

Birmingham City Council

Planning Committee

21 May 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	7	2019/07381/PA 582 Washwood Heath Road Ward End Birmingham B8 2HF Change of use from car sales (Sui Generis) to LPG filling station (Sui Generis)

Committee Date:	21/05/2020	Application Number:	2019/07381/PA
Accepted:	09/09/2019	Application Type:	Full Planning
Target Date:	22/05/2020		
Ward:	Ward End		

582 Washwood Heath Road, Ward End, Birmingham, B8 2HF

Change of use from car sales (Sui Generis) to LPG filling station (Sui Generis)

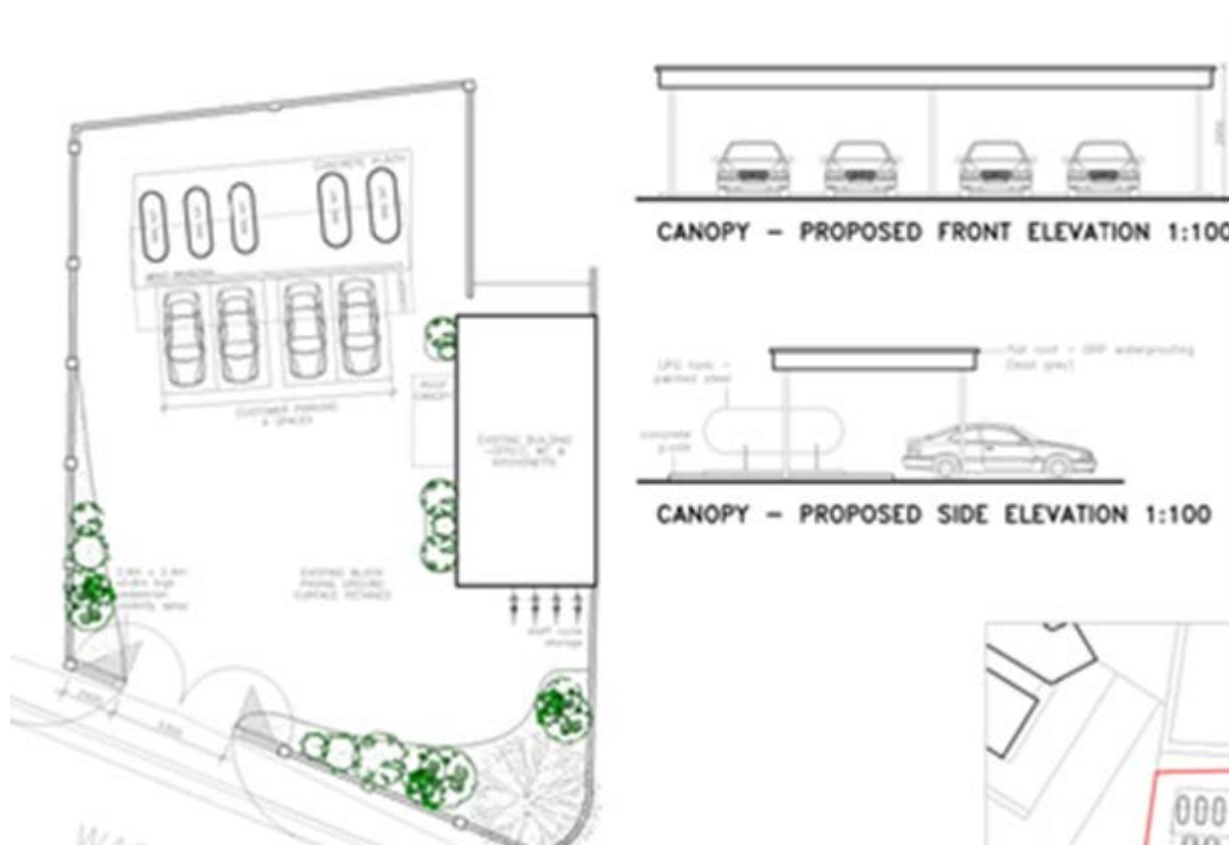
Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning consent is sought for the proposed change of use of a vacant car sales yard (Sui Generis) to a motor vehicle liquid petroleum gas (LPG) filling station (Sui Generis), the installation of a bank of 5 LPG storage tanks, a canopy and customer exit to the site frontage.
- 1.2. The agent has confirmed that the use of liquid petroleum gas (LPG) is increasing as drivers move away from petrol and diesel.
- 1.3. The proposed 5 no. LPG tanks would be sited to the rear of the site with impact protection barriers forming a boundary treatment. A defined zone for 4 no. vehicle parking spaces would be sited in front of the LPG tanks to the rear of the site. Landscaping has been introduced in addition to 4 cycle staff parking spaces within the site curtilage.
- 1.4. The proposed LPG tanks would be 1.4m high, 1.07m wide and 3.1m long and would sit on a concrete base measuring 12.5m wide and 5.3m long.
- 1.5. The proposed canopy would be 2.95m high, 4.6m wide and 12.5m long.
- 1.6. The existing single storey office, wc and kitchenette building (38.3 sq.m) would be retained.
- 1.7. The proposed hours of opening would be 06:00 to 00:00 Monday to Sunday (including Bank Holidays).
- 1.8. The proposal would have a total number of 4 full time staff.
- 1.9. With regard to the frequency of deliveries, there would be one delivery per week and a banksman would be in attendance to ensure the safety of all site users.
- 1.10. The proposed LPG tanks would be painted steel and would be subject to periodic testing to comply with the relevant regulations and industry code of practice.
- 1.11. The total site area is 631 square metres.

