

Birmingham City Council

Planning Committee

18 March 2021

I submit for your consideration the attached reports for the **City Centre** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Temporary 1 year	6	2020/10046/PA The Distillery 4 Sheepcote Street Edgbaston Birmingham B16 8AE Retrospective planning application for installation of TV screen and supporting structure within the courtyard beer garden
Refuse	7	2020/06633/PA The Axis Holliday Street Birmingham B1 1TF Application for the erection of a 14 storey building totalling 25,473 Sqm (gia), to include 22,872 Sqm (gia) B1 office, 389 Sqm (gia) A1 retail, landscaping, access and associated Works.

Committee Date:	18/03/2021	Application Number:	2020/10046/PA
Accepted:	17/12/2020	Application Type:	Full Planning
Target Date:	19/03/2021		
Ward:	Ladywood		

The Distillery, 4 Sheepcote Street, Edgbaston, Birmingham, B16 8AE

Retrospective planning application for installation of TV screen and supporting structure within the courtyard beer garden

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application seeks retrospective planning permission for the installation of a TV screen and supporting structure within the courtyard beer garden at The Distillery, 4 Sheepcote Street.
- 1.2. The screen measures 4.48m x 2.56m mounted on metal frame and supported by planters located within the courtyard used for screening films and sports events.

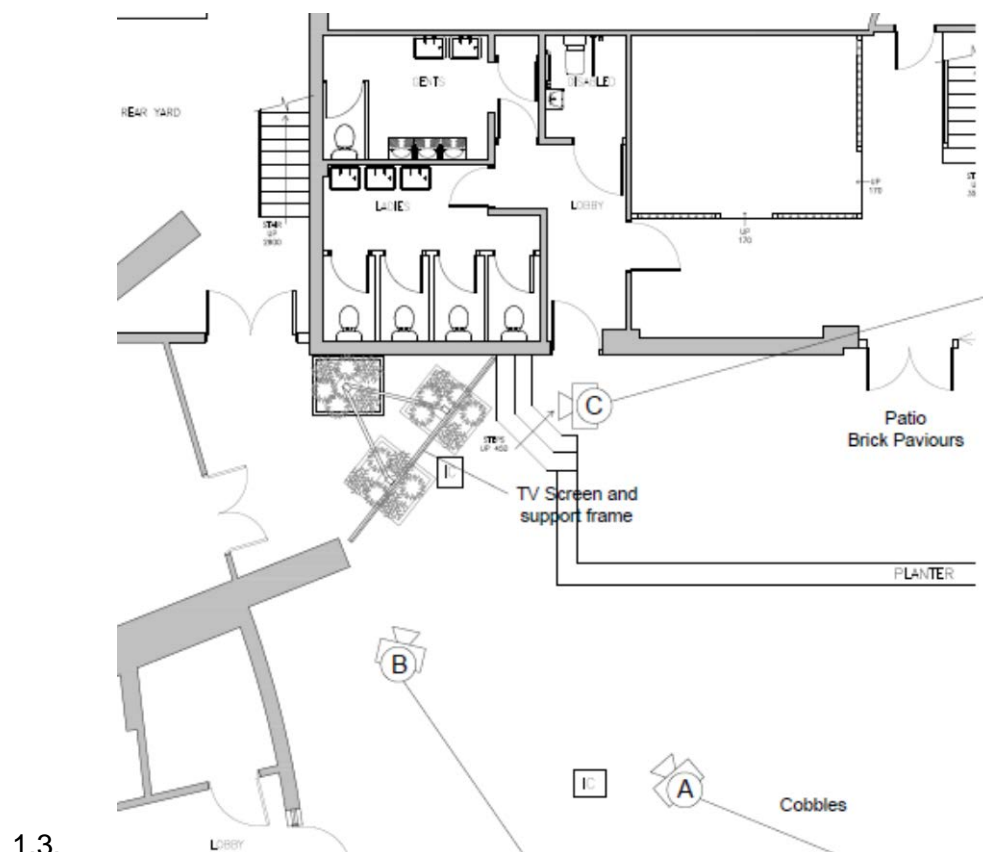


Figure 1

- 1.4. The screen has been in situ since September 2019 and has a licence for recorded material and also the general use of the beer garden. This application has been in submitted following an enforcement investigation.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a two storey building on Sheepcote Street in use as a drinking establishment and restaurant. The ground floor has a courtyard accessed at Canal level and the first floor from Sheepcote Street. The site is separated from the canal by a 3m wall. The premises are Grade II* Listed Buildings Adjacent to the site is The Roundhouse, currently being restored to provide a mixed use, beyond are apartments. Opposite the site, to the east are apartments approximately 27m from the location of the screen and a multi storey car park to Arena Birmingham. There are also apartments beyond the canal approximately 46m away.

[Site Location](#)

3. Planning History

- 3.1. 24/09/2013 - 2013/05752/PA - Change of use of Fiddle and Bone public house to chandlery (use class A1), bar/restaurant, function space and ancillary office (use class A4/A3). Change of use of part of the Roundhouse from storage (use class B8) to storage, workshops (use class B8/B1) parking and boater facilities and erection of canal side building for storage, diesel tank and other boating facilities and associated works – Approve Subject to Conditions
- 3.2. 24/09/2013 - 2013/05753/PA - Listed Building Consent for alterations in conjunction with change of use of Fiddle and Bone public house to chandlery (use class A1), bar/restaurant, function space and ancillary office (use class A4/A3). Change of use of part of the Roundhouse from storage (use class B8) to storage and workshops (use class B8/B1) parking and boater facilities. – Approve Subject to Conditions

4. Consultation/PP Responses

- 4.1. Local Councillors, Birmingham City Centre Management, residents associations, Birmingham Civic Society and nearby occupiers notified. Press and site notice posted. An objection from Councillor Kath Hartley and Councillor Albert Bore on the grounds of noise from large numbers of people watching the screen and its impact on nearby occupiers has been received. The Convention Quarter Residents Alliance have objected on the grounds of the screen being a blight on apartments facing towards the site with bright flickering light, noise from the screen and associated crowds. 7 nearby occupiers and a petition of 87 have also raised objections on the grounds of excessive size of the screen, visual amenity, audio pollution, light pollution and impact on the listed building. Following the submission of the Environmental Impact Assessment Report and Management Plan (dated January 2021), the Convention Quarter Residents Alliance and 5 of the previous objectors raised objections that the concerns were not addressed.
- 4.2. Canal and River Trust – No objections although have recommended a temporary consent and restrictions on hours of use of the screen.

- 4.3. Historic England – Do not wish to offer any comments.
- 4.4. Regulatory Services – Recommends TV turned off 30 mins before beer garden closes and mount the speakers at ground level directed from the side or rear or have a distributed speaker system
- 4.5. Transportation Development – No objections
- 5. Policy Context
- 5.1. Birmingham Development Plan PG3 and TP12, National Planning Policy Framework Paragraph, Draft Development Management Development Plan Document Policy DM6
- 6. Planning Considerations
- 6.1. Policy TP12 of the Birmingham Development Plan states that applications for development affecting the significance of a designated heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.

HERITAGE IMPACT

- 6.2. The Conservation Officer has noted that the screen is not attached to any of the listed or curtilage listed buildings and any impact of the screen on the listed site is easily reversible, as such no objections are raised.

NOISE/AMENITY

- 6.3. The objections have been noted. Since the submission of the application, an Environmental Impact Assessment Report and Management Plan (dated January 2021) has been submitted to support the application. This plan recommends that include repositioning the loudspeakers against the façade of the brick shed and an accredited acoustic consultant to regularly monitor noise. The acoustic consultant shall liaise with on site management and local authority to ensure that no nuisance is caused to the local community. The EIA Report concludes the lighting from the screen to be of a low impact and one not perceived as a nuisance during the evenings. The noise rating from the screen at its nearest sensitive receptors was also shown to achieve a level of low impact provided the recommendations are implemented.
- 6.4. With regards to the noise management plan, it is considered that conditions can be attached to reduce the noise and require monitoring in accordance with the amended report and Regulatory Services' comments.
- 6.5. Whilst the noise assessment was carried out in January 2021, the number and duration of noise measurements were chosen to give reasonably representative information.
- 6.6. The screen is located at canal level and is not visible to the nearest apartments 27m away. The apartments opposite the screen, approximately 46m away, are separated by the beer garden, the surrounding wall and the Birmingham Canal. The screen is set against the rear of the building at a low level which is not considered to present a light nuisance to nearby occupiers.

6.7. The proposals would comply with policies PG3 of the Birmingham Development Plan, DM06 of the Development Management Development Plan Document and Paragraph 180 of the National Planning Policy Framework. A temporary consent has been recommended to monitor and ascertain whether the screen, with the conditions in place, would have an adverse impact to the amenity of nearby occupiers.

6.8. Transportation Development have raised no objections to the screen subject to conditions for all works to remain within the private landownership, no works to infringe out onto the highway and no TV screen to be visible from the HMPE footway, none of which are reasonable or related to planning matters.

7. Recommendation

7.1. Approve Subject to Conditions

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- | | |
|---|--|
| 1 | Requires details of the relocated speakers |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the screen to have noise monitored and operate in line with noise management plan |
| 4 | Limits the hours of use of screen 0800-2230 |
| 5 | Requires the use of the screen to be discontinued on or before 12 months from the date of this decision notice |
-

Case Officer: Anh Do

Photo(s)

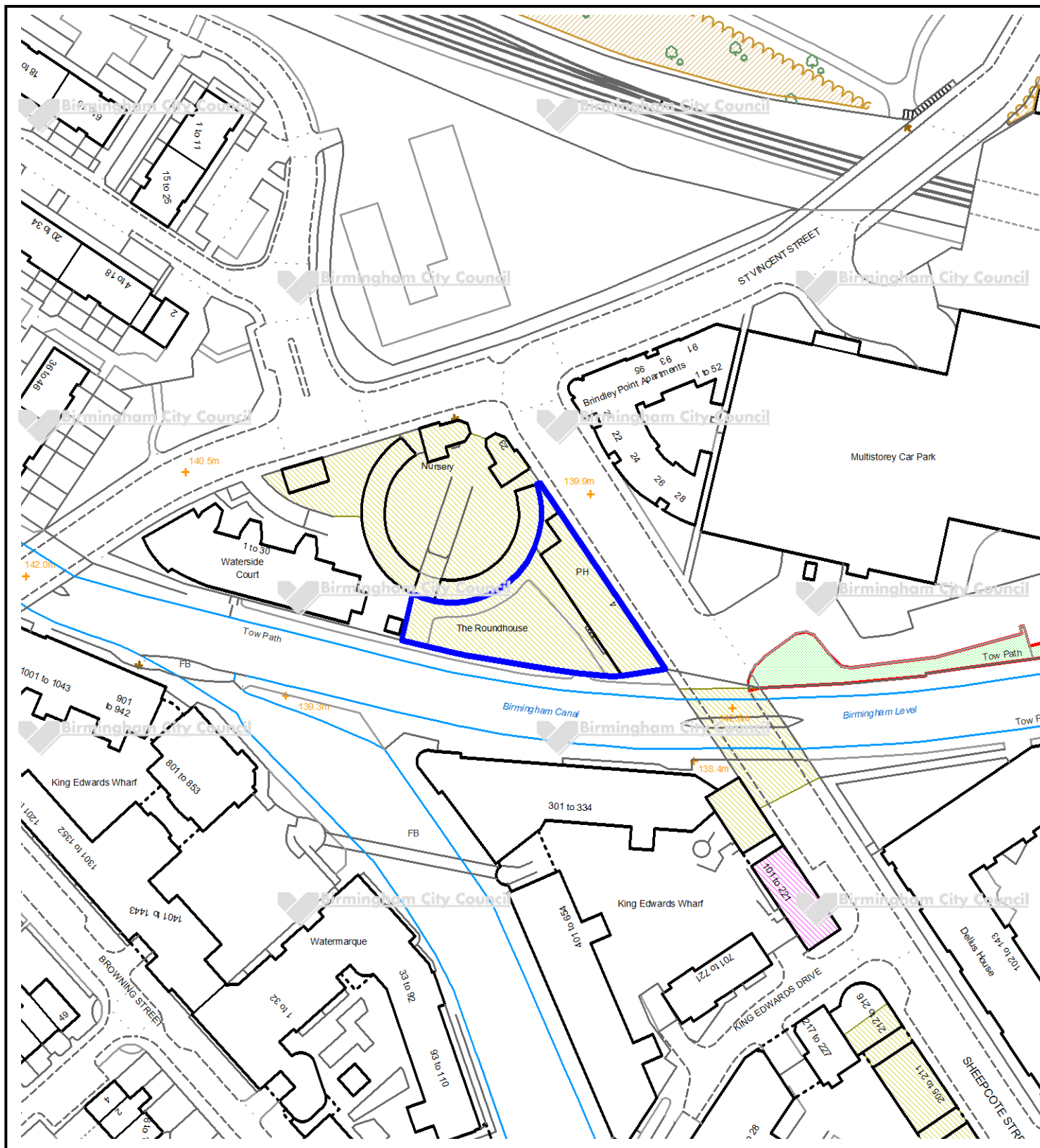


Figure 2 Existing Screen



Figure 3 Existing screen

Location Plan



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Committee Date:	18/03/2021	Application Number:	2020/06633/PA
Accepted:	26/08/2020	Application Type:	Full Planning
Target Date:	26/02/2021		
Ward:	Ladywood		

The Axis, Holliday Street, Birmingham, B1 1TF

Application for the erection of a 14 storey building totalling 25,473 Sqm (gia), to include 22,872 Sqm (gia) B1 office, 389 Sqm (gia) A1 retail, landscaping, access and associated Works.

Recommendation

Refuse

1. Proposal

- 1.1. This application seeks permission for the erection of Four Axis Square, a 14-storey building, totalling 25,473 sqm (GIA).
- 1.2. Four Axis Square would comprise 22,872 sqm (GIA) of office floorspace (use class B1) over 14 storeys, and 389 sqm (GIA) of retail floorspace (use class A1 at time of submission, now use class E) at the ground floor level. The building would have a maximum height of 62m. This detailed application includes public realm and landscaping improvements which would provide pedestrian, cyclist and vehicular access.
- 1.3. This application seeks detailed permission for Building Four which has already been approved under outline consent ref. 2017/01882/PA, with the external appearance details approved under reserved matters consent ref. 2018/05645/PA. The application therefore provides information that has already been approved and provides further information to secure a full detailed consent to allow it to be delivered with no constraints and independently of the existing consents. It should also be noted that this application proposes to make no S.106 contribution towards enhanced public realm in the vicinity of the site.
- 1.4. The wider scheme is to be developed in two phases. Phase 1 will include the demolition of the current Axis Building, and the construction of Buildings One (ref. 2019/00757/PA) and Building Four (this application). Phase 1 will also include the temporary landscaping and public square located between buildings Four and One. Phase 2 would then see the construction of buildings Two, Three and Five Axis square.
- 1.5. Phase 1 of the development includes the deconstruction of the existing Axis House and the construction of One and Four Axis Square. The construction of Four Axis Square would then commence 3 months prior to the completion of the demolition. Once the deconstruction has been completed, the enabling works will commence on the temporary public square at ground floor level, which will allow occupants of One and Four Axis Square to enter the buildings from the main entrances off the square.

The proposed sites for Buildings Two, Three and Five Axis Square will be temporary landscaped for the period between completion of Phase 1 and the start of Phase 2.

- 1.6. Building 4, located to the north west of the site would be 14 storeys and would be constructed as a 'light weight' glazed structure, including glazed corners, with vertical mullions, horizontal and vertical external projecting fins and solid spandrels arranged in a grid form. The density of the grid form would vary across the building dependent on solar gain/daylight penetration. The fins would have either a natural anodised or black finish and the colonnade along the north south pedestrian path would be constructed in exposed metal columns.
- 1.7. The roof plant would be recessed and clad in vertical black fins and black aluminium weather louvres would be used at ground floor to the north west and west of the building in connection with the 'back of house' equipment including servicing. The building would include a running track on the roof top which would be accessible to all building occupiers, winter gardens and it would be built to BREEAM Excellent standards. The appearance of building 4 has already been agreed under permission ref: 2019/07392/PA.



Figure 1 – Axis Building 4

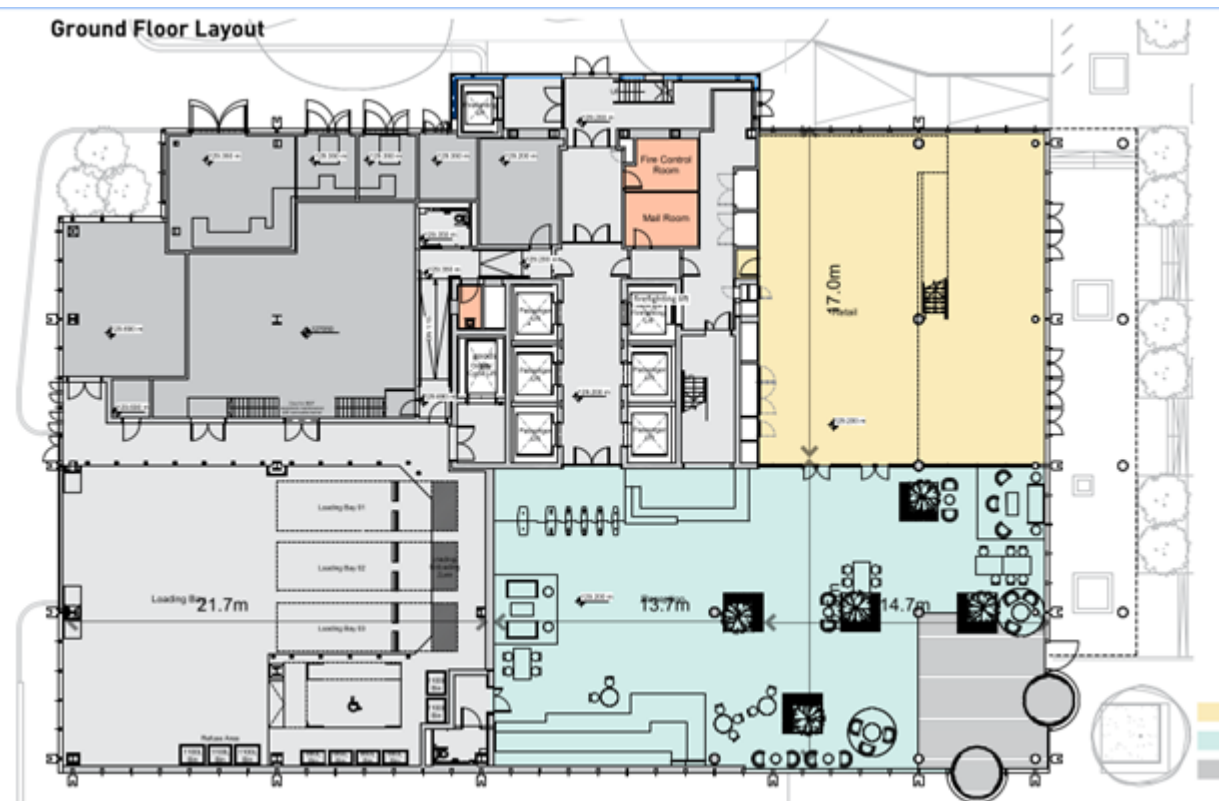


Figure 2 – Ground floor layout

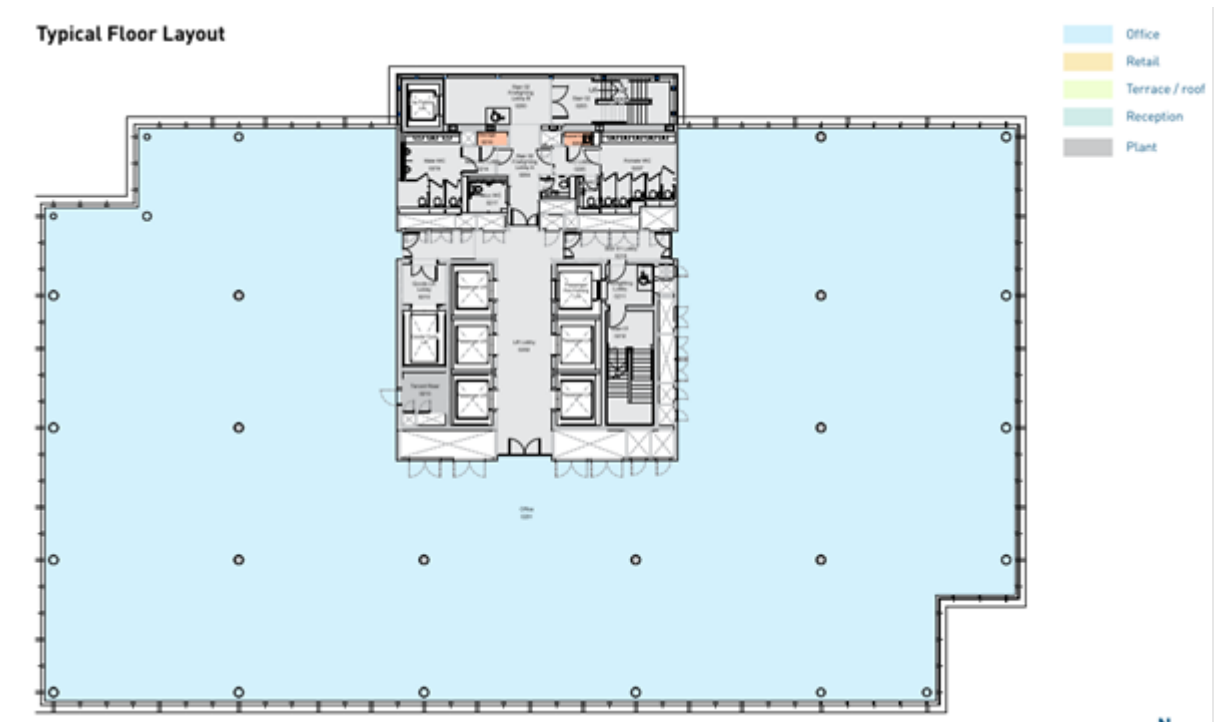


Figure 3 – Typical upper floor layout

1.8. [Link to Documents](#)

2. [Site & Surroundings](#)

2.1. The site is approx. 1.68 ha and currently comprises of a centrally located 11 storey 'T' shaped building with associated car parking and landscaping which provides

16,095 sqm of office space and accommodates approx. 2000 employees. The site is privately owned and although pedestrians regularly cross the site there is no public right of way across it.

