1. **Proposal**

1.1 Planning permission is sought for the change of use of the ground floor to an education centre (use class D1).

1.2 The layout at ground floor would comprise a reception/waiting area, office, kitchen and tuition room. The living room and kitchenette indicated on the plan is existing accommodation and connected with the flat above which would continue to be used as such and is not part of the proposals.

1.4 The centre would provide classes for students aged 7 to 16 years old after school and at weekends. The purpose of the tuition would be for booster GCSE subjects such as maths and science for key stage 3 pupils and additional top up lessons for younger children in key stage 2 for numeracy/literacy and science. The size of each class would be restricted to 15 and there would be 3 teachers.

1.5 The proposed hours of use are Monday to Friday 1700 to 2030 hours; Saturdays 0900 to 1900 hours and Sundays 0900 to 1600 hours. During the weekends it is anticipated that each class would last 1 and a half hours with 15 minutes break before the next class commenced.

1.6 3 car parking spaces would be provided on the forecourt.

*Site Plan*

*Site Layout Plan*

2. **Site & Surroundings**

2.1 The application premises is a 2 storey detached building last used for office purposes with a self-contained flat above. It is located in a predominantly residential area within...
a small parade of commercial units comprising of a newsagents/convenience store, a sun tanning centre and an off licence. The parade is served by a large forecourt where customers park. There are no parking restrictions within the vicinity of the site preventing on street parking.

Location Plan

Street View

3 Planning History

3.1 1/12/08. App. No. 2008/05016/PA – change of use from retail to hot food takeaway (A5) – refused. Subsequent appeal was dismissed.

3.2 26/10/10. App. No. 2010/03471/PA – change of use from retail to care recruitment agency – approved.

4 Consultation/PP Responses

4.4 Local residents, Ward Councillors, MP and Residents Associations notified.

4.5 17 letters of objection received from local residents on the following grounds:
- Proposal would exacerbate the existing parking and congestion problems within Brays Road, particularly around school pick up and drop off times for Brays and Lyndon Green Schools
- Devaluation
- Fear that the proposals are faith based and that the use may grow into a place of worship
- Increased traffic would be dangerous to pedestrians, especially children
- Students would loiter in the street
- Litter
- Noise/disturbance
- Parking congestion would hinder emergency vehicles
- Swan Centre is less than a mile away – this type of use would be better located there.
- No evidence to substantiate agent’s claims that the proposal would be serving a local need.
- The bus service quoted within the agents supporting statement does not run on Sunday.

4.6 In addition to these individual letters of objection, a petition of objection containing 61 signatures has also been received. In addition to the concerns raised above, concern is also raised to the proposed forecourt parking being dangerous to pedestrians using the shops and the close proximity of the mini roundabout.

4.7 Councillors Sue Anderson and Mike Ward also object to the proposals and specifically mention the additional parking and congestion that would occur as a result of the proposals and the impact on local residents in terms of noise. Daphne Gaved (from the MPs office) has also written in on behalf of a local resident who shares these concerns.

4.8 1 letter of support has been received.
4.9 Transportation Development – No objection subject to conditions restricting the use to that applied for, that no more than 15 students are taught at any one time, that suitable boundary treatment be agreed to control access to the private forecourt and that the parking provision proposed be marked out prior to first use of the premises.

4.10 Regulatory Services – No objections subject to the maximum number of students in each class be no more than 15. Use should also be restricted to 0900 to 2030 hours Monday to Friday; 0900 to 1900 hours on Saturdays and 0900 to 1600 on Sunday and Bank Holidays. Noise insulation should be installed between the tuition centre and first floor flat.

4.11 West Midlands Fire Service and West Midlands Police raise no objection to the proposals.

5 Policy Context

5.1 National Planning Policy:
• National Planning Policy Framework.

5.2 Local Planning Policy:
• Adopted UDP (2005);
• Draft Birmingham Development Plan;
• Car Parking Guidelines – SPD.
• Shopping and Local Centres SPD

6 Planning Considerations

6.1 Policy Context

6.2 The NPPF states the government’s presumption in favour of sustainable development, outlining the three dimensions of sustainable development which are economic, social and environmental. Chapter 8 advises the LPAs should attach great weight to the need to create, expand or alter schools to suit local circumstances. The UDP requires that any new proposals shall protect or enhance what is good in the City’s environment and improve what is less good. Proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.

6.3 The Shopping and Local Centres SPD advocates the provision of such uses within centres and commercial parades. The application site is not located within a centre but within a small parade of shops within a predominantly residential area. The UDP at paragraph 7.31A recognises the importance of local parades. I consider in policy terms that the proposals are in compliance with both national and local planning policy and therefore acceptable in principle.

6.4 HIGHWAY SAFETY

6.5 The majority of objectors refer to the congested parking conditions that exist along this part of Brays Road that are at their heaviest at school drop off and pick up times. There is the general concern that the proposals would exacerbate this situation and increase danger to pedestrians and motorists alike. Following a site visit (after the school traffic had dispersed, but 15 minutes before the first class during the weekday would commence (1645) and an examination of accident records, it is considered
that there are no evident highway related grounds to refuse the proposal with the level of activity and proposed class times with gaps in time of half an hour and fifteen minutes at weekends between classes. The proposal accords with the Car Parking Guidelines and would provide 3 off street car parking spaces; in addition to this on street parking in the vicinity of the site is unrestricted. On this basis, I concur with the view offered by Transportation. Concern is also expressed that the use may expand or change in time and so it is recommended that conditions be imposed to restrict the numbers of students being taught and that no change of use within the use class (D1) can occur without further planning consent. I concur with this view and have recommended appropriate conditions.

6.6 IMPACT ON RESIDENTIAL AMENITY

6.7 The application site is located in small parade and has previously been used as a retail shop and as a care recruitment agency. I do not consider that the proposed use would impact upon the living conditions of local residents to any greater degree than any of the previous uses or the existing adjoining uses. I consider the greatest change would occur at weekends when the tuition centre would be in use between 9am and 7pm on Saturdays and until 4pm on Sundays. The number of children coming and going however would only be 15 at a time, staggered throughout the day. Regulatory Services do not raise objection to the proposals on this basis and I concur with this view. To safeguard the living conditions of occupiers of the self-contained flat above the application site, Regulatory Services recommend that sound proofing be installed prior to first use. I concur with this view and have attached an appropriate condition.

6.8 West Midlands Police and West Midlands Fire Service raise no objections to the proposals.

7.0 Conclusion

7.1 The proposals are policy compliant and would result in a small scale tuition centre being provided within a small parade of commercial uses within a predominantly residential area without adverse impact upon residential amenity or highway safety.

7 Recommendation

8.1 Approval is recommended subject to the following conditions.

1 Limits the hours of operation 1730-2030 Mon to Fri 0900-1900 Sat and 0900-1600 Sundays

2 Requires the prior submission of noise insulation (variable)

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

4 Requires the prior submission of details of pavement boundary

5 Requires the parking area to be laid out prior to use

6 Prevents the use from changing within the use class
7 There shall be no more than 15 students within a class or on the premises at any one
time.

8 Limits the approval to 3 years (Full)

Case Officer: Debbie Farrington