1.12. Below are the proposed front and side elevations and the proposed site layout plan.



1.13. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site consists of a vacant car sales yard (Sui Generis) with an ancillary single storey office, wc and kitchenette building and roof canopy. The site entrance is off Washwood Heath Road. The surrounding area is predominantly commercial and residential.

2.2. The application site is situated to the north of Washwood Heath Road and lies within Ward End Local Centre to the west of the identified Primary Shopping Area. Ward End Social Club and Bowling Green, a Grade 2 Listed Building, adjoins the site to the east and the north. A fire station adjoins the site to the west and terraced residential dwellings and a commercial premise are situated to the south of the site on Washwood Heath Road.

2.3. There are double yellow lines from the junction of St Margarets Road up to the application site and Traffic Regulation Order parking restrictions to the east of the site along Washwood Heath Road.

2.4. [Site Location](#)

3. Planning History

- 3.1. 1991/00264/PA: Erection of single storey office reception in connection with car retail business and erection of fence and gates: Approved subject to conditions: 04.04.91.

4. Consultation/PP Responses

- 4.1. Transportation Development – no objection subject to a conditions stipulating prevention of mud on highway, prior installation of a means of access, vehicle parking and turning details, provision of cycle parking, delivery and service area details, a S278/TRO agreement prior to commencement, measures for surface water not run-off and details of car parking, vehicle circulation and queue management within the site.
- 4.2. Regulatory Services - no objection subject to a condition for the provision of opening hours.
- 4.3. Conservation Officer - no objection.
- 4.4. Historic England – no objection.
- 4.5. Clean Air Zone Officer – no objection.
- 4.6. Health and Safety Executive – no objection.
- 4.7. West Midlands Fire Service - no objection.
- 4.8. Environment Agency – no objection.
- 4.9. Local residents and Ward Councillors were consulted and a site notice and press notice displayed. A petition has been submitted by the Ward End Forum on behalf of 20 occupants. These objections are based upon the following issues:
- Increase in traffic congestion.
 - No entrance or exit for proposal.
 - Health and safety concerns.
 - No consultation prior to commencing building changes.
- 4.10. 4 further individual letters of objection have been received from local residents.

These objections are based upon the following issues:

- LPG tank safety concerns and danger to public.
 - Noise disturbance.
 - Proposal should be sited within an industrial area, not a residential area.
There are 2 LPG filling stations within 1 mile of the proposal and another within 1.5 miles.
 - Obstruction to operation of adjacent fire station due to traffic congestion.
 - Works have already commenced.
- 4.11. A petition has been submitted in support of the proposal by LPG users and occupants of 93 addresses.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017.
- Birmingham Unitary Development Plan 2005 (Saved Policies).
- Places For All SPG.
- Car Parking Guidelines SPD (2012).

5.2. The following national policies are applicable:

- National Planning Policy Framework (2019).

6. Planning Considerations

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

6.2. Key material considerations are the principle of the use, design, impact upon the adjacent listed building and highway matters.