- 2.2. The site is bounded by Holliday Street to the north, the elevated Suffolk Street Queensway to the east and the Mailbox development to the south. It is within the Westside and Ladywood part of the city centre and surrounded by a wide range of uses, including residential. The site is highly accessible by foot and bike and close to train, bus and tram stops.
- 2.3. The site has a natural incline, which falls from north to south, creating a steep slope and there is a TPO which covers some of the trees to the northern part of the site. The nearest listed building is Alpha Tower to the north west beyond the Dandara residential development which is currently under construction.



Figure 4 – Site in surrounding context

3. Planning History Summary

- 3.1. Outline Applications: 2017/01882/PA, & 2018/04812/PA. The outline application at Axis Square ref. 2017/01882/PA gained consent for buildings Two, Three and Four and was approved 01 March 2017. This included outline consent for Four Axis Square which is the subject of this detailed application. A S73 application was then submitted in 2018 which made a number of changes to the scheme including reconfiguring the site.
- 3.2. Reserved Matters Application: 2018/05645/PA. Application ref. 2018/05645/PA provided the details of the appearance of Four Axis Square and was approved by BCC on 11 July 2018. The detailed design proposed by this application provides the same details that were approved under this application.

- 3.3. Section 73 Application: 2019/00757/PA. The S73 application (ref. 2019/00757/PA) in 2019 made a number of changes to the scheme regarding Building 4, which have been carried over and still remain in this application. The changes were as follows:
- Public realm: The water feature was replaced with a raised flexible seating and planting area.
 - Four Axis Square entrance: The reception entrance doors to Four Axis Square were moved to enable access to the building during the temporary phase when the existing Axis House is being deconstructed.
 - External lift shaft and staircase: The external lift shaft on the Holiday Street elevation of Building Four was expanded in order to accommodate a passenger and fire-fighting lift.
 - Building Four façade: Minor design changes to the facade of Four Axis Square were made including additional transoms at ground floor to allow for industry standard glass panel sizes.
 - Basement layout and retail servicing: The access ramp from the basement to Royal Mail Street was removed, and updates were made to the servicing and cycle strategies.
- 3.12 One Axis Square: 2016/09735/PA & 2019/00027/PA. The application ref. 2016/09735/PA submitted in November 2016 gained detailed consent for Building One Axis Square, specifically a 9 storey building for office B1(a) and retail A1. This application was then amended in January 2017 by the S73 application ref.2019/00027/PA. The S73 made the following amendments:
- Insulation and façade – use of insulation as the material of choice within the facades of Building One;
 - Level 8 and plant room level – reduction of the plant room level by 250mm, and reduction of level 8 by 150mm;
 - Rooftop plant – extension of the roof plant by 8.5 metres to the west and east, and an increase in height by 1.65 metres to meet the precise requirements of the tenant's specification; and
 - Basement design – removal of the basement access ramp from Royal Mail Street, relocation of the loading bays within the basement, and updates to the servicing and cycle strategy.
- 3.13 The pre commencement conditions have all been discharged for Building One and work commenced on site on 30 March 2020. The scope of works included the excavation and installation of two ground beams, to facilitate the implementation of the planning permission. The remaining pre commencement conditions were discharged in the week leading up to 12 April 2020.
- 3.14 It is now the applicant's intention to bring forward Building Four as a separate entity outside of the approved outline permission. As such, the submission of this application is necessary. However, it is important to note that this application does not differ in terms of design from the previously approved scheme.

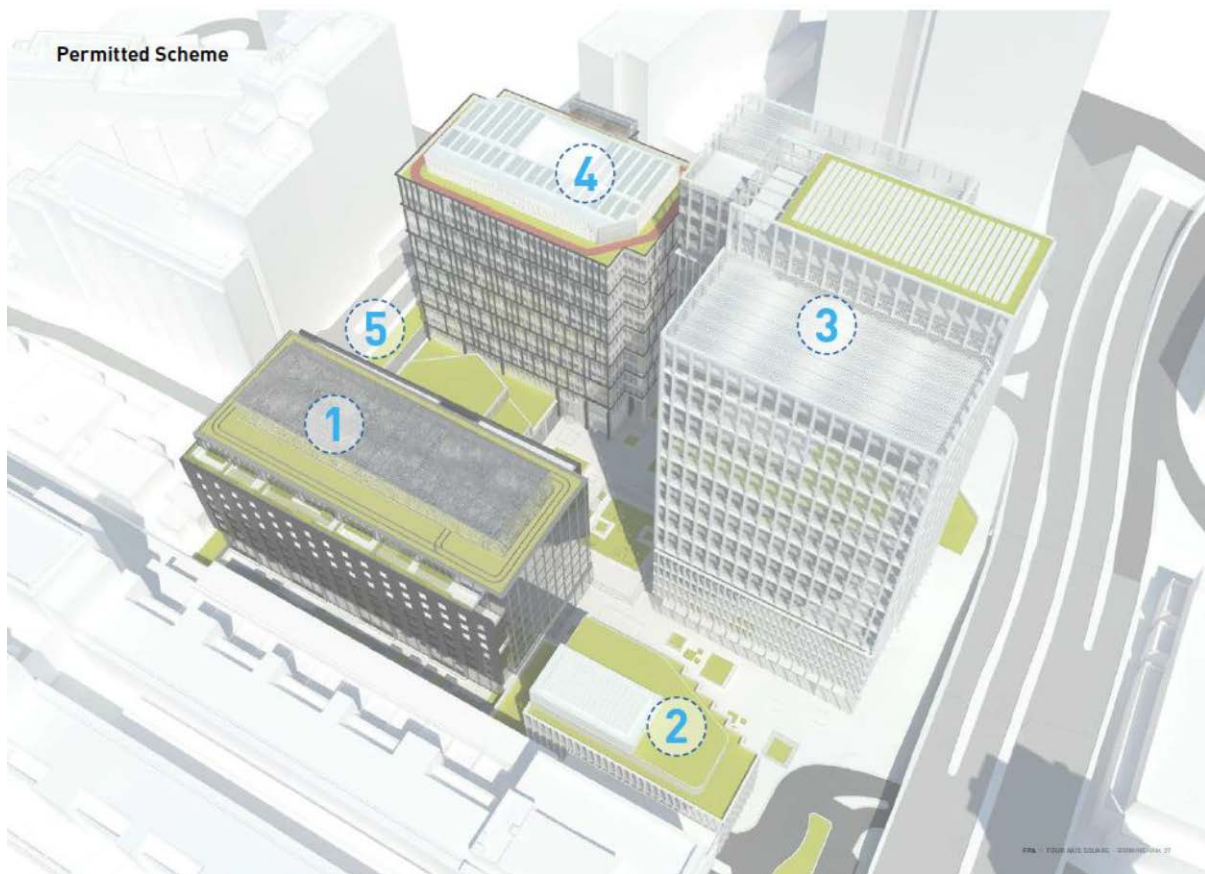


Figure 5 – Current permitted scheme

4. Consultation/PP Responses

- 4.1. Local resident associations and neighbours were notified. Site and press notices were also displayed. No responses received.
- 4.2. Lead Local Flood Authority – No objection subject to conditions requiring SuDs scheme and an implementation and management plan.
- 4.3. Severn Trent Water – No objection subject to conditions relating to the disposal of foul and surface water and implementation of those provisions.
- 4.4. Regulatory Services – No objection subject to conditions to control the noise levels of plant and machinery, air quality mitigation scheme, extraction and odour control details and a contaminated land remediation scheme and verification report.
- 4.5. Transportation – No objection subject to conditions requiring provision of cycle parking and service road access points prior to occupation and the submission of an updated construction management plan.
- 4.6. Network rail – No objection, advise applicant to submit an asset protection form directly to network rail.
- 4.7. West Midlands Police – Development should be constructed in accordance with our commercial; lighting and CCTV guidance and controlled access to the basement and all building access should be secured.

- 4.8. West Midlands Fire Services – Make a range of fire safety observation in relation to approved documentation that fall outside of the planning remit.
- 4.9. Canal & River Trust – Application site lies outside of the defined notified area.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP), 2017, Birmingham Unitary Development Plan 2005 (saved policies), High Places (SPG), Places for All (SPG), Places for Living (SPG), Car Parking Guidelines (SPD), Access for People with disabilities (SPD), Consultation draft - Design Guide, Emerging Development Management in Birmingham DPD, NPPF and NPPG.

6. Planning Considerations

Principle of Development

- 6.1. The application site is located within the City Centre Growth Area and is adjacent to the City Centre retail core. Policies within the BDP seek to support the City's vision of growth and development across the plan period with policy GA1 identifying that the City Centre will be the focus for retail, office, residential and leisure activity and that appropriate scale retail development will be supported where it complements the existing Retail Core as part of mixed-use redevelopments.
- 6.2. This proposal would provide approximately 22,872 sqm (GIA) of office floorspace and 389 sqm (GIA) of retail floorspace. The proposed provision of office floor space would make a positive contribution to the floor space targets identified within the BDP and the level of retail proposed would complement this as part of a mixed use redevelopment of the site.
- 6.3. The proposal would be in accordance with the BDP and I therefore raise no objection in principle.

Design

- 6.4. From a design perspective, the application mirrors the cumulative design response that evolved through the previous sequence of applications for the plot (2017/01882/PA & 2018/05645/PA). The principle of redeveloping the Axis site has been established by previous planning approvals and remains supported from a design perspective. The consultation draft of the Birmingham Design Guide has been issued and carries limited weight, however nothing in that document would suggest a different conclusion on design at this point. The application plot will form part of a wider masterplan for the site, which will increase the density of development across the wider Axis site; making more efficient use of city centre land and improving integration with its surroundings.



Figure 6 – North west elevation

- 6.5. The plot and wider site benefits from a mature band of trees which contribute significantly to the character of Holliday Street. In response to this, the building has been setback, achieving an effective balance between introducing a strong building line at Holliday Street and giving sufficient space to the trees.
- 6.6. The primary frontages of the plot are Holliday Street, the proposed public square and the new pedestrian route (adjacent to the building) linking these assets.



Figure 7 – Building 4 entrance

- 6.7. Servicing is to the rear of the building, away from pedestrian activity; and aiding the break between the neighbouring residential use.
- 6.8. The proposed scale, height and mass of the block effectively responds to the established and emerging character of the surrounding area. Within Holliday Street, the proposal would introduce scale and mass into the street environment, re-introducing a strong building line and presence, which is currently lacking.
- 6.9. The design is acceptable and is in accordance with the previously approved reserved matters.

Landscaping and Public Realm

- 6.10. The proposed public realm and landscaping scheme reflects that which has been previously approved. The proposals at Four Axis Square form part of the wider scheme to improve the pedestrian legibility of the Site. The scheme proposes the establishment of a pedestrian connection, between the south-east corner of the Site at Royal Mail Street up to Holliday Street to the north of the Site. This pedestrian connection has been designed to secure the existing desire line, but establishes a safe, legible and attractive through-route which is accessible for all.
- 6.11. The temporary square provided as part of this application provides a human-scale pedestrian space free of vehicle traffic and includes trees and other soft landscaping. As such the proposal accords with Policy PG3. These design features will also be carried through to the final central square provided by the implementation of Phase 2 of the wider scheme.
- 6.12. The proposed central square sits on a level plane which can be accessed either by a 1:21 graded route or directly by steps. The landscaped areas would contain a variety of seating options clustered around the green spaces, as well as two large lawns.



Figure 8 - Pedestrian through route

- 6.13. Preliminary works meant that 19 trees were felled during February and March 2019 therefore in total there are now 85 trees on the Site; 32 of which are protected by TPOs, some of these falling within the application site. It should be noted that those proposed to be removed have already received approval under previous consents.
- 6.14. A landscaping scheme has been developed which incorporates existing and new trees and vegetation. The key components of the scheme include; Planting of 84 new trees and retention of 50 mature trees on the ground level during Phase 1; Topiary hedges and planting in flush planter; Trees in raised planters with planting and seating; Bulb, herbaceous, shrub and grass planting on the ground level (662.5m²); Hedge planting on the ground level (193m²); Grass turf on the ground level (420m²); A wildflower meadow on the ground level (979m²).

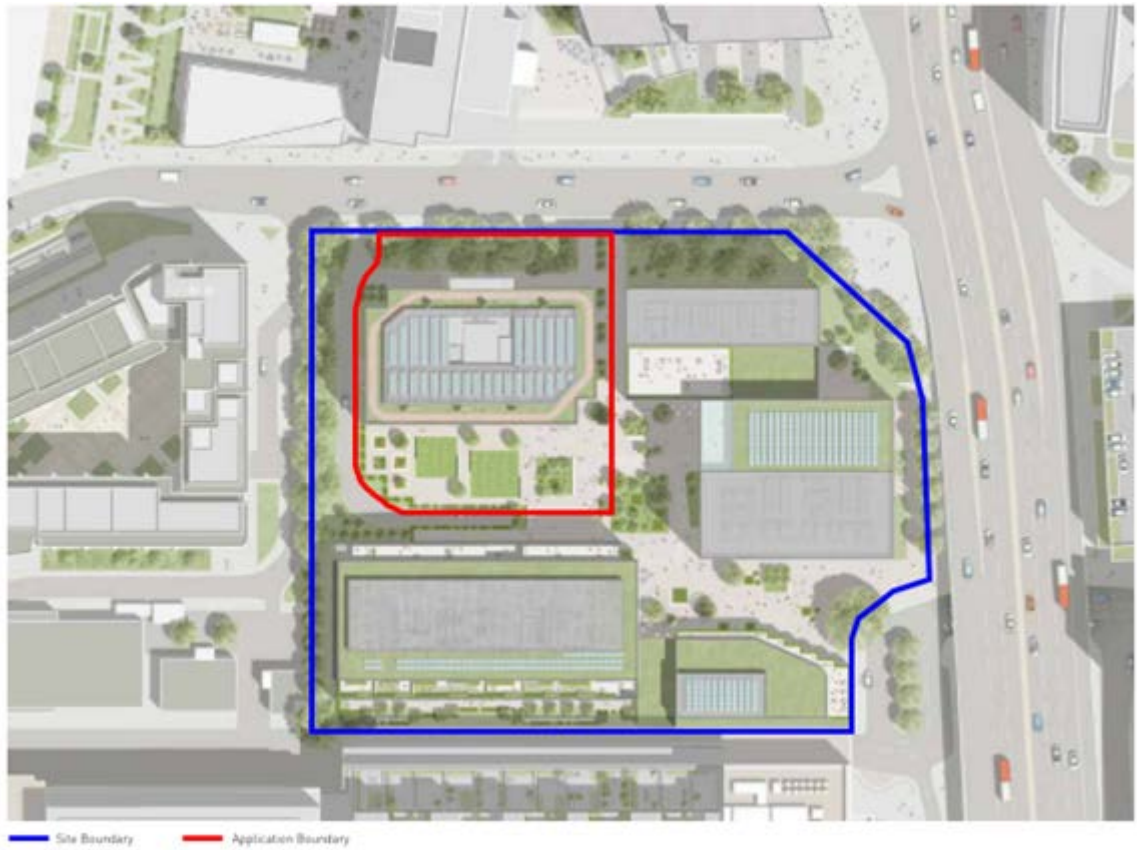


Figure 9 – Landscaping scheme in context of this application

- 6.15. The landscaping scheme has previously been approved under the existing consents, but should this scheme be delivered in isolation, or be delivered in conjunction with Building 1 (consent already implemented), the proposals are considered to present an attractive public realm that offers good connectivity and usable public space that accords with policies PG3, TP44 and TP7 of the BDP.

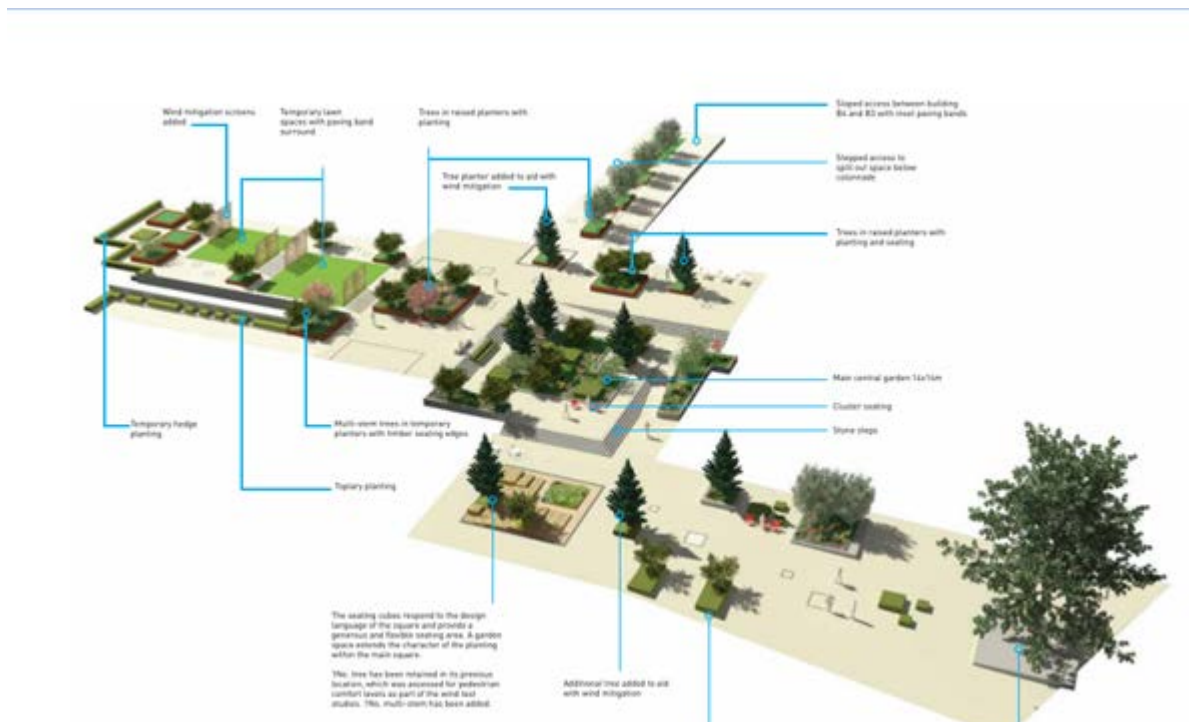


Figure 10 – Landscaping scheme including square



Figure 10 - Temporary landscaping scheme within red dotted line if only Phase 1 developed (Buildings 1 and 4).

