view looking South

Location Plan



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