Principle of the development

6.3. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

6.4. Policy TP24 of the Birmingham Development Plan (2017) promotes a diversity of uses within local centres identified in the hierarchy of local centres outlined in Policy TP21. These uses include leisure, offices, restaurants, community/cultural facilities and residential on upper floors where it provides good quality, well designed living environments. It is considered that the proposed use is an acceptable use within Ward End Local Centre and therefore the principle of development is acceptable.

6.5. Policy TP12 of the Birmingham Development Plan (2017) states that great weight is given to the conservation of the City's heritage assets. The Grade 2 listed Ward End Social Club building occupies a prominent position and careful consideration needs to be given towards the scale, massing and design of the proposal in relation to the setting of the Grade 2 listed building.

Visual Amenity and Impact on setting of adjacent listed building

6.6. It is considered that the proposal would not have a greater detrimental impact on the visual amenity of the surrounding area compared to the existing car sales use. In order to limit the visual impact of the proposed LPG tanks, the proposed plan illustrates the LPG tanks and customer parking to be sited towards the rear of the site away from the public realm. A condition would be stipulated on the application to require additional landscaping, which would enhance the appearance of the site overall.

6.7. The NPPF Section 16, para 195 states that '*where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset,*

local planning authorities refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm’.

- 6.8. Policy TP12 of the Birmingham Development Plan (2017) states that great weight is given to the conservation of the City’s heritage assets. The Grade 2 listed Ward End Social Club building occupies a prominent position and careful consideration needs to be given towards the scale, massing and design of the proposal in relation to the setting of the Grade 2 listed building. The Conservation officer has commented that although both the existing car sales use or the proposed use are not particularly suited to a site directly adjacent to a listed building, it is considered the scale of the proposed filling station, with a canopy bay for 4 no. vehicles, would not be over intensive. Therefore, as long as the canopy is low scale and as simply designed as appears, the proposal would not cause further harm to the adjacent listed building than previously existed on site with the car sales use. It is considered that the proposal would not have a detrimental impact on the setting on of the adjacent listed building. The proposal would therefore comply with Policy TP12 of the Birmingham Development Plan (2017) and the NPPF.

Residential Amenity

- 6.9. The Environment Agency have no objection to the proposal. Regulatory Services have no objection to the proposed use but have recommended that as the site is close to residential dwellings, the hours of opening should be reduced due to noise and disturbance from customers. Regulatory Services have recommended that the premises shall only be open for customers between the hours of 7am to 11pm Monday to Friday, 8am to 11pm Saturday and 9am to 9pm Sunday. I concur with this.

Highways Safety

- 6.10. Additional plans showing a swept path analysis (vehicle tracking and sales and staff parking) have been provided and the HSE and West Midlands Fire Service raise no objection to the proposal. Transportation Development have no objection to the proposal subject to conditions stipulating prevention of mud on highway, prior installation of a means of access, vehicle parking and turning details, provision of cycle parking, details of the delivery and service area, a S278/TRO agreement prior to commencement, measures for surface water not run-off and details of car parking, vehicle circulation and queue management within the site. I concur with this.

7. Conclusion

- 7.1. This application is recommended for approval. The proposed change of use of the building would not have a harmful impact on the visual amenity and character of the surrounding area, on residential amenity, on the setting of the adjacent listed building or on highways safety and parking. I therefore do not consider that there are sustainable grounds upon which to recommend refusal of the application.

8. Recommendation

- 8.1. Approval subject to the following conditions:

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

-
- 2 Implement within 3 years (Full)
 - 3 Limits the hours of use to 07:00-23:00 Monday to Friday, 08:00-23:00 Saturday and 09:00-21:00 Sunday
 - 4 Requires the submission of details to prevent mud on the highway
 - 5 Requires the prior installation of means of access
 - 6 Requires the submission of vehicle parking and turning details
 - 7 Requires the provision of cycle parking prior to occupation
 - 8 Requires the delivery and service area prior to occupation
 - 9 Requires the submission and completion of works for the S278/TRO Agreement
 - 10 Requires submission of details of surface water run off.
 - 11 Requires the submission details of car parking/vehicle circulation/queue management within the site.
 - 12 Requires existing lighting to be turned off when use is closed.
-