Sustainability and Biodiversity

- 6.16. A sustainable construction statement and sustainability strategy have been submitted which meet all the required criteria. The development is aiming to meet credits totalling 75.53%, which is equivalent to BREEAM standard excellent and accords with the policy TP3. The standard will be secured via planning condition.
- 6.17. The sustainability statement confirms that this requirement will be met and details of the proposed PV panels will be secured through a planning condition. In accordance with TP4, the development will incorporate, or connect into, low and zero carbon forms of energy generation
- 6.18. The ecological appraisal can still be considered valid. However, a condition is appended which requires the appraisal to be updated should works have not commenced on site before May 2021.
- 6.19. The application includes various soft landscape treatments including roof tops which offer opportunities for ecological enhancement. The Ecological Appraisal recommended that a number of bat and bird boxes be included in the overall scheme so a condition to detail what will be provided and where as part of the delivery of this aspect of the scheme is also suggested. The landscaping scheme also provides scope for biodiversity gain and some of the plants proposed for the soft landscape will confer benefit. A condition requiring ecological enhancement of the site is also proposed to be appended, and can be incorporated as part of the detailed landscaping scheme. Subject to the aforementioned conditions, the proposal would comply with Policy TP8 and is considered acceptable.

- 6.20. An updated Flood Risk Assessment has been submitted and The Lead Local Flood Authority has raised no objections to the proposal subject to conditions requiring the submission of sustainable drainage scheme and an operation and maintenance plan. As such the proposal would comply with Policy TP6.

Wind and Microclimate

- 6.21. A review has been carried out to assess the microclimate effects of Four Axis Square. The report assesses the scheme against the already consented 2017 Microclimate assessment that was approved with regards to the outline permission (ref. 2017/01882/PA). The potential for interim effects prior to the construction of the other buildings at Axis Square have also been considered.
- 6.22. The report concludes that the main entrances at the east corner of Four Axis Square have the potential to be marginally windy, but tolerable for pedestrian ingress / egress, they would however benefit from mitigation through the landscaping proposals to provide an increase in shelter.
- 6.23. Wind mitigation screens have been added to help reduce the wind speeds both adjacent to Four Axis Square, and on the temporary lawns. The screens would be designed using geometric shape patterns with sufficient perforation in order to effectively mitigate against the impacts of wind. Additional tree planters have also been placed around the public square and entrance to Four Axis Square to further reduce the impacts of the wind. Subject to the suggested mitigation measures being secured through the landscaping condition, I am satisfied the scheme will create a suitable microclimate.

Transportation

- 6.24. The application proposal provides no car parking facilities other than one disabled car parking space in accordance Car Parking Guidelines SPD. The scheme does propose provision for the storage of 115 bicycles within the mezzanine level of the building. This proposal contributes towards the City's aspiration to reduce car use in the city centre and the modal shift towards sustainable transport means such as walking and cycling. The site is well located to sustainable transport hubs such as New Street train station and is well served by bus routes. Although no parking spaces are provided within the application site, some of the existing spaces within the wider Axis site will be retained until Phase 2 of the scheme is implemented.
- 6.25. Vehicular access is proposed as part of the application and considered acceptable.



Figure 11 – Vehicular access off Holliday Street

- 6.26. The Transportation Officer has raised no objection subject to conditions requiring the provision of Cycle parking being provided before the building is occupied, the service vehicle access points to the private service road being provided prior to occupation and the supporting Construction Management Plan being updated.

Residential Amenity

- 6.27. The Axis Square Development Site is surrounded by the following existing and consented residential properties: The Mailbox, Centenary Plaza, The Orion Building, Plot G Arena Central. All of which have previously been assessed against the BRE daylight and sunlight criteria as part of the original outline application. The study found that overall the impact on residential amenity was minimal and considered acceptable in the context of the city centre urban environment.
- 6.28. Centenary Plaza and Plot G Area Central have the potentially to be effected by this application for building 4, and as such the potential impact on amenity is discussed below for completeness.
- 6.29. Centenary Plaza – Any changes in sunlight amenity within all of the rooms material for sunlight assessment will be fully BRE compliant. 70 (29%) of the 238 rooms will also be fully BRE compliant in terms of daylight amenity, and the effect on 69 (29%) of the 238 rooms is considered to be of minor significance. The remainder of the rooms have been assessed in contrast with a “mirror scheme” in accordance with BRE guidance. Whilst 10 rooms will experience a minor effect from the

development, compared to the mirror baseline, the levels of daylight amenity from the proposed development would not be materially worse than the alternate baseline.

- 6.30. Plot G Arena Central – Any changes in daylight amenity within 247 (93%) of the 266 rooms will be fully BRE compliant and the effect on 8 (3%) of the habitable rooms is considered to be of minor significance. The remaining 11 rooms are all located under deep balconies which typically means they receive less sunlight. In accordance with BRE guidance, these rooms were tested without the balconies. The ‘without balconies’ analysis results reveal that, were the sky visibility to the windows serving these rooms not restricted by balconies, any change in VSC as a result of the Development would be fully BRE compliant. Any changes to the sunlight amenity within 233 (95%) of the 244 rooms will be fully BRE compliant. The level of sunlight in the remaining 11 rooms is not uncommon in similar urban areas, and the lower levels of sunlight amenity within these rooms and this building in general were considered acceptable under the hybrid planning consent (2019/00757/PA) for the full extent of the Axis site.

Pollution

- 6.31. An air quality assessment report has been submitted and the EPU Officer raises no objections subject to a condition which required mitigation measures to control dust emission during demolition and construction. Although the current application applies for retail use within part of the ground and mezzanine floors, it would by default become the new use class E, if approved, which would allow for the preparation of food. As such a condition is also suggested that requires the submission of extraction and odour control details. Further conditions requiring the control the noise levels of any plant and machinery and to require a contamination land remediation strategy and subsequent verification are also requested.

Planning Contributions

- 6.32. BDP policies require that new development should be built to a high design and contribute to a strong sense of place within attractive and safe environments and that financial contributions may be required to meet the needs associated with the development.
- 6.33. The wider proposed development is expected to increase, significantly, the pedestrian footfall to/from the site and the immediate surrounding area. Therefore it was concluded during the determination of the outline application (2017/01882/PA), to make the proposed development acceptable in planning terms, improve the visual amenity of the area and safeguard pedestrian movements it is necessary to improve the public realm around the site. The applicant agreed with this view and agreed a financial contribution of £985,000.
- 6.34. This contribution would cover; on Navigation Street, footway resurfacing, enhanced pedestrian crossing facilities and street lighting improvements and on Holliday Street; footway resurfacing, traffic calming measures, creation of a pedestrian link to Arena Central, enhanced lighting below the Birmingham Canal Old Line bridge and way finding measures.
- 6.35. Appreciating that this standalone proposal would not generate the pedestrian footfall of the wider site consented at outline stage, it is understood that it is still the applicant's intention to develop the entirety of the site, in one form or another in due course, which would result in a development comparative to that approved under

outline consent 2017/01882/PA. Even if only buildings 1 and/or 4 were developed under their standalone consents, the developments would increase permeability around and through the site thereby introducing new desire lines and routes. As such, it is reasonable that the applicant should make a contribution to the improvement of public realm that is comparative to that which would be made if the outline consent was implemented.

- 6.36. As such, I have made a pro-rata calculation based upon the building's floor space to determine the appropriate level of contributions, which I have calculated as follows:

Total floor space created by outline consent = 98,364sqm
Total floor space created by this proposal = 23,261sqm

As a percentage of the total floor space approved at outline this scheme equates to 23.6%

23.6% of the original agreed contribution of £985,000 equates to £232,460

- 6.37. This figure, combined with the £300,000 contribution stipulated by the 106 attached to permission ref: 2016/09735/PA (Building 1) would allow for the creation of a scheme of public realm works to improve the poor urban environment which could include, but would not be limited to; the improvement of the environment under the flyover; improved lighting; improvements to promote safe, attractive and convenient connections to the Metro stop on Broad Street (hence the original need for the improvements to and new crossing on Holliday St and connection to Arena Central's public realm), and the development.
- 6.38. Should the remainder of the wider scheme come forward as a standalone consent(s) a similar practice could be applied if further public realm improvements are deemed necessary.
- 6.39. The applicant contends that the public realm improvements are no longer necessary to make the development acceptable given the reduced floor space proposed to be created when compared to the outline consent (2017/01882/PA) and that public realm improvements are embedded within the scheme. However, I can see no significant improvements to on site public realm proposed by this application when compared to that approved at outline. Notwithstanding, enhanced public realm within the site would not negate the need for public realm improvements to the surrounding area.
- 6.40. These works to enhance the public realm surrounding the site are necessary given the increased pedestrian footfall the development would generate and to ensure compliance with Policies TP38 and TP47 of the BDP. The requested contribution would comply with paragraph 54 of the NPPF the CIL Regulations 122.

7. Conclusion

- 7.1. As previously discussed, the principle of this scheme has already been established, as well as the appearance of the building and proposed landscaping. However, the applicant has to date, failed to agree to the requested planning contributions, proportionate to that agreed at outline consent, that are required in order to make the development acceptable, as such the application is recommended for refusal. Negotiations with the applicant are ongoing regarding this matter and a verbal update will be provided to Members at the committee meeting

8. Recommendation

8.1. That planning application 2020/06633/PA be refused for the reason stated below.

Reason for Refusal

-
- | | |
|---|---|
| 1 | The proposal fails to meet the necessary planning obligations required to suitably enhance the associated public realm that would experience increased pedestrian footfall as a consequence of the proposed development. As such it would be contrary to Policies TP38 and TP47 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
|---|---|
-

Case Officer: Tom Evans

Photo(s)



Figure 12 – Existing Axis building viewed from Holliday Street

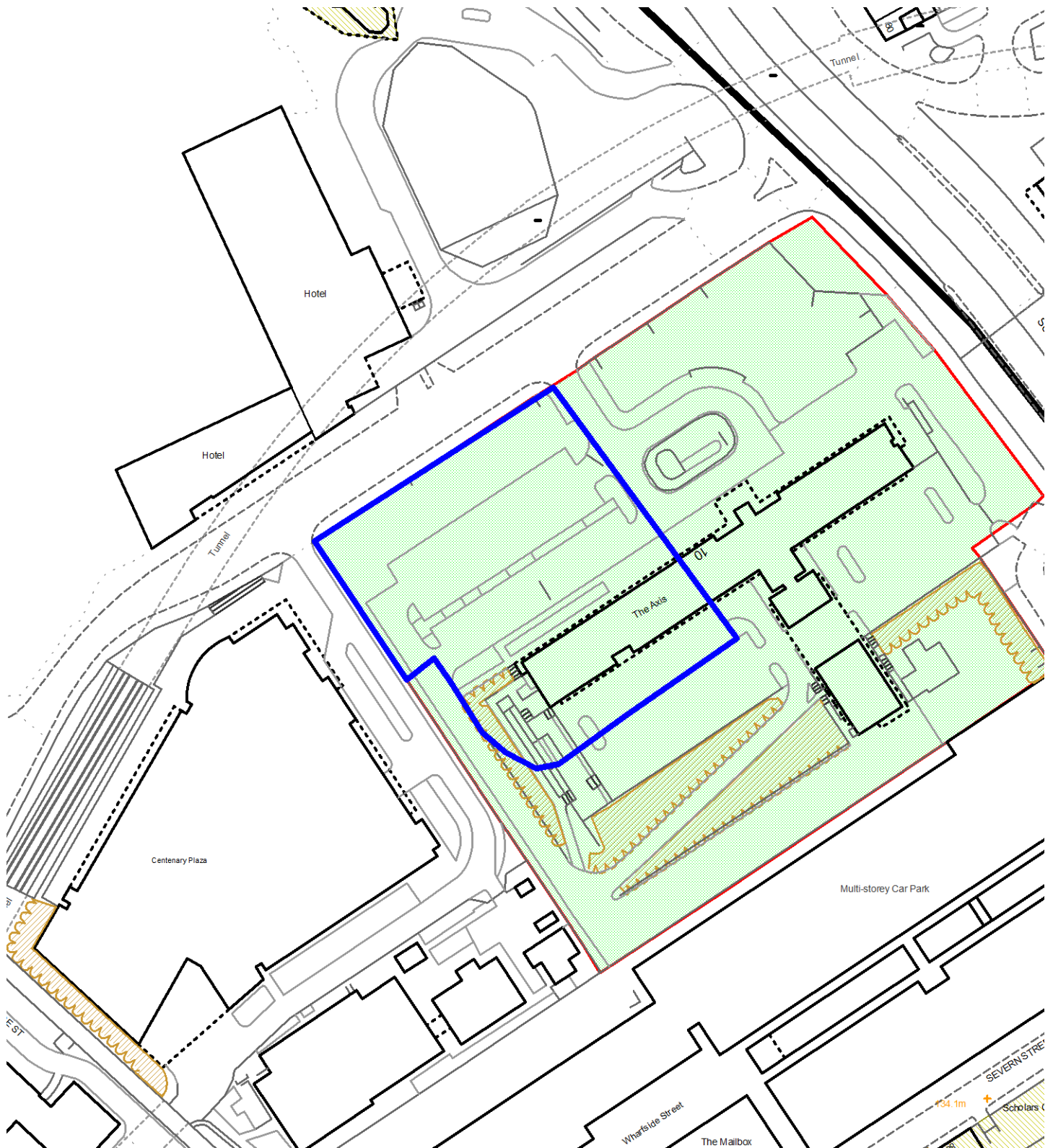


Figure 13 – View from existing access down Holliday Street and towards the application site and Centenary Plaza.



Figure 14 – View from rear of the site looking towards Centenary Plaza and Holliday Street

Location Plan



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Birmingham City Council

Planning Committee

18 March 2021

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	8	2020/05276/PA Lozells Central Mosque Lozells Road Lozells Birmingham B19 1RJ Erection of a three storey attached Annex to west of existing mosque, alongside external alterations to existing building; following demolition of Nos. 219 and 221 Lozells Road and ancillary structures to the rear of 16-18 Heathfield Road. Alongside partial demolition of No's 16 - 18 Heathfield Road to allow for the creation of an additional vehicular access and car parking provision, alongside cycle storage.
Approve – Subject to 106 Legal Agreement	9	2020/00878/PA 123-125 Soho Hill Hockley Birmingham B19 1AX Change of use of first floor from ancillary offices and caretakers flat to 9 no. self contained apartments and associated landlords office..

Committee Date:	18/03/2021	Application Number:	2020/05276/PA
Accepted:	13/07/2020	Application Type:	Full Planning
Target Date:	19/03/2021		
Ward:	Lozells		

Lozells Central Mosque, Lozells Road, Lozells, Birmingham, B19 1RJ

Erection of a three storey attached Annex to west of existing mosque, alongside external alterations to existing building; following demolition of Nos. 219 And 221 Lozells Road and ancillary structures to the rear of 16-18 Heathfield Road. Alongside partial demolition of No's 16 - 18 Heathfield Road to allow for the creation of an additional vehicular access and car parking provision, alongside cycle storage.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application relates to an existing place of worship, sited within the Villa Road Local Centre. The current application seeks to create extra capacity for a range of uses at the Faizul Quran Jamia Masjid, which is sited to the north of Lozells Road.



Image 1 – showing application site and context.

- 1.2. The application would comprise the following works:

- Demolition of numbers 219 and 221 Lozells Road, alongside the structures to their rear;
- Partial demolition of the ground floor of numbers 16-18 Heathfield Road;
- Erection of a two storey side extension to the existing mosque building to its west;
- Erection of a three storey annex to the north-west of the existing building to provide 12no. classrooms at first and second floor level and a new car park at ground level with a new vehicular access via Lozells Road;
- Formation of a new second vehicular access via Heathfield Road to a basement level car park sited under the new annex extension; and
- Demolition of existing entrance hall and coffin room sited to the south of the main building and the erection of a new entrance porch sited to the south-eastern elevation of the building.

1.3. The proposed side extension would be 8m wide to its north and 18m wide at its southern most point, given the tapering nature of the existing mosque. The ground floor of the extension would house the main new front entrance to the building, shoe storage areas, a new main office and reception, lifts and 2no. stair-cores. The first floor existing main prayer hall would be extended and additional toilets would be erected to the north of the extension, alongside an additional office.

1.4. The proposed annex would be 23m wide at its widest point and 20m wide at its narrowest point, given the geometric shape of the annex. This would have a depth of 26m and would be built on a steel frame, in order to house a covered car park at ground floor level and 6no. classrooms on the first floor with an additional 6no. classrooms on the second floor, built around a central core, which will house offices, lifts, stair cores and an ablution space.



Image 2: CGI of proposed annex to the west and two storey side extension with car parking below – shown from Lozells Road frontage.

1.5. The ground floor car park would have 27no. spaces, with an additional 19no. spaces from the existing car park. A further 33no. spaces are proposed within the basement level erected below the annex, with a new access via Heathfield Road. In total 79no. car parking spaces are proposed, quadrupling the existing provision. Additional cycle storage provision is also proposed, with new landscaping along the Lozells Road frontage.

- 1.6. The applicants operate a second site on Wills Street, where educational classes are taught as part of a Madrassa. The proposed redevelopment of the Lozells Road site, will allow the applicants to combine both of these facilities within one site, by creating a new educational centre within the proposed annex. As a result, the works will greatly lessen existing traffic and movement between the Lozells Road site and the Wills Street site, as presently, parents make two trips to drop off and pick up male children from the Lozells Road site and female children from the Wills Street site. The proposed annex would however house classrooms for both males and females within the same building. The site on Wills Street does not form part of this application.
- 1.7. The existing building on Lozells road offers facilities for:
- Daily congregational prayers;
 - A weekly Friday prayer;
 - Community support and outreach programs;
 - Madrassa/after school classes for male children via 8no. classrooms; and
 - Funeral services.
- 1.8. The proposed works would thereby create:
- Additional car parking provision;
 - New access;
 - Additional circulation space around the building;
 - Additional cycle storage provision;
 - Relocation of the existing madrassa classes taking place at Wills Street;
 - The main prayer hall would also be extended; and
 - A second vehicular access to alleviate pressure on Lozells Road.

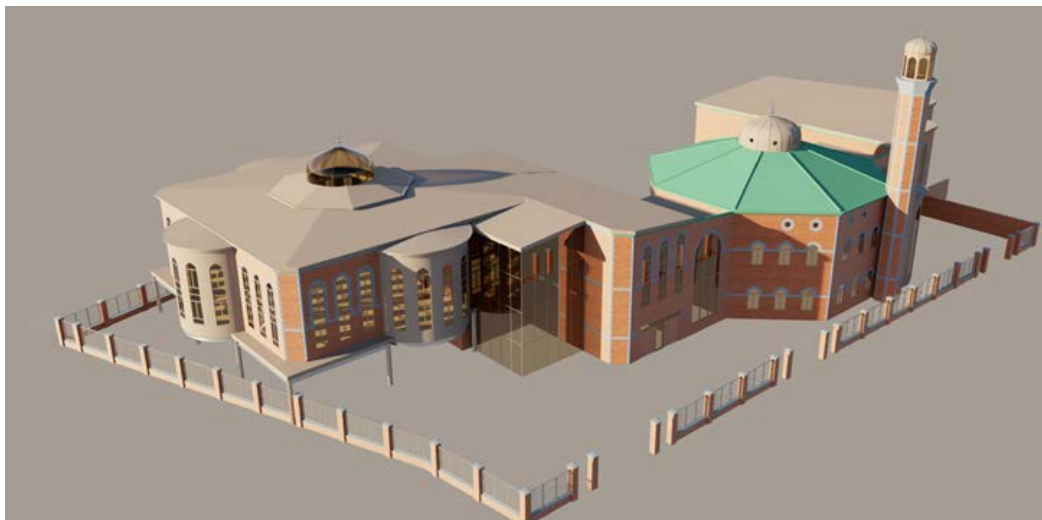


Image 3 – CGI to show Ariel shot of extended Mosque.

- 1.9. In total, 780sqm of existing buildings would be demolished in order to make way for the current proposals. The proposed extension would have a total floor space of some 640sqm, creating abundant circulation space.
- 1.10. The proposed annex would be three storeys, however would have a ridge level sited lower than the main building. The building has been designed to mirror the existing mosque, with curtain wall glazing, alongside red brick. The same modern Arabic design principles have been used throughout the design and as part of these proposals the existing access points for the building would also be slightly amended.

1.11. The application is supported by the following documents:

- Design and access statement;
- Planning statement
- Transport statement
- Bat survey;
- Ecological statement;
- Ecological mitigation statement;
- Land contamination statements;
- Cultural heritage statement;
- Drainage statement;
- Sustainable construction and energy statement;
- Lighting assessment;
- Noise assessment; and
- BREEAM assessment and supporting statement.

1.12. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is roughly L-shaped and encompasses the existing vacant shops and warehouse/offices at numbers 219-221 Lozells Road, alongside the buildings to the rear of this, which are sited along the main Mosque buildings western boundary. The application site also encompasses number 16-18 Heathfield Road, sited to the north-west of the main Mosque building.