Case Officer: Harjap Rajwanshi

Photo(s)

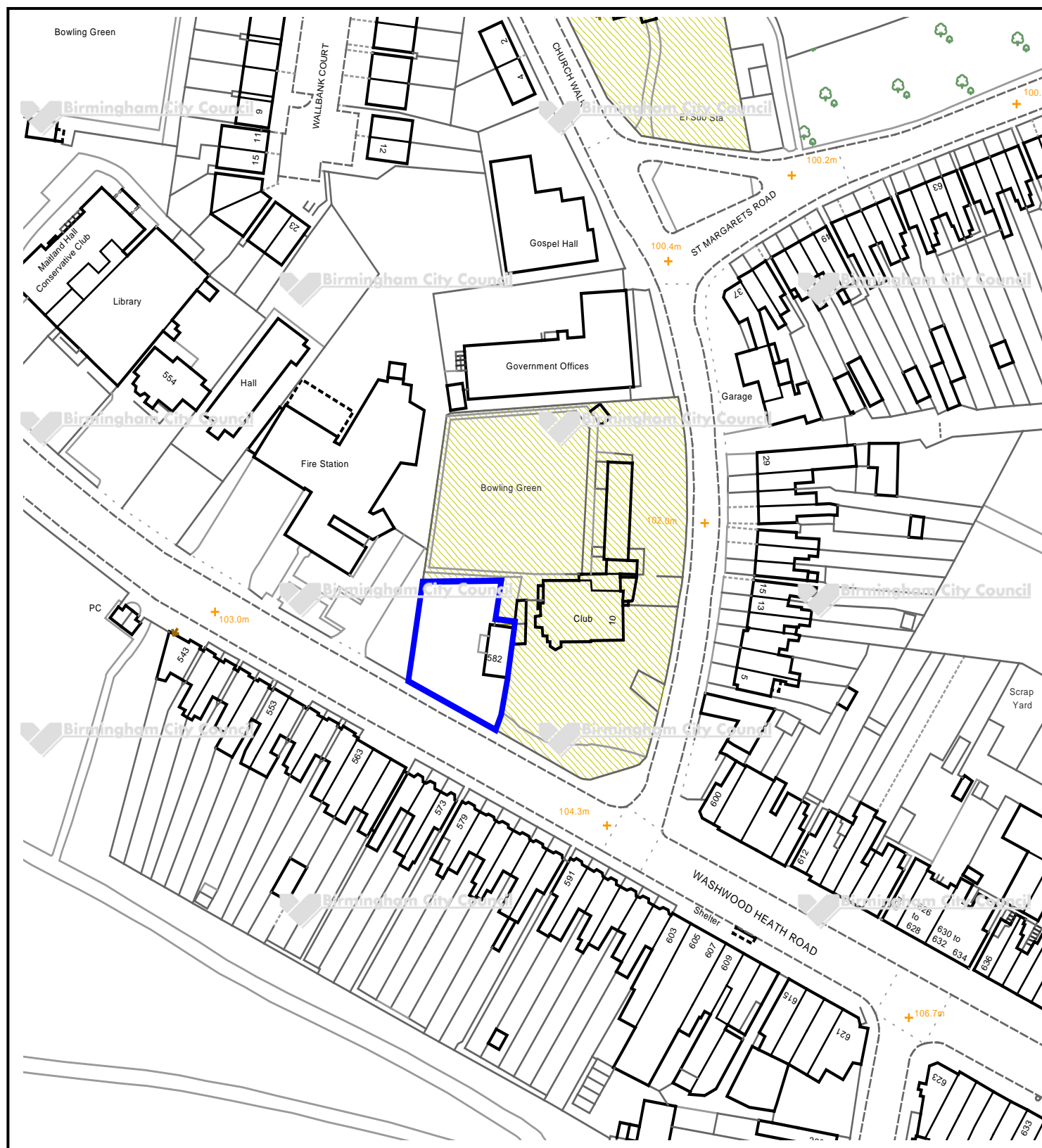
Figure 1 – Front elevation



Figure 2 – Street scene



Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

21 May 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Temporary 10 years	8	2020/00956/PA Land fronting Aston Lane Aston Birmingham Erection of temporary 4no. units within Use Classes A1 (retail) and/ or A2 (professional and financial services).