2.2. The site is bound by Lozells Road to the south and Heathfield Road to its north-west, with dwellings on South Grove forming the site's north-eastern boundary. To the sites east lies the Bangla Station Wholesale site and to its east lie a range of commercial uses. To the south on Lozells Road lie a number of fast food restaurants, takeaways, retailers, a Church, alongside other leisure and commercial uses.

2.3. The site is situated within the Villa Road Local Centre, which has a wide mix of leisure, retail and commercial uses, alongside a range of community buildings, which the existing Mosque forms a key part of.

3. Planning History

3.1. None relevant.

4. Consultation/PP Responses

4.1. Transportation Development – no objections subject to conditions relating to: numbers of people at the site, pedestrian visibility splay, vehicular visibility splay, submission of a travel plan, secure and covered cycle storage, parking spaces to be formally marked out, car park management plan, appropriate signage, redundant footway crossing to be closed and for all highway works to be completed at applicants expense prior to occupation.

4.2. Lead Local Flood Authority – no objections subject to conditions: prior submission of a sustainable drainage scheme and the prior submission of a Surface water drainage scheme, sustainable Drainage Operation and Maintenance Plan.

- 4.3. Regulatory Services – no objections subject to conditions relating to; implementation of a construction method statement, noise levels for plant and machinery, unexpected contamination, acoustic boundary fencing and compliance with the submitted air and acoustic air quality report recommendations.
- 4.4. Birmingham Civic Society – support the application.
- 4.5. Severn Trent Water – no objections.
- 4.6. Historic England – no comment.
- 4.7. West Midlands Police – no objections subject to the addition of a condition to secure a CCTV scheme. Further recommendations, relating to crime prevention and safety measures were also submitted.
- 4.8. Press and site notices posted. MP, Councillors, Residents' Associations and neighbouring occupiers notified. 7no. letters of objection received, raising the following comments:
 - New access will further deteriorate existing traffic and parking related situation on Heathfield Road;
 - Increase in vehicle trips on local highways;
 - Increase in demand for car parking within area;
 - Traffic related problems to increase;
 - Increased congestion.
- 4.9. A single letter of support has been received.

5. Policy Context

- 5.1. National Planning Policy Framework (2019); *National Planning Practice Guidance (PPG) (2014)*; Birmingham Development Plan (2017); Birmingham UDP saved policies (2005); Places for Living SPG (2001); Places for All SPG (2001); Car Parking Guidelines SPD (2012); and The Places for Worship SPD.

6. Planning Considerations

Principle

- 6.1. The current proposals would further extend this existing religious building, by demolishing a number of unused or underused buildings and expanding the centres foot-print. This will not only bring much needed investment into this area, but will further anchor the site within the Villa Road Local Centre, allowing it to continue to play its role as a key community facility. The proposals would further ensure the sites long term use and as such in principle these are supported and considered to be in compliance with policy TP21 of the BPD.

Loss of existing employment land:

- 6.2. As the application site is outside the Core Employment Area Policy TP20 states that losses of employment land will only be permitted where they are a non-confirming use or if the site has been actively marketed for a minimum of two years without success. As the light industrial use, which is proposed to be demolished, is less than 0.4 hectares (0.02 ha) and in a mixed residential and commercial area, it can be considered a non-confirming use, therefore the demolition is acceptable.

Conservation

- 6.3. The buildings appear to be of the late 19th century, with some original first floor windows and are likely to date from the earliest development of the Soho / Lozells area. The buildings are not listed or locally listed, although they may hold some interest. It is considered, given their current poor state of disrepair that any architectural or historical merit that they may have previously held has been lost and as such, it is considered that their loss, in order to allow for a new community facility come forward would be acceptable and would outweigh any harm resultant of their loss on site.

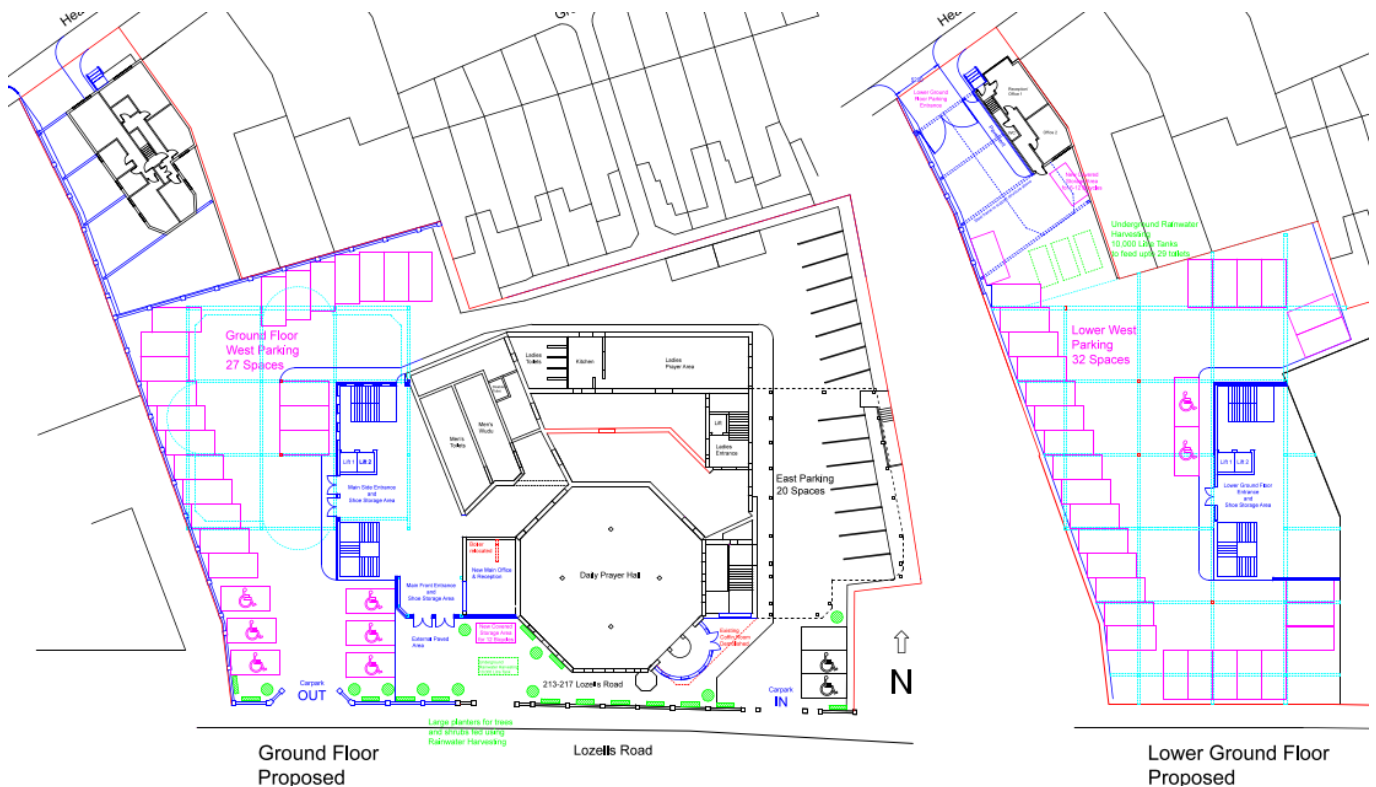


Image 4 – CGI Street-scene along Lozells Road.

Design

- 6.4. The proposed extension and annex will be of a similar height to the existing 3-storey mosque and are made up of two main elements. The first is an attached to the western side of the existing building and would comprise a new office and reception space and additional circulation space at the ground floor and extend the existing prayer hall at first floor. This extension complements the previous extension to the east of the main building, creating symmetry to the Lozells Road elevation.
- 6.5. The second element remains the new west block annex, which is attached to the new extension and is set back from the road with a distinctive traditional geometric form, common in Islamic Architecture. The annex has similar elevations facing south, west and north, providing a car park at ground floor and the building above set on columns, providing classrooms set off a central atrium topped by a dome, at first and second floor level. The proposed buildings complement and relate well to the scale and massing of the existing mosque.
- 6.6. The main cladding is brick and windows have the same general proportions to match the existing mosque on site. Contemporary elements include full height glazed curtain walling for the main staircase and copper clad façades to projecting semi-circular features. The opportunity has also been taken to enhance the appearance of the existing building by redesigning the coffin area as a cylindrical copper clad structure and adding two large arched windows, as well as removing the

existing main entrance. The overall effect is to create a more coherent, well-balanced building with a good level of architectural richness.



- 6.7. Additional car parking is provided at lower ground level beneath the new annex, served by its own access off Heathfield Road to the north. This design feature prevents car parking from becoming too dominant in the street-scene. Covered bicycle parking is proposed close to the main entrance off Lozells Road and at the northern end off Heathfield Road.



Image 6 – showing existing and proposed access way via Heathfield Road.

- 6.8. On Heathfield Road itself the ground floor of numbers 16-18 will be part demolished in order to create a vehicular entrance for the proposed new basement level car park. The first floor would then be supported via a frame, creating an overhang to

allow cars to enter and exit below. There are no objections to the design, subject to the below conditions:

- Hard and/ Soft Landscape Details
- Hard surfacing materials to be submitted
- Boundary Treatment Details
- Sample Materials required for windows and façade cladding materials; and
- Architectural Details Required.

Residential amenity

Use

- 6.9. The applicant has submitted a supporting statement setting out the current usage of the site and explaining how the site is proposed to be used. The redevelopment will not necessarily increase the current provision, but rather to better manage the existing footfall of the centre and rationalise the floor space in order for the Mosques management to operate a single site, instead of two.
- 6.10. There are currently five daily prayers held at the mosque. These tend to have between 10 and 60 male attendants, with a larger numbers attending the centre for the midday Friday prayer (Jumma) which is held in the larger first floor hall, with around 500 worshippers attending this weekly ceremony. A separate female hall for Friday prayer attracts around 50 females. As part of the proposals the capacity for the prayer hall would increase to 900 worshippers.
- 6.11. Madrassa classes take place on week days at between 16:30 and 21:30 at Lozells Road and Wills Street. The centres currently support between 150 - 200 children across both centres. This provision is set to increase to between 300 and 400 children within the Lozells Road site, with the new classrooms.
- 6.12. The site currently attracts large numbers for Friday prayer, but daily prayer worshippers remain modest and these numbers are not expected to change drastically as a result of the proposals. The Madrassa classes will however likely increase footfall, as a result of the increased capacity. It should further be noted that trips would be reduced as a result of the proposals centring classes for males and females within the same building.

Overlooking and privacy

- 6.13. The existing mosque has a number of dwellings to its north-east, on South Grove. The proposed extension would be partially screened from view behind the existing building. The proposed annex would be sited to the far north west of the site and as such it is not considered that this would result in any new undue overlooking or privacy related concerns. To the north lies 16-18 Heathfield Road, which has apartments at first floor level, however these have no rear facing opening which would be impacted by the proposals. To the east and west lie commercial uses.

Overbearing impacts and loss of light

- 6.14. It is considered that there would likely be some overbearing impact from the proposed side extension and the erection of the annex on the rear garden areas of existing dwellings sited on South Grove. However, given the size scale and siting of

the existing mosque on site and the orientation and siting of the proposals this is not considered to be sufficient to refuse the current application.

Noise and nuisance

- 6.15. The proposals are not considered to result in any increases in noise and nuisance beyond the existing situation. It is noted that the size of the building and the number of classrooms at the site will increase; however, given that the site is located within a busy local centre, it is considered that such movement is expected within these areas and this is not considered to be excessive when compared to the existing situation on site. Regulatory Service officers have no objections, subject to the addition of new acoustic fencing, in order to safeguard the amenity of neighbours.

Sustainability:

- 6.16. The development includes the provision of an air source heat pump. The proposals would also use photovoltaic panels to generate electricity for the building and car park, common areas and corridors. As a result the centres overall energy demand and carbon dioxide emissions will be reduced by 37.64% and 79.78% respectively.
- 6.17. The applicants have made a commitment to securing an Excellent BREEAM Rating, as a result of the development and have submitted a BREEAM Pre-assessment report, in order to set out how this rating will be achieved. As a result the proposed extension will result in a low carbon and sustainable resource efficient development. An appropriate condition is attached.
- 6.18. The site will now offer increased cycle storage provision and as a result of the development, the circulation space externally will be increased, allowing for better permeability between the site and its surroundings. Landscaping will also be added where possible, in order to better improve the street-scape. As such, the development proposals are considered acceptable and are considered to be in compliance with policies TP1-TP4 of the BDP.

Highway safety/Parking:

- 6.19. The existing car park has 19no. car parking spaces. Under the current proposals however, car parking provision would cumulatively offer car parking for 79no. vehicles, however, the applicants note that this is not intended to increase footfall but to rather better manage the existing numbers visiting the site.
- 6.20. It should be noted that although the number of classrooms at the site will increase, this will ultimately result in less vehicular trips within the area, as currently parents are having to make two separate journeys when dropping off children at the centre and the second site.
- 6.21. A larger number of visitors to the centre are local and travel to the site on foot. Transportation have however recommended conditions in relation to: controlling the numbers of people at the site, pedestrian visibility splays, submission of a travel plan, secure and covered cycle storage, parking spaces to be formally marked out, car park management plan, appropriate signage, redundant footway crossing to be closed and for all highway works to be completed at applicants expense prior to occupation. While most of these are attached, it is not considered necessary to control the number of people attending the site. It is considered that given the sites setting and siting within a local centre, this condition is not considered reasonable or proportionate.

Ecology

- 6.22. A Preliminary Roost Assessment (PRA) finds that from the three buildings which are set to be demolished, one has moderate potential to support roosting bats whereas a second has a high potential. The third has a very low potential to house roosting bats. The applicants have thereby submitted a Bat Mitigation Statement setting out how they intend to approach the development, dependent on the findings of further investigations and surveys. The Councils Ecologist has reviewed these reports and finds these acceptable subject to further conditions to secure:

- Further Bat Surveys at the appropriate time of year;
- Addition of Bat and Bird Boxes within the new build; and
- The implementation of a Mitigation and enhancement scheme.

Trees

- 6.23. At present, there are no trees on the application site. It is considered that tree planting would form an integral part of the development and good quality landscaping will be required across the site. There are various opportunities for tree planting along the site's various boundaries. And as such, a landscaping condition, alongside soft works and hard standing details conditions will be attached to any subsequent planning consent.

West-Midlands-Police

- 6.24. West Midlands Police have recommended the use of a suitable CCTV system, alongside a detailed lighting strategy. Suitable conditions are included.

Air quality

- 6.25. The whole of Birmingham falls within an air quality management zone (AQMA). An Air Quality Assessment, submitted in support of the application, considers any air quality impacts from both the construction and operational phase of the proposed development. The report sets out that during the construction phase of the development there would likely be an increase in dust, however appropriate mitigation measures are recommended and following their implementation in full the report finds that the effects of these would be significant and temporary. With reference to the operational phase of the phase, the report finds any impacts to be nil to negligible. Appropriate conditions securing construction/demolition method statements are attached; alongside a further condition to ensure compliance with the submitted air quality report dust mitigation measures during the construction stage of the development.

Contaminated land

- 6.26. It is not expected that the sites redevelopment would result in any new contaminated land related concerns. However, a condition to cover any unexpected contamination works, should this be found on site.

Flood risk and drainage

- 6.27. Various sustainable drainage reports have been reviewed by the Lead Local Flood Authority who recommend conditions in relation to the prior submission of a Surface water drainage scheme and a Sustainable Drainage Operation and Maintenance Plan. These conditions are attached accordingly.

7. Conclusion

- 7.1. The proposed works would increase car parking provision and make the site much more permeable and user friendly. The proposed design is considered to be of a high standard and the proposed development would achieve the highest sustainability credentials. The proposed works are not considered to result in any new undue amenity or traffic or highways related concerns and subject to the below conditions are considered to be acceptable and are hereby recommended for approval.

8. Recommendation

- 8.1. Approve subject 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 hard and/or soft landscape details |
| 4 | Requires the submission of hard surfacing materials |
| 5 | Requires the submission of boundary treatment details |
| 6 | Requires the submission of sample materials |
| 7 | Requires the prior submission of level details |
| 8 | Requires the submission of Architectural details |
| 9 | Requires the prior submission of an additional bat survey |
| 10 | Requires the prior submission of details of bird/bat boxes |
| 11 | Requires the implementation of the submitted mitigation/enhancement plan |
| 12 | Requires the prior submission of a construction method statement/management plan |
| 13 | Limits the noise levels for Plant and Machinery |
| 14 | Requires the submission of unexpected contamination details if found |
| 15 | Implementation of Air Quality Protection Measures |
| 16 | Installation of an acoustic barrier |
| 17 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 18 | Requires the prior submission of a sustainable drainage scheme |
-

-
- 19 Requires the submission of entry and exit sign details
 - 20 Requires the submission of a parking management strategy
 - 21 Requires the submission of cycle storage details
 - 22 Requires pedestrian visibility splays to be provided
 - 23 Prevents occupation until the parking area has been constructed
 - 24 Requires the submission of a commercial travel plan
 - 25 Requires the prior submission of a BREEAM certificate and post construction report
-

Case Officer: Idris Gulfraz

Photo(s)



Photo 1 – Lozells Road Mosque frontage.



Photo 2 – Lozells Road – looking east towards Mosque.

Location Plan



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Committee Date:	18/03/2021	Application Number:	2020/00878/PA
Accepted:	02/03/2020	Application Type:	Full Planning
Target Date:	18/08/2020		
Ward:	Soho & Jewellery Quarter		

123-125 Soho Hill, Hockley, Birmingham, B19 1AX

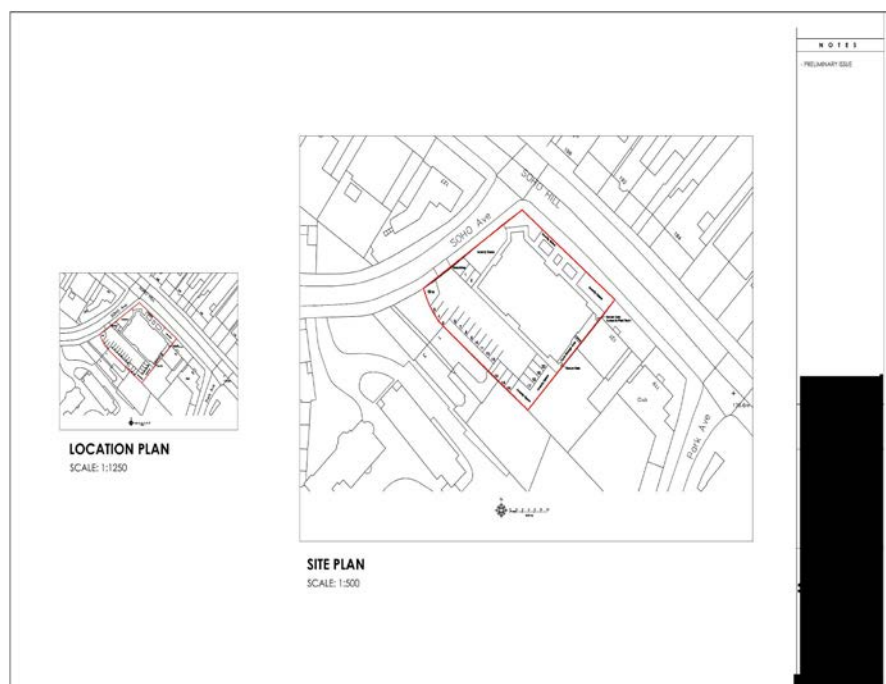
Change of use of first floor from ancillary offices and caretakers flat to 9 no. self contained apartments and associated landlords office.

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. This application proposes the change of use of the first floor of the building from ancillary offices and caretakers flat to 9 self contained apartments (Use Class C3) and associated landlords office.
- 1.2. The existing rear car park would provide 20 car parking spaces.
- 1.3. No external alterations or extensions are proposed. The applicant has confirmed the areas marked as amenity areas are a buffer between the residential units and parking spaces rather than external amenity area and that existing hard surface of the car park will remain as existing.



1.4.



1.5. [Link to Documents](#)

2. [Site & Surroundings](#)

2.1. The application site is located within Lozells and Soho Hill Conservation area and Soho Road district centre. The surrounding area is a mixture of commercial and residential premises.

2.2. [Site location map](#)

3. [Planning History](#)

- 3.1. 20.01.2021- 2020/09507/PA- Prior Approval for change of use of ground and first floor from retail and offices (Use class E) to 17no. apartments (Use Class C3)- Refused on the basis that based on the evidence available, the lawful use of the premises remains as a wholesale electrical showroom with associated storage and office uses aswell as caretakers flat (Sui Generis) and hence it is not possible to utilise either Class O and or M of part 3, schedule 2 the GPDO (as amended) to seek prior approval for the use of the premises for apartments (Use Class C3).
- 3.2. 01.05.2020- 2020/00122/PA- Change of use from ground floor retail shop (Use Class A1) to 8 no. residential units (Use Class C3)- approved subject to conditions.
- 3.3. 13.08.2018- 2018/05195/PA- Change of use from ground floor retail shop (Use Class A1) to 4 no. residential units (Use Class C3).
- 3.4. 07.08.2018- 018/06025/PA Non-Material Amendment to approval 2017/02201/PA for amendments to internal layouts- approved.