Committee Date:	21/05/2020	Application Number:	2020/00956/PA
Accepted:	06/03/2020	Application Type:	Full Planning
Target Date:	30/06/2020		
Ward:	Aston		

Land fronting Aston Lane, Aston, Birmingham

Erection of temporary 4no. units within Use Classes A1 (retail) and/ or A2 (professional and financial services).

Recommendation

Approve Temporary

1. Proposal

- 1.1. Planning permission is sought for the erection of four commercial units within Use Classes A1 (retail) and/or A2 (professional and financial services) at land fronting Aston Lane, Birmingham.
- 1.2. This planning application follows the previous temporary planning approval (2019/06576/PA) for the erection of a temporary Job Centre (Use Class A2) and 3 no. retail use (Use Class A1) together with a creation of new access, parking and associated landscaping and infrastructure works.
- 1.3. The proposal is now to increase the number of commercial units on site from three to four within use Classes A1(retail) and/or A2(professional and financial services).
- 1.4. No alterations would occur to the footprint of the commercial units granted planning permission under 2019/06576/PA which will remain at 216m². The proposed 4 no. retail units (72m², 72m², 36m² and 36m²) would face Aston Lane and would be constructed using 6 no. single storey 12m long modular cabins.
- 1.5. The proposal includes the provision of 7 no. car parking spaces and 1 no. accessible parking space.
- 1.6. An Arboricultural Report has been submitted in support of this application.
- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located to the eastern part of the wider plot bounded by Aston Lane to the north, Birchfield Road to the west, rear boundaries of residential properties located along Bragg Road to the south and along Chesterwood Gardens to the east. The site was previously occupied by a small parade of single storey commercial units fronting Aston Lane, which have now been demolished to make way for the wider site redevelopment.
- 2.2. The site is currently bound by 2.4m high palisade fencing to northern and western boundaries with a small part of timber hoarding to the north and a brick boundary wall to the east.

- 2.3. The site is located within a Primary Shopping Area of Perry Barr District Centre which has been identified in Aston, Newtown and Lozells AAP as the centre for growth and development.

2.4. [Site location](#)

3. [Planning History](#)

- 3.1. The application site has a long planning history in relation to the commercial units on site; none relevant to the current proposal.

Relevant planning history

- 3.2. (2019/06054/PA) - Demolition of the existing commercial units at 6-24a Aston Lane, the reclamation of the land and the erection of a 2.4m high boundary paladin fencing for the development of the temporary storage compound – Approved subject to conditions – 10/10/2019
- 3.3. (2019/06576/PA) - Erection of a temporary Job Centre (Use Class A2) 3 no. retail units (Use Class A1) together with a creation of new access, parking and associated landscaping and infrastructure works – Approved temporary subject to conditions – 24/10/2019

4. [Consultation/PP Responses](#)

- 4.1. Site notice posted and Residents' Associations; Ward Members; and local occupiers consulted. No responses received.
- 4.2. Regulatory Services - No objections subject to conditions in relation to hours of operation for plant and machinery, sound insulation, noise levels for plant and machinery, hours of operation, site delivery hours, contamination remediation scheme and Contaminated Land Report, provision of vehicle charging point and low emission vehicle parking.
- 4.3. Transportation Development – No objections subject to conditions in relation to highway works, pedestrian and vehicular visibility splay, parking areas and parking management strategy and cycle parking provision.

5. [Policy Context](#)

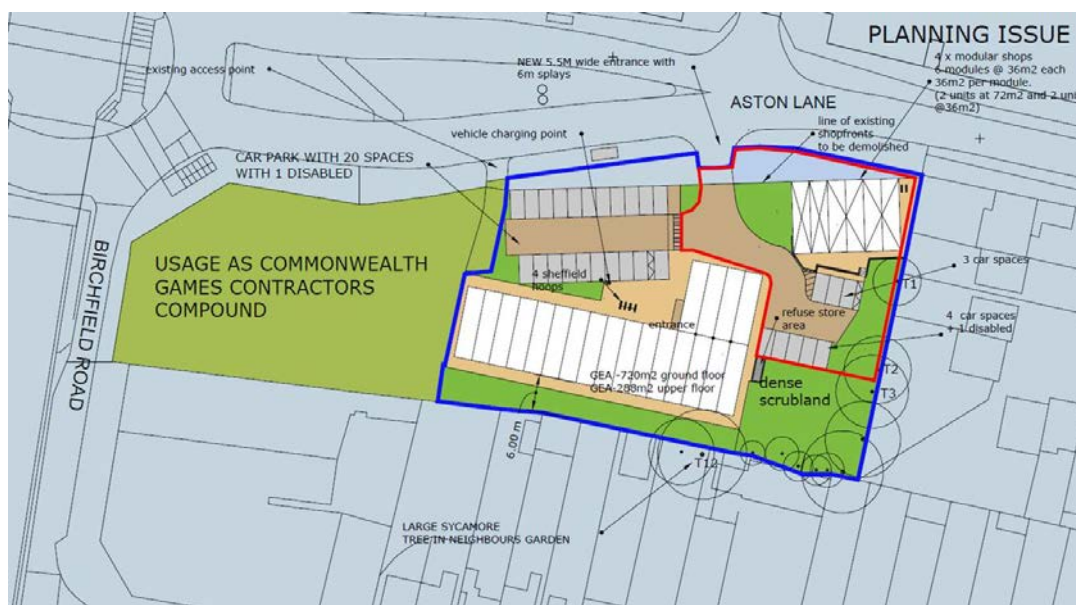
- 5.1. Relevant Local planning policy:
- Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
 - Aston, Newtown and Lozells AAP (2012)
 - Shopping and Local Centres SPD
 - Shopfronts Design Guide
 - Car Parking Guidance SPD
- 5.2. Relevant National planning policy:
- National Planning Policy Framework (NPPF) (2019)
 - National Planning Policy Guidance (NPPG)

6. [Planning Considerations](#)

- 6.1. The main issues for consideration in determination of this planning application are the principle of development, impact on residential amenity, visual amenity, trees, as well as highway safety and parking.

Principle

- 6.2. Policy TP21 of the Birmingham Development Plan 2017 states that centres are the preferred locations for retail, office, leisure developments and community facilities such as health centres, education, social services and religious buildings. The vitality and viability of the centres will be maintained and enhanced. In addition, proposals which will make a positive contribution to the diversity and vitality of these centres will be encouraged, particularly where they can bring vacant buildings back into positive use.
- 6.3. Paragraph 85 of the NPPF 2019 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 6.4. The proposal would see the site being re-developed to provide for 4 no. commercial units in A1 and A2 use to serve the Perry Barr District Centre. My strategic adviser has assessed the proposal and raises no objections. The principle of the development accords with appropriate uses within centres as stated in the NPPF 2019, the Birmingham Development Plan 2017 and the Aston, Newtown and Lozells AAP. Therefore, I consider that the principle of development is acceptable subject to other site specific material planning considerations and the proposal is in conformity with the NPPF, Birmingham Development Plan 2017 and the Aston, Newtown and Lozells AAP.



Proposed site plan (outlined in red)

Residential Amenity

- 6.5. The application site adjoins the rear garden boundaries of residential properties located along Chesterwood Gardens to the east. Adequate separation distances have been met with regards to the residential properties at Chesterwood Gardens

and as such there would be no detrimental impact on the amenities of the occupiers of those properties by virtue of loss of privacy and overlooking from the proposed commercial units.

- 6.6. Regulatory Services have assessed the proposal and raise no objections subject to conditions in relation to sound insulation and noise levels for plant/machinery, hours of operation and site delivery hours to protect the amenity of residential use along Chesterwood Gardens as well as contamination remediation scheme and Contaminated Land Report, provision of vehicle charging point and low emission vehicle parking. I concur with this view and the recommended safeguarding conditions in relation to noise levels and delivery hours as well as a condition in relation to a contaminated land verification report are attached.
- 6.7. With regards to conditions that have been requested by Regulatory Services which would require the provision of vehicle charging point and low emission vehicle parking on site; I consider that condition to this effect is not necessary in this instance. Moreover, with regards to a pre-commencement condition in relation to a contamination remediation scheme that have been requested by Regulatory Services; given that the preliminary reclamation strategy has been approved by Regulatory Services in relation to the previous planning permission (2019/06054/PA) for a wider redevelopment of the site that the application site forms part of, I consider that a condition to this effect is therefore not reasonable in this instance.