- 3.5. 04.10.2017- 2017/02201/PA- Change of use of first floor offices to 8 no. self contained apartments-approved with conditions.
- 3.6. 12.12.2016- 2016/07434/PA- Prior Approval for change of use from offices (Use Class B1(a)) to 15 no. residential apartments (Use Class C3)- Withdrawn.
- 3.7. 20.07.2000- 1999/05873/PA- Two-storey commercial development for wholesale electrical showroom/storage/offices use with caretakers flat and parking area- approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Nearby occupiers, local councillors, local MP, local neighbourhood forum as well as Brook Area Residents and Shopkeepers Group notified as well as site and press notices displayed- no response received.
- 4.2. Transportation Development- no objection subject to conditions.
- 4.3. Regulatory Services- no objection subject to conditions.
- 4.4. West Midlands Police- make recommendations regarding areas of concern.
- 4.5. Severn Trent- no objection subject to a drainage condition.

5. Policy Context

- 5.1. BDP; Saved UDP policies, Places for living, SPD Car Parking Standards and the NPPF.

6. Planning Considerations

- 6.1. Principle
- 6.2. The principle of residential accommodation is acceptable.
- 6.3. Space standards
- 6.4. Though the nationally described space standard' have not been formally incorporated into adopted local planning policy, they do set out an acceptable standard by which to assess the floorpace sizes of the proposed units.
- 6.5. Based on the, the overall size of apartment 9 would fall short (by 2 sq.m) of the overall size requirements of a 1 bedroom unit (the nearest comparative type of accommodation in national standards). Furthermore, whilst the double bedroom in unit 14 would measure 9.72 sqm and its narrowest point 1.83 metres wide in comparison to the target 11.5 sq. and 2.75 m respectively in national standards, I consider this is acceptable in this case given that the bedroom would have a splayed corner which would result in a small section of the bedroom being the aforementioned width.

- 6.6. Amenity area
- 6.7. Local planning policy encourages the provision of on site external amenity area for flats. With this in mind, whilst I note the submitted drawings indicate amenity area to be provided to the rear, side and front of the building, such would not constitute private amenity area for residents in the traditional sense in terms of its use for private recreation, relaxation and functional use. Instead those areas identified as amenity areas are disjointed, irregular in shape, largely not screened from the public realm and instead appear to parts of existing soft landscaping to the front of the site and areas of hard tarmac that form part of the rear car park. Nevertheless, I do not consider this is a reason to refuse this application as the proposal is for the conversion of an existing building which is set within the boundary of a district centre (Soho Road) where apartment developments are not typically expected to provide external private amenity area and the I would not expect the external amenity areas indicated on the submitted plans to be used for traditional amenity related purposes.
- 6.8. Overlooking
- 6.9. The development will make use of existing windows within the building and as such no overlooking issue identified.
- 6.10. Impact on Lozells and Soho Hill Conservation area
- 6.11. No adverse impact on Lozells and Soho Hill Conservation area would arise as a result of the proposed development.
- 6.12. Light to and outlook from some of the bedrooms
- 6.13. I note that the source of natural day light to the bedrooms to apartments 12, 13, 14 and 16 would solely be through roof top sky lights. Though this represents an unusual arrangement a precedent has been set through the approval of application 2017/02201/PA in 2017 in which roof lights were approved along similar lines to serve the sleeping areas situated in the middle of 4 of the units on the first floor.
- 6.14. Parking
- 6.15. The 9 flats at first floor level and previous (2020/00122/PA) application for ground floor with 9 flats, would require a maximum of 38 parking spaces. Whilst the applicant is providing a total of 20 parking spaces it is considered that in this context that the level of parking would be satisfactory. The reasons for this include that it is considered that one bedroom flats would be likely to generate lesser parking demand compared to 2 bedroom flats; the site is within the boundary of a defined local centre and that the site benefits from excellent links by all modes of transport which would mean that that the proposed development would not have any significant impact on highway safety and the free flow of traffic.
- 6.16. In respect of the conditions requested by Transportation development their request for the reinstatement of the redundant footway crossing fronting the application site on Soho Hill does not meet the tests of conditions.
- 6.17. Environmental matters

- 6.18. The development would secure the provision of vehicle charging points.
- 6.19. S106 affordable housing
- 6.20. Given this scheme was submitted at a similar time to an application to convert the ground floor to 8 apartments under application 2020/00122/PA (which has been agreed), this development coupled with the conversion of the ground floor takes the number of units overall within the building to 17 thereby triggering the requirement for the provision of affordable units.
- 6.21. The applicant has submitted a financial summary of the scheme which has been assessed by the City Councils appointed independent assessor. They have concluded that the scheme would be financially viable to provide either 2 (one bedroom) low cost units or a financial contribution of £45,000 in lieu of on site provision.
- 6.22. I consider that on balance, the off site financial contribution is the preferred option for reasons that include helping expand the local authority's affordable housing dwelling stock which can include family houses.
- 6.23. Comments from Severn Trent and WM Police.
- 6.24. Severn Trent have requested a condition that requires details of foul and surface water drainage. I do not consider such is necessary because there are no alterations proposed to the exterior surface of the site.
- 6.25. West Midlands Police request suitable conditions to secure a CCTV scheme and lighting. I concur with this view.
- 6.26. With regard to their comments to cycle storage and maintenance of soft landscaping (so that it does not obscure natural surveillance of the site) such can be conditioned. With regard to their request to control access of the car park, access control of access to the building, access control of refuse collection and issues related managing postal/parcel deliveries to the site in a controlled manner are expected to be undertaken by the site operator without the recourse to conditions to control such.
- 6.27. Finally, in respect of their request that if approved, the work is undertaken to the standards laid out in the Secure by Design Secure by Design 'Homes 2019', this can be relayed to the applicant as an advisory if the application is approved.

7. Conclusion

- 7.1. The proposed development is an acceptable development that would help increase the City's residential stock. No adverse impact is identified subject to safeguarding conditions.

8. Recommendation

- 8.1. That consideration of planning application 2020/00878/PA should be approved subject to the completion of a planning obligation agreement to secure the following:
- a) a sum of £45,000 (index linked) to be spent on the provision of affordable dwellings elsewhere in the City.

b) payment of a monitoring and administration fee of £1, 500 associated with the legal agreement.

- 8.2. In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before the 1st April 2021 or such later date as may be authorised by officers under delegated powers that planning permission be refused for the following reason:
- 8.3. a) In the absence of any suitable legal agreement for affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan, affordable housing SPG and the NPPF.
- 8.4. That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.5. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 1st April 2021 or such later date as may be authorised by officers under delegated powers favourable consideration be given to this application subject to the conditions listed below .

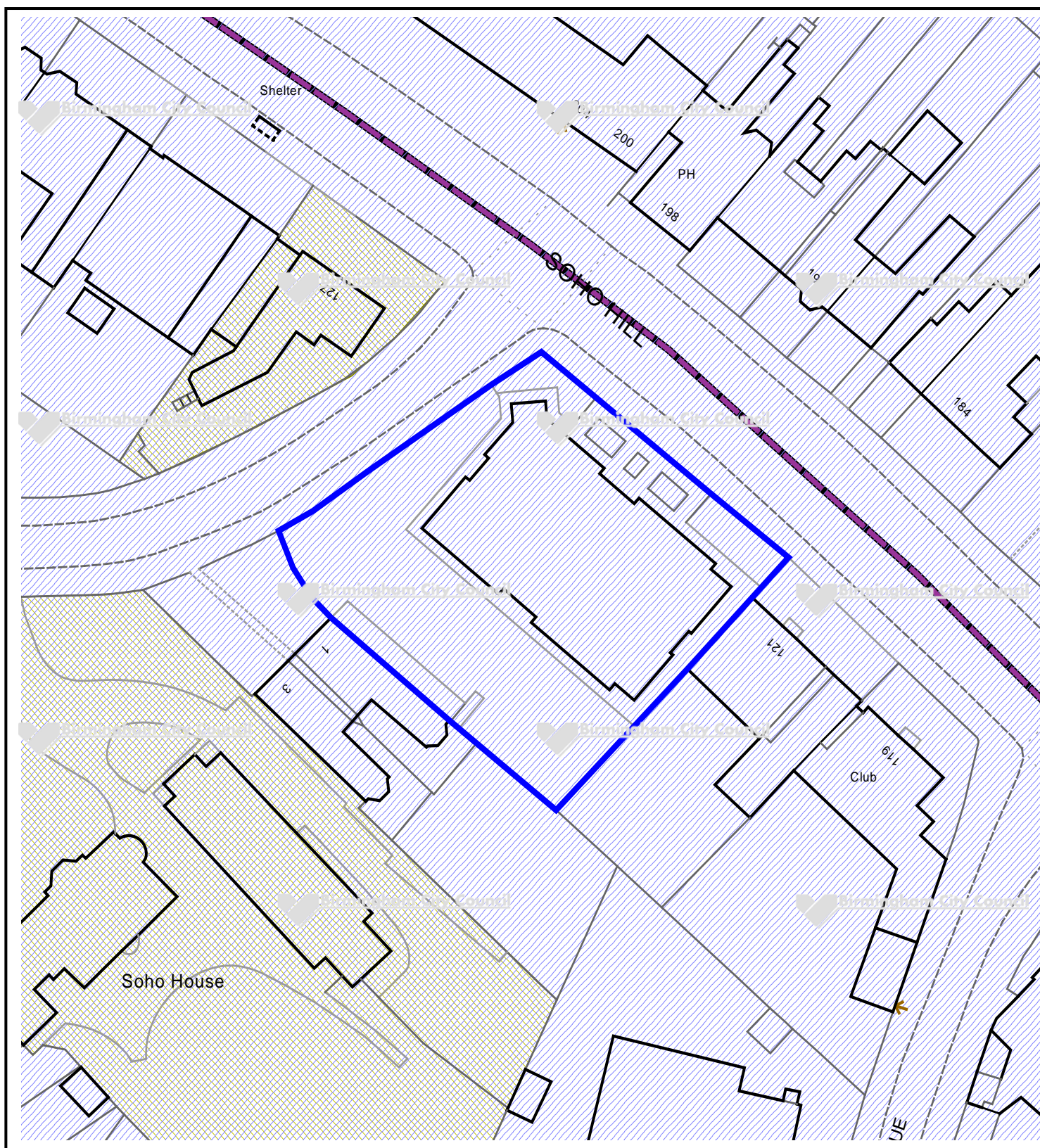
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|----|---|
| 1 | Requires the submission of hard and/or soft landscape details |
| 2 | Requires the submission of a landscape management plan |
| 3 | Requires the submission of a lighting scheme |
| 4 | Requires the submission of cycle storage details |
| 5 | Requires the submission of boundary treatment details |
| 6 | Requires the submission of a CCTV scheme |
| 7 | Requires details of rooflights that would serve apartments 12, 13, 14 and 16. |
| 8 | Requires details of secure access gate to plant room and cycle storage indicated on 'site and location maps drawing
'. |
| 9 | Requires the provision of vehicle charging points |
| 10 | Requires the submission a Noise Insulation Scheme to establish residential acoustic protection |
| 11 | Requires the scheme to be in accordance with the listed approved plans |
| 12 | Implement within 3 years (Full) |
-

Case Officer: Wahid Gul

Photo(s)



Location Plan



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Birmingham City Council

Planning Committee

18 March 2021

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	10	2020/04405/PA 1256-1258 Pershore Road Bournville Birmingham B30 2YA Demolition of existing buildings and erection of 3 storey building consisting of ground floor commercial use (A1-A4) and 31 units of student accommodation.
Approve - Conditions	11	2019/06453/PA The York Public House York Road Hall Green Birmingham B28 8LE Erection of three storey extension and associated works to create a 30 bed hotel
Approve - Conditions	12	2020/10218/PA Buzz Bingo Park Way Rubery Birmingham B45 9WA Change of use of bingo hall (Sui Generis) to gymnasium (Use Class E)
Approve - Conditions	13	2020/09252/PA 126 Billesley Lane Moseley Birmingham B13 9RD Installation of extraction duct

Committee Date:	18/03/2021	Application Number:	2020/04405/PA
Accepted:	02/07/2020	Application Type:	Full Planning
Target Date:	19/03/2021		
Ward:	Stirchley		

1256-1258 Pershore Road, Bournville, Birmingham, B30 2YA

Demolition of existing buildings and erection of 3 storey building consisting of ground floor commercial use (A1-A4) and 31 units of student accommodation.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Permission is sought to erect a building on the corner of Pershore Road and Twynning Road. The scheme provides 3 storeys of purpose built student accommodation and fronts onto both the Pershore Road and Twynning Road. The building has a maximum height of 9.8m on the Pershore Road and reduces to 8.5m high on Twynning Road. The building would be built up to the pavement on the Pershore Road frontage and would be set back a maximum of 3.8m on the Twynning Road frontage. The building has a high level of glazing at ground floor level on the Pershore Road and would be constructed with red bricks. A flat roof is proposed for the building.



Image 1: Pershore Road Elevation

- 1.2. The ground floor would consist of 82sqm of commercial space (A1-A4) located across the majority of the Pershore Road frontage. The remainder of the ground floor consists of kitchen/office, 6 studios, cycle and waste storage, a plant room,

communal room and lobby area. A further 25 studio rooms are provided over the other 2 floors meaning a total of 31 units of student accommodation. 110sqm of external amenity space is proposed with 66sqm located adjacent to Twynning Road and a further 44sqm located to the side and rear. No car parking has been provided but 12 cycle spaces have been incorporated into the scheme.



Image 2: Proposed Site Plan

- 1.3. The application is a re-submission of 2019/05131/PA which was withdrawn. The application was recommended for refusal on 6 grounds. The specific issues were the harm to the character and appearance of the area, loss of a non-designated heritage asset, insufficient outdoor amenity space, insufficient evidence to demonstrate a need for student accommodation, insufficient evidence to demonstrate that the proposal will not exacerbate surface water flood and insufficient information to assess the impact on air quality.
- 1.4. An Ecology Survey, Design and Access Statement, Student Need Assessment, Transport Statement, Planning Statement, Air Quality Assessment, Drainage Statement and an Energy and Sustainable Construction Statement have been submitted in support of this application.
- 1.5. The total site area is 546sqm.
- 1.6. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site sits within Stirchley District Centre and is currently occupied by a 2 storey building with a 2 storey and single storey rear wing. The Pershore Road frontage includes two commercial units, a barbers and an unoccupied antiques store. Adjacent buildings on the Pershore Road generally consist of traditional 2 storey terraced properties although the adjacent unit is a larger detached property. These properties are generally A1, A3 and A5 uses. To the east are 2 storey terraced dwellings on Twynning Road. Bournville train station is 550m south west.
 - 2.2. [Site Location Plan](#)
3. Planning History

- 3.1. 2019/05131/PA - Demolition of existing buildings and erection of 5 storey building consisting of ground floor commercial use (A1-A4) and 42 units of student accommodation. Withdrawn on 17th October 2019.
4. Consultation/PP Responses
 - 4.1 Lead Local Flood Authority – No objection subject to conditions requiring the submission of a sustainable drainage scheme and a sustainable drainage operation and maintenance plan.
 - 4.2 Severn Trent – No objection subject to condition requiring drainage scheme
 - 4.3 Police – No objection subject to conditions requiring the provision of CCTV and secure front doors.
 - 4.4 West Midlands Fire Service – No objection
 - 4.5 Regulatory Services – No objection subject to conditions requiring glazing and ventilation details, submission of a construction management plan and implementation of air quality scheme.
 - 4.6 Transportation – No objection subject to conditions regarding reinstatement of full height kerbs, installation of boundary treatment to forecourt area, parking management strategy and demolition and construction management plans.
 - 4.7 Local occupiers, Ward Councillors, MP and resident associations were notified. Two site notices and a press notice have been displayed, with 86 letters of objection received. The following concerns have been raised:
 - Demolition is unnecessary;
 - ghost sign will be lost;
 - Harmful to the character and history of the local area;
 - Over-intensive development;
 - The height of the building is excessive and visually dominant;
 - Building doesn't respect building lines;
 - Increased crime;
 - Increased congestion on local roads;
 - Increased highways safety risks;
 - Insufficient parking provision already locally;
 - Insufficient cycle parking;
 - insufficient communal facilities;
 - Studios are too small;
 - No need for student accommodation, particularly after Covid-19 crisis;
 - Site is too far from educational institutions;
 - Affordable family housing is needed instead;
 - Poor quality living environment for students;
 - Insufficient outdoor amenity space for students that's lacks privacy;
 - No disabled access to upper floors;
 - Development would appear over-bearing;
 - Increased noise and disturbance from occupiers;
 - Noise and disturbance during construction;
 - Loss of privacy;
 - Loss of light;
 - Concerns over who would occupy units if not let to students;

- Loss of community spirit;
 - Damage local businesses and community as a whole;
 - Harms the regeneration of Stirchley;
 - Public transport between application site and University isn't good;
 - Loss of popular local business and residential accommodation;
 - Vacant building should be utilised by independent local business;
 - Other vacant sites should be utilised instead;
 - Harmful impact on house prices;
 - Rental prices will be pushed upwards;
 - Unclear how the site will be managed;
 - Harmful impact on climate change agenda through unnecessary demolition that creates waste;
 - Buildings should be reused;
 - Scheme is just a money making exercise;
 - Increased litter, rubbish and flytipping; and
- 4.8 One letter of support has been received highlighting the following matters:
- This is form of accommodation is preferable to HMOs;
 - Development would boost local economy; and
 - Encourage further business investment in Stirchley
- 4.9 A petition with 379 signatures has submitted against the application. Specific concerns include:
- No need for student accommodation;
 - Increased noise and anti-social behaviour;
 - No parking provision;
 - Loss of privacy;
 - Already too many HMOs;
 - Out of character with the area;
 - Undue pressure placed on local services; and
 - Poor drainage.
- 4.10 An objection has been received by the Stirchley Neighbourhood Forum raising the following concerns:
- Excessive scale and height;
 - Harmful to the character of the area;
 - Inappropriate location for student accommodation; and
 - Unclear how ghost sign will be retained in a meaningful way;
- 4.11 An objection has been received by Steve McCabe MP raising the following comments:
- Inappropriate location for student accommodation;
 - No parking provision will have harmful impact on local streets;
 - Insufficient cycle parking;
 - No need for student accommodation;
 - Too far from University;
 - Unique character of Stirchley would be harmed by student accommodation; and
 - Development would have huge impact on the local community.
- 4.12 An objection has been received by Councillor Mary Locke. She has raised the following concerns:
- Major parking issues in the area; and

- Loss of historic buildings and ghost sign.

4.13 The applicant has submitted a letter of support for his scheme which has been shared with all Members of the Planning Committee.

5. Policy Context

5.1 The following local policies are applicable:

- Birmingham Development Plan (BDP) 2031
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Places for Living SPG
- Car Parking Guidelines SPD
- 45 Degree Code
- Shopping and Local Centres SPD
- Specific Needs Residential Uses SPG
- Stirchley Framework SPG

5.2 The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

6.1. I consider the key planning issues to be considered are: the principle of the student accommodation; The impact on Stirchley Neighbourhood Centre, the design and scale of the proposed development; the impact on residential amenity, the impacts on traffic and highway safety; the impact on ecology; drainage; pollution; landscape and trees and planning contributions.

6.2. The principle of Student Accommodation

6.3. Policy TP33 (Student Accommodation) sets out a number of criteria that need to be met before off campus provision will be considered favourably. Criteria include that there is a demonstrated need for the accommodation, the site is well located, there is no unacceptable amenity impact, the scale, massing and design is acceptable and the scheme provides an acceptable living environment for students.

6.4. The application has been supported by a Student Need Assessment which has been reviewed by the Planning Policy Team. The Assessment identifies that there is a shortfall of purpose built accommodation of 8,837 for full time students at the University of Birmingham. This shortfall also includes all schemes in the pipeline that have consent but are not complete. Even taking into account all other current applications for purpose built student accommodation, there is still a shortfall. In terms of identifying need the Assessment is in general accordance with Council's Student Accommodation Supply and Demand Paper (January 2021). The Planning Policy Team accepts the contents of the report and raises no objection to the scheme. The provision of further PBSA accommodation will therefore provide greater choice to students and reduce the reliance on houses of multiple occupation.

6.5. The scheme consists entirely of studios. Whilst a greater mix may be preferable communal rooms are provided on each floor as well as a shared outdoor amenity space. This ensures that each student has privacy but also the opportunity to interact with fellow students. The shared facilities reduce the risk of isolation being an issue for future occupiers.

- 6.6. Policy TP33 emphasises that schemes of purpose built accommodation should be very well located in relation to the educational establishment that it will serve. The Council's Supply and Demand Paper defines a reasonable walking distance as 15-20 minutes which equates to a distance of around 1.5km. In this case the site is 2.5km from the University of Birmingham which equates to a 32 minute walk. However, the site is 550m from Bournville railway station which has a service every 10 minutes to University Station. With the train journey being just 6 minutes in length it is considered that the application site provides good access to the University Campus. It is important to add that the application site is located within Stirchley District Centre in close proximity to a large food store, other retail units, restaurants and takeaway outlets. There are also regular bus services available on the Pershore Road that provides direct access to the City Centre.
- 6.7. On balance, it is considered that the application site is in a suitable location to provide for purpose built student accommodation, being a brownfield site in close proximity to the University and local services/amenities, including Stirchley District Centre and would, consequently, achieve sustainable benefits. Current planning policy does not restrict the provision of student accommodation at this site and therefore I consider such development would be acceptable in principle, and the need for additional student accommodation has been demonstrated in accordance with Policy TP33 of the Birmingham Development Plan.
- 6.8. The Impact on Stirchley District Centre
- 6.9. The building is situated within the Stirchley District Centre but outside of the Primary Shopping Area (PSA). Policy 5 of the Shopping and Local Centres SPG seeks to prevent an over concentration of restaurants, drinking establishments and hot food takeaways within centre boundaries. In this case the applicant is seeking a flexible use between A1 and A4. The two units within the site are classified for retail use. The buildings around the site are in mix of uses including some restaurants and a drinking establishment. At this stage it is unclear whether the proposal will increase concentrations of A3 and A4 uses in this area of the Pershore Road. In challenging economic times for High Streets such flexibility in use classes is crucial to increase the likelihood of the unit being occupied. It is important to remember that the site is in close proximity to the Primary Shopping Area where a high proportion of retail units are retained. The proposal therefore accords with the Shopping and Local centre's SPD.
- 6.10. Design
- 6.11. The Stirchley Framework SPD emphasises that the design of new development should respond to the local context making specific reference to the Victorian and Edwardian buildings which are within Stirchley.
- 6.12. The surrounding area consists mainly of 2 storey terraced properties. The proposed building is three storeys high with the building height reducing in height on Twynning Road ensuring that it is no taller than the adjacent terraced properties. This is a significant improvement on the previous scheme which was 5 storeys high on the corner.
- 6.13. The architecture has been amended to show brick patterns and recesses and alternating brickwork in the fenestration. The brickwork on the ground floor to both blocks will be textured with every other course being recessed. The elevations would be constructed entirely of red/orange brick which is considered acceptable.



Image 3: Twyning Road elevation

- 6.14. In summary the development is sympathetic to its surroundings in terms of its scale, massing and detailed design.
- 6.15. The proposal results in the loss of the traditional Victorian terraced property that occupies a prominent corner plot. The building includes a high level 'ghost' advertisement on the side elevation. The building contributes to the authentic street character, being typical of the scale, age and design of the majority of buildings on this stretch of Pershore Road. On this basis the building is a non-designated heritage asset. In addition a locally listed building is opposite (Three Horse Shoes PH).
- 6.16. Paragraph 197 of the NPPF states that the effect on the significance of a non-designated heritage asset should be taken into account in weighing applications that directly or indirectly affect non-designated heritage assets. The application would result in the total loss of a heritage asset to which the Conservation Officer objects. However, it is important to note that Victorian terraces such as these are commonplace within Stirchley which limits the significance of this asset. Furthermore, the replacement is considered to be of high quality which was not the case with the previous scheme which was excessive in terms of scale and massing. On balance, the loss of the buildings is considered acceptable due to the high quality of the proposed development.
- 6.17. Residential Amenity
- 6.18. The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are provided for the occupiers of new dwellings and retained for the occupiers of adjacent properties.
- 6.19. The closest residential property is No. 3 Twyning Road to the south. Neither the 3 storey rear wing or side elevation of No. 3 contains any windows ensuring no overlooking can occur. When measuring from the rear elevation of No.3 there is no breach of the 45 degree code so there would not be a loss of light. All other adjoining properties are in commercial use.
- 6.20. Two areas of shared outdoor amenity space are provided which totals approximately 110sqm. 66sqm is located on the site frontage and a further 44sqm is located to the side and rear. On the previous application only 66sqm was proposed for 42 students so this is a notable improvement. Based on the current plans 66sqm of the

space to be provided would still not be private as it is enclosed from Twynning Road by a low level wall and railings. However, an alternative boundary treatment that is taller and more solid (e.g. 1.8m high wall/fence) could be secured by condition to increase the levels of privacy for the proposed occupiers. The quality of the remaining 44sqm is limited as it is a narrow strip of land between the proposed development and the adjacent property meaning it would receive only limited levels of natural light. However, the space is only for a small number of students and there is a good level of communal space within the building (69sqm). Furthermore, the site is just a 300m walk from Hazelwell Park. Taking into account the excellent access to public open space the level and quantity of internal communal space the level of external amenity space is on balance considered to be acceptable.

- 6.21. Studio accommodation for students should be a minimum of 12.5sqm and this been exceeded comfortably in all cases. All habitable rooms are provided with a reasonable outlook and access to natural light. In addition a common room is provided on each floor of the development. The internal living environment is considered acceptable.

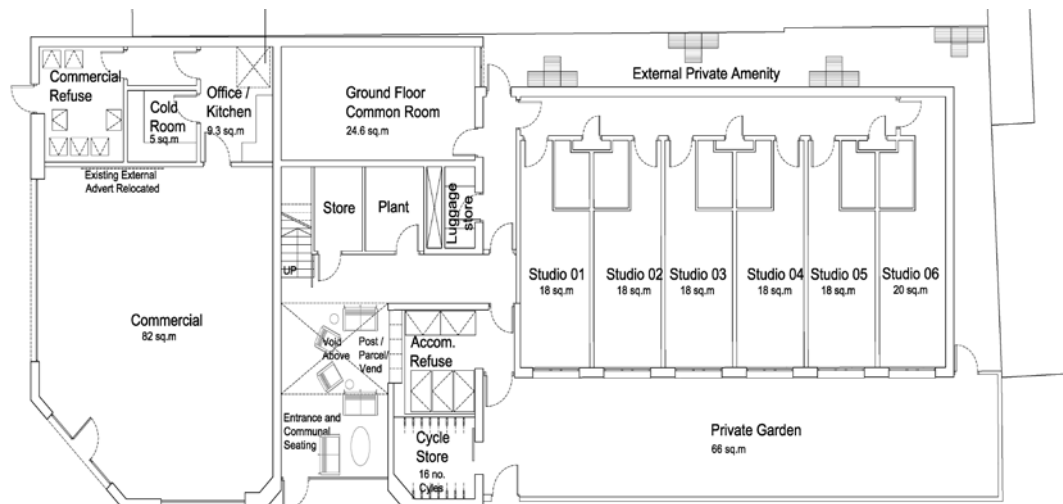


Image 4: Ground floor layout

- 6.22. Concerns have been raised over the potential for increased levels of crime and anti-social behaviour. West Midlands Police raised no objection as there is no evidence that the introduction of 31 students into the area within purpose built secure accommodation would increase crime or levels of anti-social behaviour.
- 6.23. In summary, the proposal does not have an undue amenity impact on the occupiers of adjacent properties and provides an acceptable living environment for the proposed occupiers.
- 6.24. Traffic and Highway Safety
- 6.25. The site is in a sustainable location within Stirchley District Centre and is in close proximity to bus routes that provide direct access to the City Centre. In addition the site is 550m from Bournville Train Station. Provision has been made for 12 cycle spaces but no car parking has been provided. The Council's car parking standards require a maximum of 1 per 7.5 students and therefore a maximum of 5 spaces could be provided. A number of concerns have been raised regarding the lack of parking. However the site is in a highly sustainable location and the Transportation Officer considers that a shortfall of just 5 spaces against this maximum standard is

insufficient to warrant refusal. In addition the level of cycle parking exceeds the requirements of 1 space per 4 beds with 1 for every 3 bed spaces being provided.

- 6.26. To minimise disruption conditions requiring the submission of construction management plan and parking management strategy are recommended.
- 6.27. Transportation have raised no objection to the scheme subject to conditions and consequently it is considered that the proposal will not have an adverse impact on the highway network.
- 6.28. Ecology
- 6.29. The Council has a duty to consider the impact of any proposal on protected species. An Ecological Survey has concluded that the site has not been utilised by bats as either a roost or for foraging purposes. The Ecologist considers that the proposal can be implemented without an undue impact on the protected species.
- 6.30. Drainage
- 6.31. Insufficient drainage information was submitted in support of the previous application. The applicant has now provided a more detailed Flood Risk Assessment and Drainage Statement. The Lead Local Flood Authority are content that sufficient information about the proposed drainage scheme has been provided.
- 6.32. Pollution
- 6.33. The site is on Pershore Road where there are known high levels of traffic noise. A noise assessment has acknowledged that an enhanced glazing specification is required on the Pershore Road frontage which can be addressed via condition.
- 6.34. Regulatory Services indicate that the air quality objective for nitrogen dioxide is likely to be exceeded in the vicinity of the development. Paragraph 181 of the NPPF indicates that planning decisions should take into account air quality and that opportunities to improve air quality or mitigate impacts should be identified. The applicant has submitted an Air Quality Assessment, which was not the case with the previous application. Regulatory Services are content with the proposal to install a MVHR system whilst also leaving windows openable for purge ventilation to allow residents a choice to have open windows. A condition is recommended to ensure that the scheme detailed is incorporated into any built scheme. It is considered that the previous concerns regarding air quality has been overcome.
- 6.35. Landscape and Trees
- 6.36. There are street trees on the Pershore Road frontage in close proximity to the development. However, if an Arboricultural Method Statement is provided there should be no undue impact on the trees. A condition requiring the submission of a landscaping scheme could deliver additional planting to provide a suitable outdoor amenity space for occupants.
- 6.62. Sustainability
- 6.64. The submitted Sustainable Construction and Energy Statement demonstrates that a range of renewable technologies have been considered and the proposal incorporates air source heat pumps and photovoltaic panels. The statement also sets out that how the building can meet the BREEAM 'good' standard. It is noted that the

policy requires BREEAM 'excellent' however in this instance it would make the scheme unviable. On larger schemes the economies of scale involved make it much easier to achieve 'very good' and 'excellent'. On balance, the achievement of BREEAM 'good' is considered acceptable in this instance. To ensure that this is achieved a condition will be attached.

6.37. Planning Contributions

6.38. In accordance with the CIL charging Schedule payment of £46,525.70 is required.

7. Conclusion

7.1. I consider the development of this site for purpose built student accommodation would be acceptable in principle, given this is a brownfield site in a highly sustainable location within Stirchley District Centre. The siting, scale and appearance of the proposed development would be acceptable and would sit comfortably in the streetscene. There would be no adverse impact on the amenity of neighbouring residential occupiers and the development would provide an acceptable living environment for future occupiers. A town centre use is also retained at ground floor level to support the function of the local centre. Therefore I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

8.1. Approval subject to conditions.

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| 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 submission of hard and/or soft landscape details |
| 5 | Requires the submission of hard surfacing materials |
| 6 | Requires the submission of boundary treatment details (including 1.8m high fence/wall to Twynning Road) |
| 7 | Requires the submission of a landscape management plan |
| 8 | Requires the prior submission of level details |
| 9 | Arboricultural Method Statement - Submission Required |
| 10 | Requires tree pruning protection |
| 11 | Requires the prior submission of a sustainable drainage scheme |
| 12 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
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| 13 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 14 | Requires the prior submission of a construction method statement/management plan |
| 15 | Requires the submission of a CCTV scheme |
| 16 | Requires the submission of a lighting scheme |
| 17 | Requires the submission of a Student Management Plan |
| 18 | Implementation in accordance with Air Quality Statement |
| 19 | Maximum occupancy of 31 students |
| 20 | Submission of final BREEAM good certificate |
| 21 | Prior submission of solar PV location plan |
| 22 | Prior submission of air source heat pump location details |
| 23 | Implementation of recommendations within Noise Assessment |
-

Case Officer: Andrew Fulford

Photo(s)



Photo 1: Front Elevation of application site on Pershore Road



Photo 2: View of side elevation from Twynning Road

Location Plan



13

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Committee Date:	18/03/2021	Application Number:	2019/06453/PA
Accepted:	01/03/2021	Application Type:	Full Planning
Target Date:	31/05/2021		
Ward:	Hall Green North		

The York Public House, York Road, Hall Green, Birmingham, B28 8LE

Erection of three storey extension and associated works to create a 30 bed hotel

Recommendation

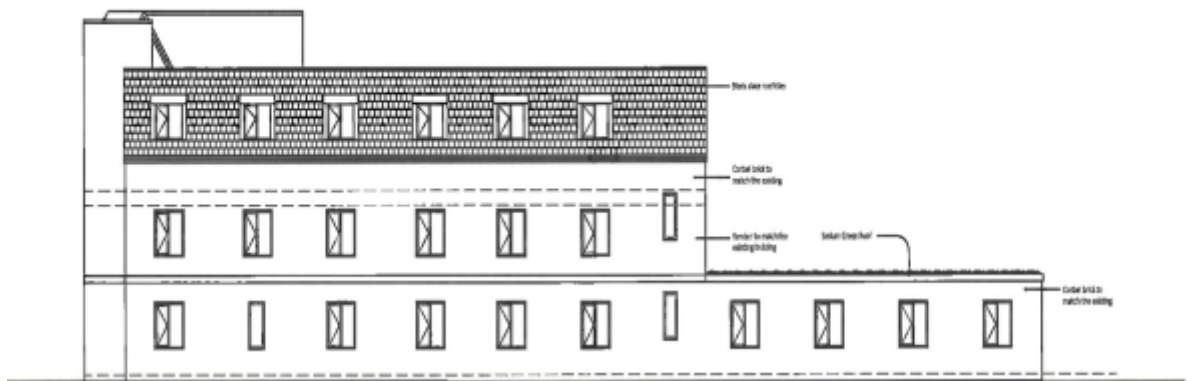
Approve subject to Conditions

1. Proposal

- 1.1. Erection of three storey extension and associated works to create a 30 bed hotel at The York Public House, York Road, Hall Green.
- 1.2. The proposed extension would measure 41m in length x 7.9m in width. It would be three storeys in height measuring 9.7m (6.7m to eaves), with a hipped roof, six dormer windows within the elevation towards Brooklands Road and a chimney stack measuring 5.5m high to accommodate the lift shaft. There would be a lower single storey flat roof element 3m in height. The external materials would consist of render and black slate roof tiles. The single storey element would have a sedum garden roof. The proposed extension would be connected to the existing building via a two storey link.
- 1.3. The existing public house and restaurant would be incorporated into the proposal. On the ground floor, there would be various seating areas, toilets, kitchen, hotel reception, office and 8 bedrooms. On the first floor, there would be 13 bedrooms, and an office. On the second floor there would be 9 bedrooms and an office.
- 1.4. There would be 5 full time staff and 10 part time staff.
- 1.5. To improve the existing internal arrangements, the existing ground floor rear projection would be extended by 4m and connected to the adjoining part of the building.
- 1.6. There would be a garden area to the rear. The existing external seating area to side along York Road and Fox Hollies Road would remain.



Front (York Road) Elevation



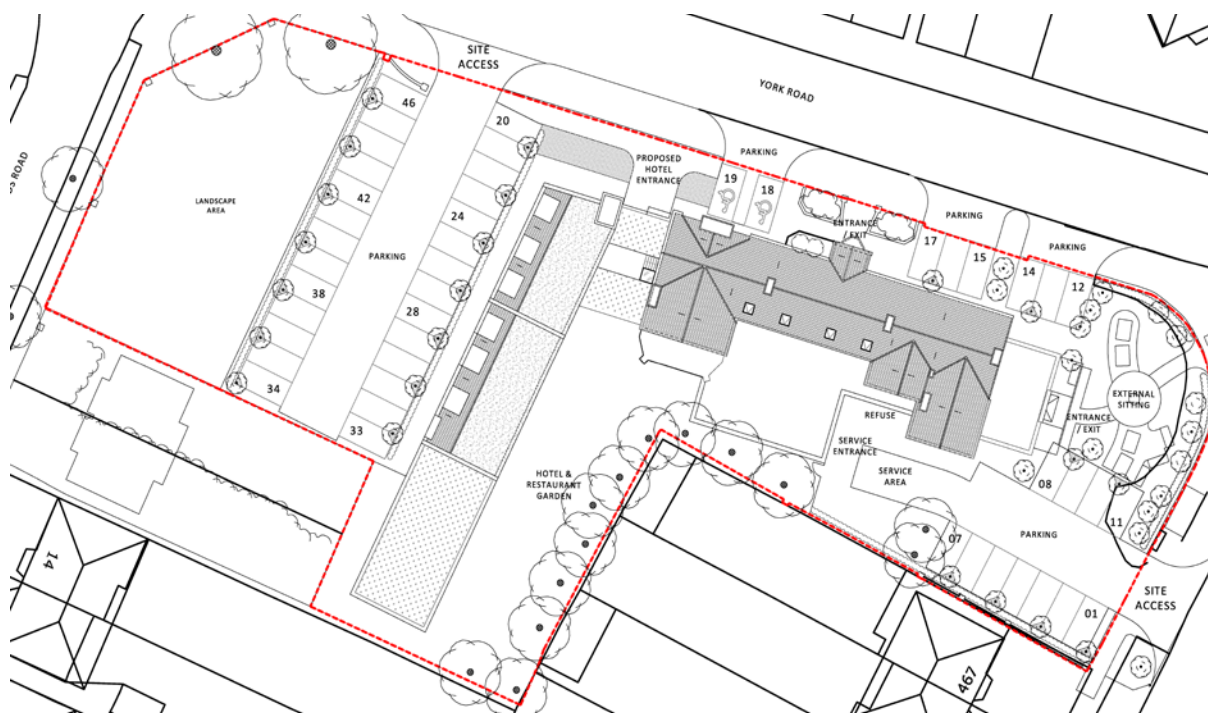
Side (Brooklands Road) Elevation



Rear Elevation

- 1.7. The existing entrances/exists along Fox Hollies Road and York Road would remain with a separate entrance for the hotel along York Road.
- 1.8. The existing vehicle access along Fox Hollies Road would be utilised as a service area. The area of hard standing accessed of Fox Hollies Road would be expanded with 11 parking spaces. Along York Road, 6 new parking spaces and 2 new disabled spaces would be created. New footway crossings would be installed to serve these

parking areas. The existing parking area accessed off York Road would be redefined and reconfigured with 27 parking spaces laid out as a new parking area.