Visual amenity

- 6.8. Policy PG3 of the Birmingham Development Plan states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, create safe environments which design out crime and, make best use of existing buildings and efficient use of land in support of the overall development strategy.
- 6.9. Paragraph 3.14C of the UDP (saved policies) states that development should have regard to the development guidelines set out in 'Places for Living' and Paragraph 3.14D (saved policies) outlines a number of good urban design principles against which new development will be assessed.
- 6.10. The proposed development comprises a parade of 4 no. single storey retail units which would be constructed using 6 no. modular units measuring 3m in width x 12m in depth x 3m in height. The proposed units would be of the same scale and design as those previously approved under planning permission 2019/06576/PA and no additional floorspace will be created than approved under the original planning permission. In addition, the proposed units would provide an active frontage to Aston Lane and although the buildings would be constructed from a temporary modular structure; the proportions of these commercial units and their shop fronts would accord with the guidance contained in the Shopfront Design Guide SPG and would be similar in scale to the retail units which were previously on site.
- 6.11. As such, I consider that given the temporary nature of the proposal and subject to materials, boundary treatment and hard/soft landscape details; the proposed development would have no adverse impact on the visual amenity of the surrounding area. This has been conditioned accordingly.

Trees

- 6.12. Arboricultural Report has been submitted in support of this application. The survey of trees of the wider plot that the application site forms part of assessed 13 individual trees and a group of trees, none of which are subject to Tree Preservation Order. None of the trees that were recorded have been assigned to the category A (high quality value); however, 6 no. individual trees have been assigned to category B (moderate quality) and 7 no. individual trees as well as a group of trees were assigned to the low quality and value category C. The report recommends that trees should be retained and protected where possible.
- 6.13. The proposed plans show that all of the 13 individually surveyed trees which are Category B and C will be retained and protected. Those include category B tree T1 of the survey and category C tree T2 of the survey, which are located in the eastern part of the application site along the boundaries with residential properties at Chesterwood Gardens. My Tree Officer has assessed the proposal and raises no objections subject to conditions in relation to tree protection areas in order to further protect retained trees during the construction works. I concur with this view and the recommended conditions are attached.

Highway safety and parking

- 6.14. The proposal would provide 7 no. car parking spaces and 1 no. accessible parking space for the proposed commercial units. Cycle parking in a form of Sheffield stands will also be provided on site. This would be in line with BCC's Car Parking Guidelines. A new access to the site is also being proposed off Aston Lane which will take the form of a priority T-junction. A pedestrian access will also be located at the proposed new access point, with connections to the existing footways along Aston Lane.
- 6.15. The proposal is identical to the previously approved scheme (2019/06576/PA) with regards to the overall layout and highway/transportation related matters. Transportation Development have assessed the proposal and raise no objections subject to conditions in relation to s278/TRO Agreement, pedestrian and vehicular visibility splay, parking areas and parking management strategy and cycle parking provision. I concur with this view and the recommended conditions are attached.

Other matters

- 6.16. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. The proposal is in conformity with the NPPF, the Birmingham Development Plan 2017 and the Aston, Newtown and Lozells AAP as it would contribute towards many of the AAP's objectives with regard to helping to establish sustainable neighbourhoods. In addition, the proposal covers an important strategic site to assist with the wider Council objective of the timely and successful delivery of Birmingham 2022 Commonwealth Games and its associated infrastructure and as such is acceptable subject to conditions.

8. Recommendation

- 8.1. Approve temporary subject to Conditions.

-
- 1 Requires the submission of a scheme to show how the building would be removed within a timescale (10 years/21/05/2030)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 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
 - 7 Requirements within pre-defined tree protection areas
 - 8 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 9 Limits the hours that plant and machinery can be used (07:00-20:00)
 - 10 Requires the submission of details of the sound insulation for plant/machinery
 - 11 Limits the noise levels for Plant and Machinery
 - 12 Limits the hours of operation (07:00-20:00)
 - 13 Limits the hours that materials can be delivered (07:00-20:00)
 - 14 Requires the submission of a contaminated land verification report
 - 15 Requires pedestrian visibility splays to be provided
 - 16 Requires vehicular visibility splays to be provided
 - 17 Requires the parking area to be laid out prior to use
 - 18 Requires the provision of cycle parking prior to occupation
 - 19 Requires the submission and completion of works for the S278/TRO Agreement
 - 20 Requires the submission of a parking management strategy
 - 21 Requires the submission of details of control barrier in the car parking area
-