Proposed Site Plan

- 1.9. A Planning Statement, Heritage Statement and Sequential Impact Assessment have been submitted to support the application.
- 1.10. The proposed development does not attract a CIL contribution.
- 1.11. Councillor Lou Robson has requested that if officers are minded to approve the application, the application is to be presented to Planning Committee for determination due to local concerns.
- 1.12. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site relates to The York Public House and its curtilage. The York is a predominately two storey building consisting of yellow stone and white render, and is Grade B Locally Listed. The curtilage of the public house contains a parking area which is accessed off York Road, and it also includes an external seating area along Fox Hollies Road and York Road. The main elevation fronts York Road.
 - 2.2. The site is situated in a predominately residential area, with two storey properties along York Road, Brooklands Road and Fox Hollies Road. Adjacent to the site on Brooklands Road there is a small commercial parade with residential above. The site is bound by a number of trees and Tree Preservation Order 1056 covers the site.
 - 2.3. [Site Location Plan](#)
3. Relevant Planning History

Various applications, the most relevant:

- 3.1. 14/07/1998 – 1998/02995/PA – Erection of kitchen extension – Approve subject to conditions.
- 3.2. 11/08/2005 – 2005/03358/PA – Erection of 15 apartments and construction of parking areas and means of access to highway – Refuse – Appeal Dismissed.
- 3.3. 05/07/2006 – 2006/02831/PA – Erection of rear extension, external alterations and works including the provision of two outdoor patio areas and a ramped entrance – Approved subject to conditions.
- 3.4. 30/08/2006 – 2006/05433/PA – Variation of planning approval S/02831/06/FUL to provide rear kitchen extension and associated extract and ventilation equipment, external alterations and works including the provision of outdoor terrace/patio area with three parasols and a ramped entrance - Approved subject to conditions.
- 3.5. 27/4/2018 - 2018/00261/PA - Erection of two dwellinghouses with associated access – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to following conditions: secure and sheltered cycle storage, extension of footway crossing, lamp post fronting disabled bays to be relocated, footway crossing serving disabled bay to be constructed, and pedestrian visibility splay of 3.3m x 3.3m x 0.06m to be incorporated in the footway crossing.
- 4.2. Regulatory Services - No objection subject to following conditions: extraction and odour control details, restriction on noise levels for plant and machinery, restriction on hours of use, deliveries and use of external seating areas electrical vehicle charging points.
- 4.3. Environment Agency – No objection.
- 4.4. Severn Trent Water – No objection subject to following condition: drainage plans to be submitted and agreed by LPA before development can commence and scheme being implemented in accordance with the approved details.
- 4.5. Local Flood Authority and Drainage – No comment.
- 4.6. West Midlands Police – No objection.
- 4.7. Neighbouring occupiers, Ward Councillors and Residents Associations notified and a Site and Press Notice displayed.
- 4.8. Seven objections raising concerns regarding:
 - Increase in traffic, congestion, on-road parking, blocking of driveways and restricted parking for existing residents
 - Increase in noise and disturbance from hotel, request for restrictions on comings and goings
 - Inappropriate use in a quiet residential street, request for more housing
 - Design out of character with local buildings and impact on visual amenity

- Future use of the hotel for social events
 - Overlooking and loss of privacy
 - Impact on property value
 - Noise and disturbance during building works
 - Potential for future change of use to a hostel
 - Increase in crime and litter
 - Previous issues with pub, car damage from pub users
 - Lack of site maintenance from site owners
- 4.9. Councillor Akhlaq Ahmed – Supports the application, stating the following:
- This building is currently derelict and a hotspot for youths gathering there and causing regular anti-social behaviour.
 - Several residents have contacted me who are in support of the proposed development of the pub into a bar and restaurant which would provide much needed jobs and would keep the building in use rather than being an eyesore currently.
- 4.10. A petition in support of the application has been received with 26 signatures.
- 4.11. One comment from a local resident stating that they like the idea of hotel, and would prefer if the hotel was quiet especially as it is a busy road.

5. Policy Context

- 5.1. Relevant Local planning policy:
- Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
 - Development Management in Birmingham Plan Document (Draft)
 - Places for All SPG (2001)
 - Car Parking Guidelines (2015)
- 5.2. Relevant National planning policy:
- National Planning Policy Framework (NPPF) (2019)
 - National Design Guide

6. Planning Considerations

- 6.1. The key planning considerations are: the principle of development, the impact on visual amenity, the impact on the locally listed building, impact on residential amenity, impacts on highway safety and parking and impact on trees.

Principle of Development

- 6.2. The application site is not in a designated local centre. The nearest local centres to the site are Hall Green Neighbourhood Centre – distance approx. 600m, and Olton Boulevard Neighbourhood Centre – distance approx. 500m. When considering proposals for main town centre uses in out of centre sites, planning authorities should apply a sequential test.
- 6.3. A sequential impact assessment has been submitted. This considered both Hall Green Neighbourhood Centre and Olton Boulevard Neighbourhood Centre for suitable sites, and found only one vacant unit in Hall Green Neighbourhood Centre. This site was discounted due to its size. It also tried to identify available sites in edge of centre locations, however none were found. Given the lack of availability and

suitability, the sequential impact assessment concludes that the application site is the sequentially preferred site.

- 6.4. The site is located on a main arterial route through South Birmingham, connects to the nearby local centres and is well-served by public transport. Whilst the surrounding area is largely residential, along York Road there is an existing commercial parade. The nearby local centres do not contain any hotels therefore the proposal will not harm the vitality or viability of these centres. Furthermore, the diversification of uses on the site should help the public house remain a viable business during these difficult economic times. Officers therefore consider that in principle the proposed development would be acceptable.

Impact on Visual Amenity

- 6.5. The scale of the building reads as a two storey building with loft accommodation which is acceptable. From the front elevation this reads as two storeys and is reflective of the scale of the pub. The overall mass and scale therefore fits comfortably with the existing building. The extension would be linked to the public house by a two storey link which provides a lightweight contemporary transition between the between old and new architecture. The proposed extension takes design cues from the existing building, which would include a tall chimney-like structure which houses the lift shaft on the proposed front elevation; this references the existing large front chimney stack on the public house. The window proportions of the extension are in keeping with those on the existing building, shown to be slim and narrow. The proposed materials would consist of: white render with a black roof tile and brick corbel detail along the eaves; these materials would match the existing materials of the public house. Specific architectural details and samples of materials would be secured via the relevant conditions.
- 6.6. Officers consider that the proposed extension would be an acceptable addition to the public house and would cause no harm to the character or appearance of the public house, nor would it detrimentally impact the visual amenity of the wider area.

Impact on Locally Listed Building

- 6.7. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The significance of the public derives from its historic value, illustrative of the historic development of inter war public house's.
- 6.8. The proposal includes loss of the existing single storey toilet block located at the front of the public house. The City's Conservation Officer has agreed that the loss could be supported as it helps to facilitate a more cohesive and simplistic transition between the public house and the new extension. The Conservation Officer has raised no objection, although does acknowledge that there would be a degree of harm to the significance of the public house as a non-designated heritage asset. It is not considered that the scale of harm would be substantial enough to warrant refusal. The Applicant has stated that without further economic intervention by way of new development, it is likely that the public house would cease trading. As the proposal would help to conserve the locally listed building as a public house, on balance it is considered that the scale of harm to the public house is outweighed by the economic benefits and conservation of the public house.

Impact on Residential Amenity

- 6.9. Due to the positioning of the proposed extension, there would be no breaches of the 45 Degree Code. There would be a separation distance of approx. 11m between the proposed extension and the adjacent rear gardens along Fox Hollies Road. The ground floor and first floor rear side elevation windows would therefore comply with the relevant separation distance; causing no loss of privacy or direct overlooking to the Fox Hollies Road rear gardens. However, the second floor windows would fail to comply with expected 15m separation distance. As these windows would light the hotel corridor, to protect the neighbours' privacy, a condition is attached to require the second floor windows to be non-opening and fitted with obscure glazing. There would be a separation distance of approx. 39m between the windowed elevation and the rear elevation and the adjacent properties on Fox Hollies Road, which exceeds the expected separation distance of 27.5m. As such, subject to safeguarding conditions, the proposal would result in no loss of light, outlook or privacy to existing residents.
- 6.10. Two new dwellings are currently under construction on Brooklands Road (planning ref: 2018/00261/PA). Due to the length and position of the extension, the single storey element of the proposal would be sited approx. 3.7m away from the properties rear gardens. These ground floor windows would therefore fail to comply with the 5m separation distance; however the properties are bound by 1.8m high wooden panel fencing. The boundary treatment would therefore screen all views between the proposal and the adjacent rear gardens with no overlooking, protecting the privacy of the future occupiers. The proposed development would therefore have no impact on future residential amenity.
- 6.11. Regulatory Services have requested a number of safeguarding conditions to restrict the hours of use of the bar/restaurant, the delivery hours, the use of the external seating areas, extraction and odour control details and restriction on noise levels for plant and machinery. Given that the proposal is for the creation of hotel rooms and the bar/restaurant function and associated external seating areas are already in operation and it would be unreasonable to attach these conditions and they would not meet the relevant tests. The proposed site plan does however demonstrate that there would be a 'hotel/restaurant' garden area to the side of the extension. Given this areas close proximity to the rear gardens of the Fox Hollies Road dwellings, a condition is attached which restricts this area to not be used as an external seating area for customers.
- 6.12. It is not considered that the day to day operations of the proposed hotel would generate a significant level of noise and disturbance to the existing residential occupiers. The hotel entrance would be located along York Road and would not be in close proximity to the surrounding residential properties.

Impact on Highway Safety and Parking

- 6.13. The application site benefits from an existing car park off York Road. This existing parking area would be re-configured to provide 27 parking spaces. The existing parking area off Fox Hollies Road would be expanded with 11 parking spaces. 8 further parking spaces (including two disabled spaces) would be created along York Road. Taking into account the Council's Car Parking Guidelines, 44 parking spaces would be required for the existing public house and 15 for the hotel, however 46 spaces are proposed. It is considered that the 15 spaces for the hotel would form part of the restaurant/pub 'quota' as residents of the hotel would use the facilities

during their stay. On street parking is unrestricted and bus services operate in the area with stops close to the site.

- 6.14. The concerns from local residents in regards to increase in traffic, congestion and on-road parking have been acknowledged however the level of parking proposed would be sufficient to serve the site. Cycle storage is also recommended to be secured via condition to encourage alternative modes of transport. It is not considered that the proposal would have a detrimental impact on highway safety or parking and there are no reasonable transportation grounds for the application to be refused.
- 6.15. Transportation Development have recommended conditions relating to the footway crossings to serve the site and the relocation of an existing lamp post; these conditions would not meet the conditions tests and would therefore instead be attached as an informative. A condition is attached which requires the areas of car parking to be laid out prior to the occupation of the hotel and details of proposed lighting to be submitted for prior consideration.

Impact on Trees and Landscaping

- 6.16. Tree Protection Order 1056 covers the application site. The Tree Officer raises no objection subject to the development being undertaken and maintained in accordance with the submitted tree protection plan and accompanying tree protection measures.
- 6.17. The proposal provides an opportunity to deliver landscaping enhancements through tree and shrub planting, particularly around the car parking areas. This can be secured via relevant conditions.

Other Matters

- 6.18. In regards to the concerns raised regarding the noise and disturbance during construction, this would be a temporary process and would cease once the development was complete.
- 6.19. Local residents have raised concerns about future use of the hotel for social events; this would be controlled under Licencing, rather than Planning. In regards to the future use of the hotel as a hostel, this would require planning permission.
- 6.20. Local residents have raised concerns regarding the impact the proposal may have on the value of their property; this is not a material planning consideration.
- 6.21. Concerns have been raised over an increase in crime however West Midlands Police have raised no objection. In regards to concerns raised over an increase in litter, the submitted plans demonstrate that there would be sufficient space for refuse storage.

7. Conclusion

- 7.1. The proposed development is considered to be acceptable in this location, it would cause no harm to the existing or future residential amenity, nor would it have a detrimental impact on highway safety or parking. The proposal has been designed to respect the character of the locally listed building and would be an acceptable addition to the site.
- 7.2. The proposal would deliver significant investment to the site, creating future jobs and would conserve the existing locally listed public house. The proposal would accord

with both local and national planning policy and is therefore recommended for approval.

8. Recommendation

8.1. Approve subject to the following conditions:

-
- | | |
|----|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of architectural details and sample materials |
| 3 | Requires detailed cross-sectional drawings |
| 4 | Requires the submission of cycle storage details |
| 5 | Requires pedestrian visibility splays to be provided |
| 6 | Restricts the use of the external hotel/restaurant garden area |
| 7 | Requires the second floor windows to be non-opening and fitted with obscure glazing |
| 8 | Requires the prior submission of a drainage scheme |
| 9 | Requires the submission of hard and/or soft landscape details |
| 10 | Arboricultural Method Statement and Tree Protection Plan - Implementation |
| 11 | Requires the parking area to be laid out prior to use |
| 12 | Requires the submission of a lighting scheme |
| 13 | Implement within 3 years (Full) |
-

Case Officer: Laura Reid

Photo(s)



Photo 1 - York Road elevation



Photo 2 – Fox Hollies Road elevation



Photo 3 – Extension location

Location Plan



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Committee Date:	18/03/2021	Application Number:	2020/10218/PA
Accepted:	23/12/2020	Application Type:	Full Planning
Target Date:	18/03/2021		
Ward:	Frankley Great Park		

Buzz Bingo, Park Way, Rubery, Birmingham, B45 9WA

Change of use of bingo hall (Sui Generis) to gymnasium (Use Class E)

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission seeks to change the use of the existing building from a bingo hall (Sui Generis) to a gymnasium (Use Class E). The proposed change of use would facilitate the move of an established gymnastics club (Revolution) from their existing premises which is to be redeveloped.
- 1.2. Revolution Gymnastics Club has approximately 1,300 permanent members. The club currently employ 17 part time and 15 full time staff with scope for the number of part time staff to double once current restrictions are eased.
- 1.3. The club supports a full range of gymnasts from beginners to those who are aiming for national and international competitions.
- 1.4. The proposed internal layout would be similar to the existing layout. On the ground floor, the existing toilet area would be reduced to accommodate additional length to the main gym floor and a new divisional wall and door opening would be installed. On the mezzanine floor, the circulation corridor and stairs would be removed but would still consist of customer toilets, staff toilets, staff rooms, training room, store room and office.
- 1.5. The proposed opening hours of the gymnasium are 09:00 to 23:00 daily.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a large purpose built brick building (approx. 3192sqm) with metal cladding. A large car park is located to the south east of the building, with a sports pitch beyond. A bowling alley is located to the southwest. There is further car parking to the northwest of the building, with residential properties located approximately 25m from the building beyond the northwest elevation.
- 2.2. The application site benefits from 135 parking spaces.
- 2.3. [Site Location](#)

3. Planning History

3.1. Relevant planning history associated with this building is as follows:

3.2. 11/05/2000 – 1999/05804/PA Erection of bingo and social club with access and associated car parking. Approved subject to conditions.

4. Consultation/PP Responses

4.1. Transportation Development – No objection

4.2. Regulatory Services – No objection

4.3. Sport England – Supports the application

4.4. Neighbouring occupiers, local Ward Councillors and Residents Associations were consulted. A site notice was displayed for 21 days.

68 letters of objection received from neighbouring residents in relation to the following:

- The elderly rely on the bingo hall for social and cognitive benefits – the loss of this facility would affect people's mental health.
- This is the only bingo hall in the local area
- There are plenty of facilities in the area for younger people but far less for older generation.
- Other small local gymnasiums won't be able to compete with Revolution
- Loss of existing employment
- There are more than enough gyms and entertainment facilities for young people in the local area
- The gymnasium should be located in Longbridge
- The bingo hall is an essential part of the community for all generations. In such a deprived area, it is one of the few sources of entertainment among many age groups.
- The bingo hall caters for all, particularly for the disabled and people with learning difficulties.

72 letters in support of the application received from neighbouring residents in relation to the following:

- The area would benefit from having additional opportunities for children and adults
- No gymnasiums of this type in the area
- The current Revolution gymnastics club facilities in Selly Oak cause many issues with parking and excess traffic. Moving the gym club to this location will allow for off-road parking and would not impact upon local residential areas.
- Very accessible due to close proximity to M5 and will increase trade for the hotel opposite.
- Many social benefits of bringing such high quality sporting opportunities to a deprived area of Birmingham.
- More employment opportunities.
- Great for the health and wellbeing of children and adults.
- The club is inclusive and provides disability gymnastics
- Clubs like this help reduce anti-social behaviour

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Development Management in Birmingham (publication version) (2019)
- Places for All SPD 2001
- Car Parking Guidelines SPD (2012)

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF) 2019

6. Planning Considerations

- 6.1. The main considerations in the determination of this application are whether the principle of the use would be acceptable in this location, the impact on residential amenity, on visual amenity and upon highway safety.

Principle of Development

- 6.2. The site benefits from access to public transport as well as access by walking and cycling. The proposal therefore accords with TP11.
- 6.3. Policy TP21 of the BPD states the preferred location for leisure developments are within local centres. Paragraph 86 of the NPPF states that main town centre uses should be located in town centres. While the application site is located outside of any designated local centre, it is situated within an established retail/leisure park and the existing bingo hall is also a leisure type use therefore the principle is acceptable.
- 6.4. Revolution Gymnastics (the proposed occupier) is a successful club that is recognised regionally as a venue where gymnastics is taught to a very high level, mainly children/young adults (potentially to Olympic standards). Securing the club's future at this site will have significant benefits for the health and well-being of the local community, particularly young people. The proposal will also contribute to the local economy by retaining jobs and while it is acknowledged there a number of existing leisure facilities in the surrounding area, none of these facilities cater specifically to gymnastics. Furthermore, Sport England have been consulted and support of the application.
- 6.5. The concerns raised by objectors in relation to the loss of the bingo hall are noted. While it is acknowledged that the loss of the bingo hall may negatively impact upon those who regularly attend the bingo, in particular the local elderly population, I consider the proposed gymnasium use would provide significant long-term benefits for the health and well-being of the local community. I consider these benefits would outweigh the harm caused from the loss of the bingo hall in this instance. The Council's Planning Policy Team have raised no objection to the loss of the bingo hall.
- 6.6. Given the above, I consider the principle of development is acceptable.

Impact on Amenity

- 6.7. The nearest residential properties are located at no.201 Park Way & no.23 Conolly Road (approx. 29m north-west from the site). The possible noise sources includes:

radio playing within the café/waiting area, the gymnastics hall would have music (at low volume) being played for routines and background music played into the main hall. I therefore consider that the noise generated from the proposed use would be no greater than that of the existing use; it is unlikely that residents would suffer undue noise and disturbance from the proposal. Regulatory Services have no objection.

Highway Safety and Parking

- 6.8. The site has 135 car parking spaces, including 5 disabled spaces. Regular buses also serve this location throughout the day. BCC's Maximum Car Parking Standards SPD (2012) for Sports & Leisure Facilities states 145 spaces is acceptable. The 135 spaces is 10 below the maximum and is therefore policy compliant. It is not considered that traffic and parking demand will increase notably as a result of the change of use. Adequate parking is provided and 4 cycle spaces are provided to the rear.

7. Conclusion

- 7.1. The proposed change of use from bingo hall (Sui Generis) to gymnasium (Use Class E) would comply with the objectives of the policies outlined above. As such, I recommend the application is approved subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions

1 Requires the scheme to be in accordance with the listed approved plans

2 Implement within 3 years (Full)

Case Officer: James Herd

Photo(s)



Figure 1: View of main entrance

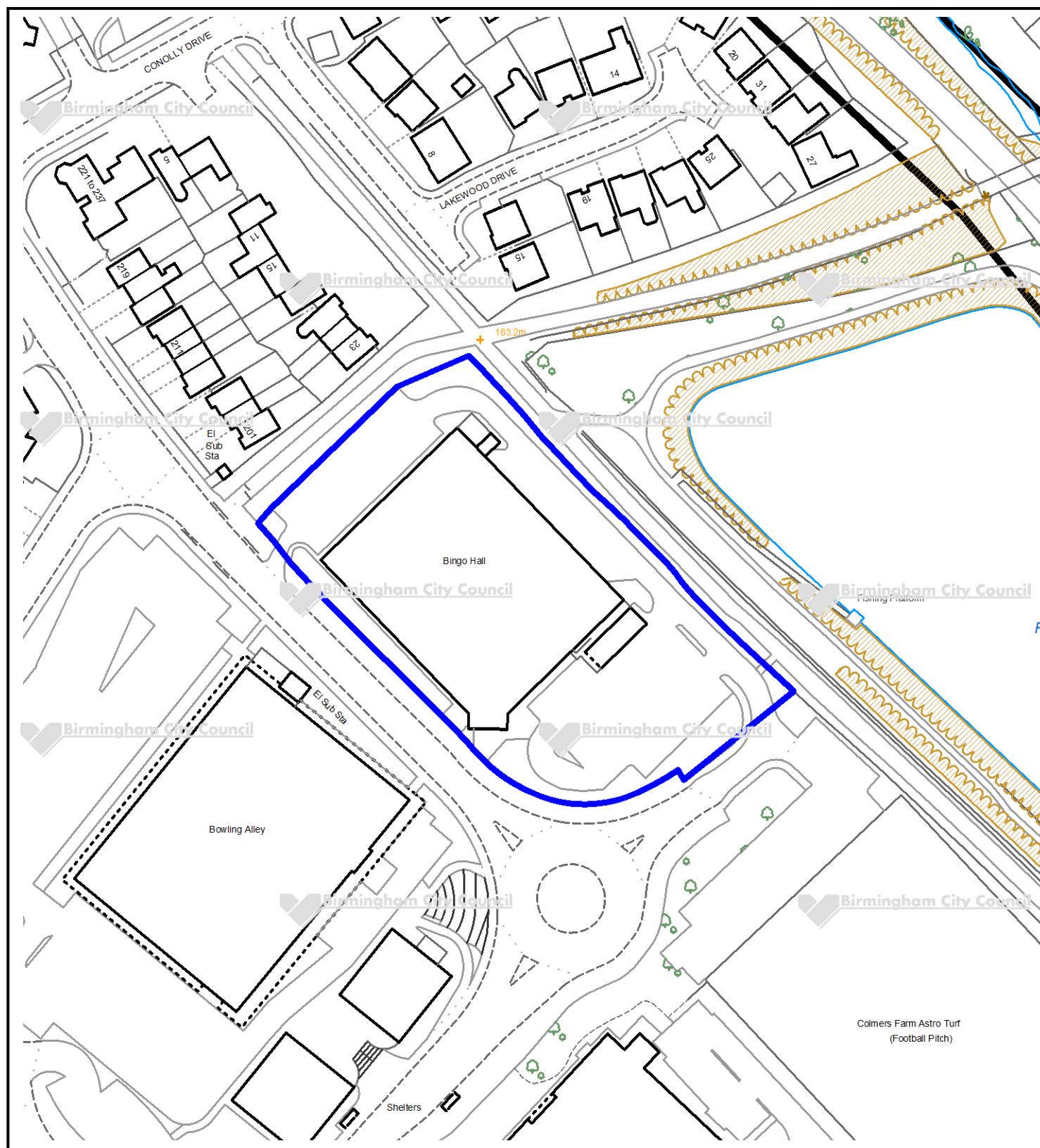


Figure 2: View of south-west and north-west facing elevations from Park Way



Figure 3: View of south-east facing elevation

Location Plan



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Committee Date:	18/03/2021	Application Number:	2020/09252/PA
Accepted:	27/11/2020	Application Type:	Full Planning
Target Date:	18/03/2021		
Ward:	Moseley		

126 Billesley Lane, Moseley, Birmingham, B13 9RD

Installation of extraction duct

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning consent is sought for the installation of an extraction duct to the side (south-facing) roof.
- 1.2. Amended plans and an updated Acoustic Report were submitted after Officers raised concerns. The amended proposal is for an external flue stack that more closely resembles the extraction flue approved at adjacent No. 124 Billesley Lane (reference 2020/05156/PA).
- 1.3. The design of the amended proposal means that the flue would terminate 0.8 metres above the ridge height of the building. The extraction flue stack, fan and silencers would be supported by a structural frame and isolated from the roof structure of the building with anti-vibration mount. The proposed extraction flue stack would be finished in matching render to the main building in an attempt to make its appearance resemble a chimney feature.
- 1.4. The basement and ground floor of No. 126 Billesley Lane is now a restaurant.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. 126 Billesley Lane is an end-terraced two storey property. The lawful use of the basement and ground floor is as a restaurant (Class E(b) Use) with residential accommodation above.
- 2.2. Nos. 124 and 126 Billesley Lane are two-storey terraced buildings. No. 126 occupies a corner plot adjacent to the junction with Southlands Road. The remainder of this run of terraced properties fronting Billesley Lane are in residential use. The surrounding area is also predominantly residential.
- 2.3. The frontage to Nos. 124 and 126 Billesley Lane is tarmaced for car parking, and a timber close boarded fence is located at the back of the pavement defining the site boundary to Southlands Road. There is an existing convenience store located approximately 90m from the site on the corner of Billesley Lane and Blenheim Road.

On the opposite corner of Billesley Lane and Southlands Road is the entrance to allotments which are adjacent to Moseley Golf Course.

2.4. [Site Location Plan](#)

3. Planning and Enforcement History

- 3.1. For completeness, given their shared history, outlined below are the planning application records for both Nos. 124 and 126 Billesley Lane.
- 3.2. 21/08/2014 – 2014/03677/PA – Demolition of existing single storey outbuilding, erection of single and two-storey extensions to side and rear, to extend the existing retail unit and provide a new shop front, provide a new retail unit, provide security shutters to both retail units and provide two first-floor flats – Approved subject to conditions.
- 3.3. 15/02/2015 – 2014/07717/PA – Minor material amendment to Planning Permission 2014/03677/PA to enlarge basement of Retail Unit 2 in front of and to the rear of the building, add a loft bedroom to each flat, and install four rooflights – Approved subject to conditions.
- 3.4. 15/05/2015 – 2015/02039/PA – Variation of Condition number 5 to extend opening hours from 0800-2000 Mondays to Saturdays and 0800-1900 Sundays and Bank Holidays to 0800-2330 Monday to Saturday and 0800-2230 on Sundays and Bank Holidays and the removal of condition number 12 (basement use restriction) attached to previous application 2014/07717/PA – Refused (on grounds that would result in noise and disturbance) and appeal allowed 09/02/2016.
- 3.5. 15/05/2015 – 2015/02040/PA – Removal of Conditions 6 (delivery hours), 7 (cycle storage), 8 (drainage), 9 (plant and machinery), 10 (refuse), 11 (pavement boundary) and 13 (deliveries to front of premises) attached to Planning Permission 2014/07717/PA – Refused (on grounds of noise and disturbance, drainage, highway safety, lack of cycle parking and inadequate amenity space) and appeal allowed 09/02/2016.
- 3.6. 07/08/2015 – 2015/04843/PA – Minor Material Amendment to planning permission 2014/03677/PA for increase in height and changes to roof shape and inclusion of third bedroom to Flat 2 – Refused and appeal dismissed 27/01/2016.
- 3.7. 07/01/2016 – 2015/08455/PA – Minor Material Amendment to Planning Permission 2014/03677/PA for changes to shopfront and shutter design – Approved subject to conditions.
- 3.8. 22/05/2018 – 2018/02975/PA – Prior Approval for proposed change of use from Retail (Use Class A1) to restaurant (Use Class A3) with associated external alterations – Withdrawn.
- 3.9. 02/07/2020 – 2020/04933/PA – Notification of proposed flexible use from Retail (Use Class A1) to Restaurant/Café (Use Class A3). Proposed opening date of 01/10/2020 – Flexible use approved under Commercial Permitted Development Rights.
- 3.10. 10/11/2020 – 2020/05156/PA – Installation of extraction duct – Approved subject to conditions.

- 3.11. 22/01/2018 – 2018/00389/PA – Prior Approval for proposed change of use from Retail (Use Class A1) to restaurant (Use Class A3) with associated external alterations – Withdrawn.
- 3.12. 03/12/2020 – 2020/1162/ENF – Alleged unauthorised change of use – Enforcement case closed as no evidence of breach in planning control.

4. Consultation/PP Responses

- 4.1. Local Councillors, residents associations and nearby occupiers were notified. A site notice was displayed. 42 no. responses received from local residents who objected to the application. To summarise, the stated grounds for objection are as follows:
- Concerns that lawful use of application site is as a retail unit not restaurant.
 - The extraction flue would be an eyesore and harm the character and appearance of the area. It would protrude above the roofline and its size, location and construction would not be in-keeping with the residential neighbourhood.
 - Disturbance to neighbouring amenity caused by extraction fan, in particular the residential flats above the restaurant at No. 126 Billesley Lane. The extraction motor/fan would operate 24 hours a day and contained inside the flat above No. 126 Billesley Lane.
 - No noise insulation is shown between the ground floor use and the residential flat above at No. 126 Billesley Lane.
 - There is no external fire escape shown on the plans.
 - Adverse noise, litter and odours generated from restaurant use and associated extraction system.
 - Insufficient parking provision for a restaurant use. Billesley Lane and adjacent roads area already busy without adding parking for customers of the site. This site is on a crossroads and it will compromise highway and pedestrian safety.
 - Restaurants and/or hot food takeaways should not be allowed given the site is in a residential area.
 - There is ample supply of café and restaurant facilities in nearby Kings Heath High Street, approximately 10 minutes walk from the application, as well as in Moseley Village, Yardley Wood Road and Sparkhill.
- 4.2. Cllr Straker Welds – Submitted no comments in respect to support or opposition to proposals but did email Officer seeking clarification on the lawful use of No. 126 Billesley Lane.
- 4.3. Moseley Society – Objection. To summarise, the amended position of the proposed extraction flue might now make a slight improvement to the external appearance of the building but it would adversely impact the living conditions of the flat above the restaurant and introduce noise and vibration. The basement restaurant element is likely to require a mechanical ventilation system that will further add to noise levels produced by the new restaurant. All the cellars in the area are prone to flooding. Billesley Lane is not a suitable location for a new restaurant / take-away. Southlands and Westlands Roads are already full of parked cars.
- 4.4. Regulatory Services – no objection.
- 4.5. Transportation Development – no objection.

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Moseley SPD
- Development Management in Birmingham Development Plan Document.

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF) 2019
- National Design Guide

6. Planning Considerations

6.1. This application has been assessed against the objectives of the policies as set out above.

6.2. The lawful use of No. 126 Billesley Lane as a restaurant has been established. As such, the main considerations in the determination of this application are whether the proposed extraction duct would have a detrimental impact on visual amenity and/or on the amenities of nearby residents.

Impact on Visual Amenity:

6.3. The character of Billesley Lane and adjacent Southlands Road are predominantly residential in character. Apart from adjoining No. 124 Billesley Lane all immediate neighbouring buildings are in residential use.

6.4. The proposed supply/extraction ductwork and associated canopy would be made of stainless steel and connected to an external flue stack located to the exterior of the side (south-facing) elevation of the building. The external flue stack would be render finished to match the main building in order to make its appearance resemble more of a chimney feature. The height of the proposed external flue stack would clear the ridge height of the main building by approximately 0.8 metres.

6.5. For context, planning permission was granted at adjoining No. 124 Billesley Lane for the installation of supply/extraction ductwork, associated canopy and render finished external flue stack in November 2020 (reference 2020/05156/PA). The design and appearance the proposed external flue stack at No. 126 is similar to that approved at neighbouring No. 124. The external flue stack approved at No. 124 is also render finished to match the main building in order to make its appearance resemble more of a chimney feature. The external flue stack to No. 124 clears the ridge height of the main building by approximately 1 metre.

6.6. For visual purposes below is a view towards the application site taken from the corner of Billesley Lane and Southlands Road.



Image 1: View towards No. 124 Billesley Lane

- 6.7. For comparative purposes the images below taken from the respective proposed elevation plans of the approved application at neighbouring No. 124 and the proposal under consideration at No. 126 show the position and height of the respective external flue stacks in relation to their host buildings.

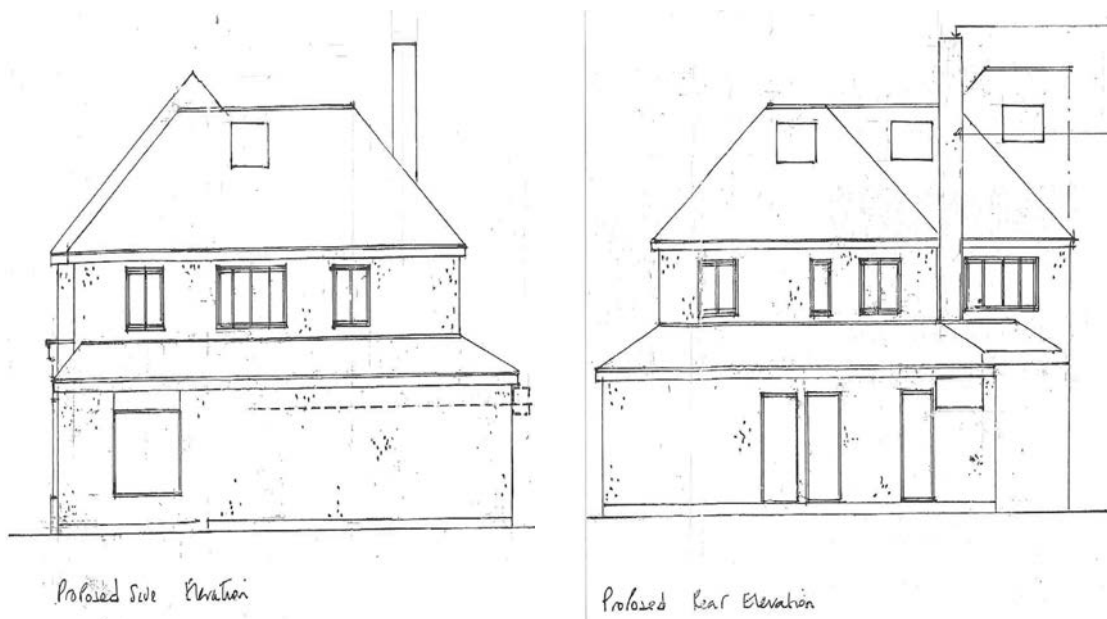


Image 2: Approved side and rear elevations to No. 124 Billesley Lane

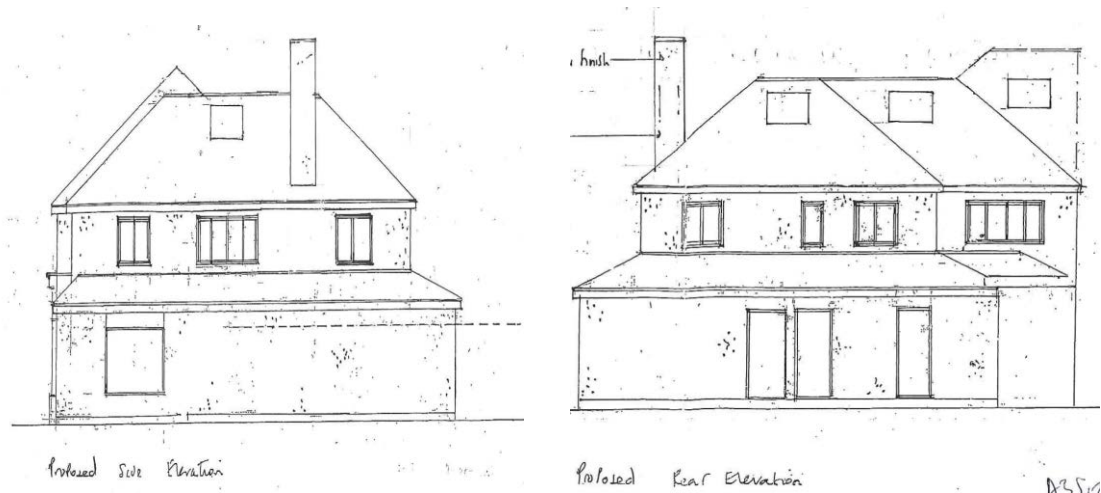


Image 3: Proposed side and rear elevations to No. 126 Billesley Lane

- 6.8. It is noted that 126 Billesley Lane is more visually prominent by virtue that the application site occupies a corner plot. However, the general design, height and appearance of the proposed external flue stack to No. 126 is considered to be similar to that already approved at No. 124.
- 6.9. I consider that the proposed external flue stack to No. 126 Billesley Lane would not be harmful to the character and appearance of the street scene sufficient enough to warrant refusal.

Impact on Residential Amenity:

- 6.10. The nearest residential accommodation is located within the first floor and loft conversion (second floor) of the application building. The upper floor of adjoining No. 124 Billesley Lane is also in residential use. Properties along adjacent Southlands Road are also in residential use.
- 6.11. I appreciate that a significant number of objectors have raised concerns about the presence of a restaurant at the application site in what is predominantly a residential area. However, the restaurant use does not require consent.
- 6.12. A further concern raised by objectors was in respect to impacts on neighbouring residential amenity arising from noise and odour associated with the restaurant use and its proposed extraction duct.
- 6.13. The flue design incorporates a number of elements designed to eliminate or minimise the noise and odour impact on nearby sensitive occupiers. In terms of odour dispersion from the proposed flue, Regulatory Services conclude that the design of the flue is such that it terminates above the ridge height of the building and above an existing roof light. The outlet narrows to maximise the emission velocity. This design, together with the odour abatement already agreed will minimise the likelihood of adverse effects from odour on nearby residents.
- 6.14. The existing structure, together with modifications as specified will be likely to reduce noise and vibration transmission to an acceptable level on adjacent habitable rooms.

- 6.15. In order to prevent adverse impact on residential amenity for the occupants of the flat above the restaurant Regulatory Services recommend a condition be attached to any grant of planning permission requiring submission of a vibration protection scheme. This is to ensure adequate protection against any potential structure borne vibration arising from the proposed extraction duct.
- 6.16. Overall, I consider that any adverse impacts on residential amenity can be successfully mitigated. Nonetheless, I consider it appropriate as a precaution to recommend a condition that limits the cumulative noise levels at the premises to that stated within the British Standard 4142 (2014).
- 6.17. I consider the recommended conditions to be a reasonable safeguard in order to protect neighbouring residential amenity.

Other Matters:

- 6.18. The development does not attract a CIL contribution.

7. Conclusion

- 7.1. On balance, I consider the proposed installation of an extraction duct at No. 126 Billesley Lane would not cause harm to the amenity of neighbouring occupiers or have a detrimental impact on visual amenity. As such, the proposal accords with national and local planning policy and constitutes sustainable development. Therefore the recommendation is that planning permission is granted.

8. Recommendation

- 8.1. Approval subject to the following 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 that the materials used are in accordance with the submitted application form and approved plans. |
| 4 | Requires the prior submission of a vibration protection scheme |
| 5 | Limits the noise levels for Plant and Machinery |
-

Case Officer: Richard Bergmann

Photo(s)

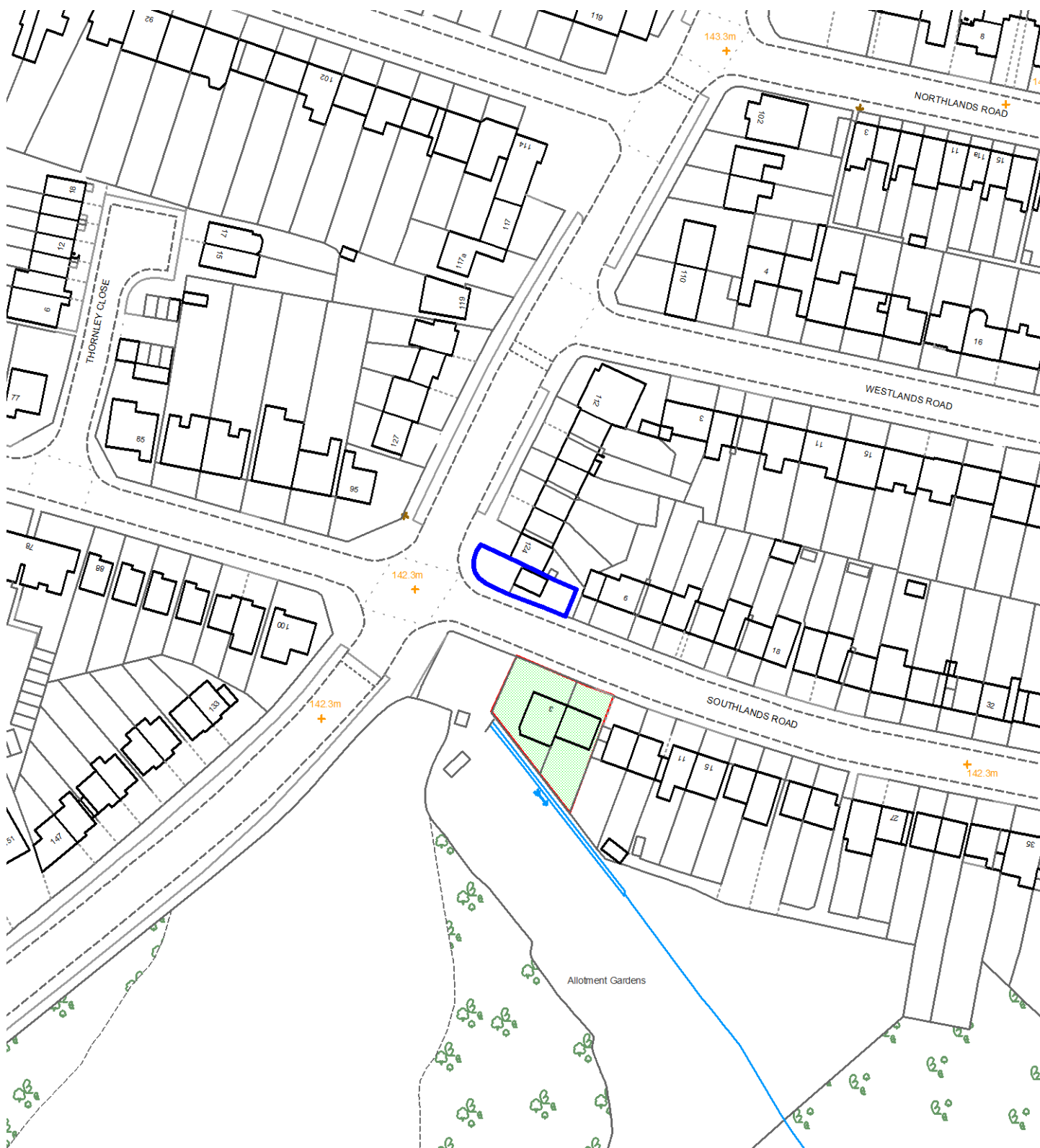


Photo 1. View towards site from Billesley Lane.



Photo 2. View towards application site from Southlands Road.

Location Plan



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