Case Officer: Lucia Hamid

Photo(s)

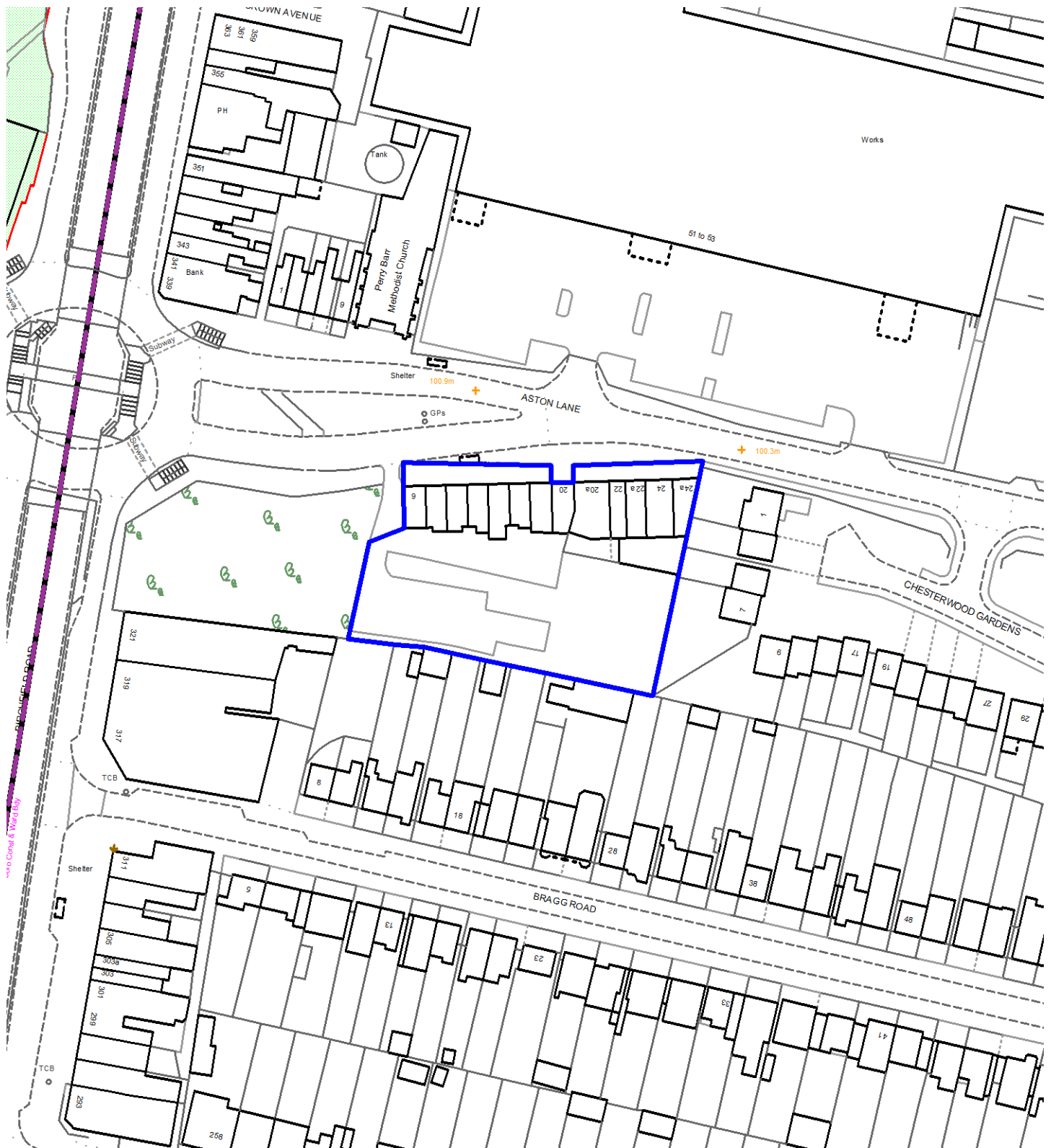


Picture 1: View towards the site from Aston Lane



Picture 2: View towards the site from Birchfield Road

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010