
Committee Date: 03/04/2014 Application Number: 2014/01149/PA
Accepted: 19/02/2014 Application Type: Full Planning
Target Date: 16/04/2014
Ward: Stechford and Yardley North

148-150 Church Road, Yardley, Birmingham, B25 8UT

Change of use of both units from retail (Use Class A1) to financial & professional services (Use Class A2). Installation of new shop fronts and 2 no. roof mounted air conditioning condenser units and 2 no. satellite dishes.

Applicant: Coral Racing Ltd
Unit E Lancaster House, Grange Business Park, Enderby Road,
Wheststone, Leicestershire, LE8 6EP
Agent: Elias Topping
137 Newhall Street, Birmingham, B3 1SF

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks permission for a change of use of the ground floor area of two existing vacant A1 retail units to a betting shop (Use Class A2) and new shop front at 148-150 Church Road, Yardley.
- 1.2. The layout would consist of a 80.5 sqm customer area, service counter area, toilets and staff room. Proposed opening hours would be 0800-2200 seven days per week including Bank Holidays. The business would employ 2 full time members of staff and 4 part-time.
- 1.3. The new double shop front would consist of a blue aluminium frame containing two display windows either side of the entrance doorway. A blue tiled stall riser would be located beneath the display windows.
- 1.4. Two satellite dishes (one being 840mm in diameter and the other a small TV satellite dish) and two air conditioning units would be located above on an existing flat roof area at the front of the premises, behind the parapet wall.
- 1.5. The applicant has also submitted an application for the display of illuminated signs at the premises (2014/01150/PA).

[Proposed floor plan and elevations](#)

2. Site & Surroundings

- 2.1. Application premises relates to two vacant ground floor units located within a 2 storey flat roof building within the primary shopping area of the Yew Tree Neighbourhood Centre. The upper floors are currently vacant and would be within the control of the applicant who currently has no use proposed for them. The centre contains a good mix of town centre uses which notably includes 2 other betting offices within Stoney Lane and an adult gaming centre opposite the application site on Church Road. Whilst in centre, the block in which the application site is located is on the edge of the centre, residential houses exist to the rear within Newcroft Grove and to the north along Church Road and opposite.

[Location Plan](#)

[Street View](#)

3. Planning History

- 3.1 None relevant

4. Consultation/PP Responses

- 4.1. Regulatory Services - No objections.

- 4.2. Transportation Development – No objections

- 4.3. Nearby occupiers and Ward Councillors notified, with the following responses.

- 4.4. Fifteen objections received from local residents together with a petition of objection signed by 279 residents and handed in by Councillor Neil Eustace. Concerns can be summarised as follows:

- Loss of retail
- No need for further betting shop
- Close proximity to public house will encourage people to gamble
- Noise and disturbance from customers arriving/leaving and congregating outside
- Proliferation of non-retail uses within the centre

One further letter of objection from a planning consultant on behalf of local commercial clients has also been received stating that the proposal would result in the loss of 2 retail units and create an area of dead frontage and impact on the vitality and viability of the shopping centre.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005, Draft Birmingham Development Plan, Shopping and Local Centres SPD, Car Parking Guidelines SPD, Shop Front Design Guidelines, and the National Planning Policy Framework 2012

6. Planning Considerations

- 6.1. **Principle of use** –. Policy 7.24 of the UDP states that uses which provide a direct service to a customer, such as financial and professional services (use class A2) now have an established place in many centres. Such uses will be encouraged as

complementary to the retail function of these centres. Therefore the principle of the proposed use as an A2 unit in this Neighbourhood Centre is deemed acceptable. Whilst the end user has been identified as a betting shop, the application seeks an open A2 use (financial and professional services), which also covers banks, building societies and estate agents. All these uses are appropriate within a centre.

- 6.2. **Vitality and Viability:** Policy 1 of the adopted SPD Shopping and Local Centres advocates that 50% of all ground floor units in Neighbourhood Centres should be retained in retail (Class A1) use, and that applications for change of use out of A1 will be refused if approval would have led to this threshold being lowered. Policy 2 of the SPD comments that there is a need to avoid an over-concentration or clustering of non-retail uses such as to create a dead frontage to the detriment of the character and function of the centre. The application site is located within the Yew Tree Neighbourhood Centre which according to figures produced in March 2013 contains 77 units of which 67.53% are within A1 usage, 18.18% in A2 usage, 7.79% A3 usage, 1.3% A4 and 5.19% in A5, making the centre a diverse resource with a good balance of vitality and viability. The proposed change of use would reduce A1 usage to 66.2% and increase A2 usage to 19.4%. On this basis, I do not consider that the change of use would be detrimental to the vitality or viability of this centre as a whole and the introduction of a further A2 use would not lead to an over-concentration of such uses. Concern regarding the potential for an over-concentration of betting shops is noted however the application premises are located within a parade containing 15 units, and the proposal would retain a balanced mix including in this section of the centre, opticians, the William Tyler PH, small retail units and an Iceland supermarket. The existing betting shops are located around the corner on Stoney Lane.
- 6.3. **Residential amenity:** The applicant has proposed opening hours of 0800-2200 seven days per week including Bank Holidays, which I consider acceptable in this busy commercial district centre where ambient noise levels are high and what would be expected in such a location. Regulatory Services have assessed the scheme and raise no objections.
- 6.4. **Visual amenity:** The application seeks consent for the installation of new shop fronts incorporating aluminium frames, display windows and entrance doorway, the colour of the frontage being predominantly blue. The application site is currently vacant. The surrounding commercial area incorporates a variety of different designed and coloured frontages and signage. The proposal complies with the Shop front Design Guide and no detriment would occur to the frontage or street scene and is deemed acceptable.
- 6.5. The proposed satellite dishes and air conditioning units would be located behind the parapet wall along the edge of the roof and would not be highly visible. I therefore consider no detriment would occur to visual amenity.
- 6.6. **Highway safety:** In relation to highway safety, Transportation Development has raised no objections to the proposal. I consider that the proposal would not cause detriment to highway safety.

7. Conclusion

- 7.1. I conclude that the proposals are policy compliant and would not adversely affect the vitality and viability of the retail function of the centre, visual and neighbour amenity or highway safety.

8. Recommendation

Approve subject to conditions

- 1 Requires the prior submission of sample materials
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Limits the hours of use (0800-2200 daily)
 - 4 Limits the approval to 3 years (Full)
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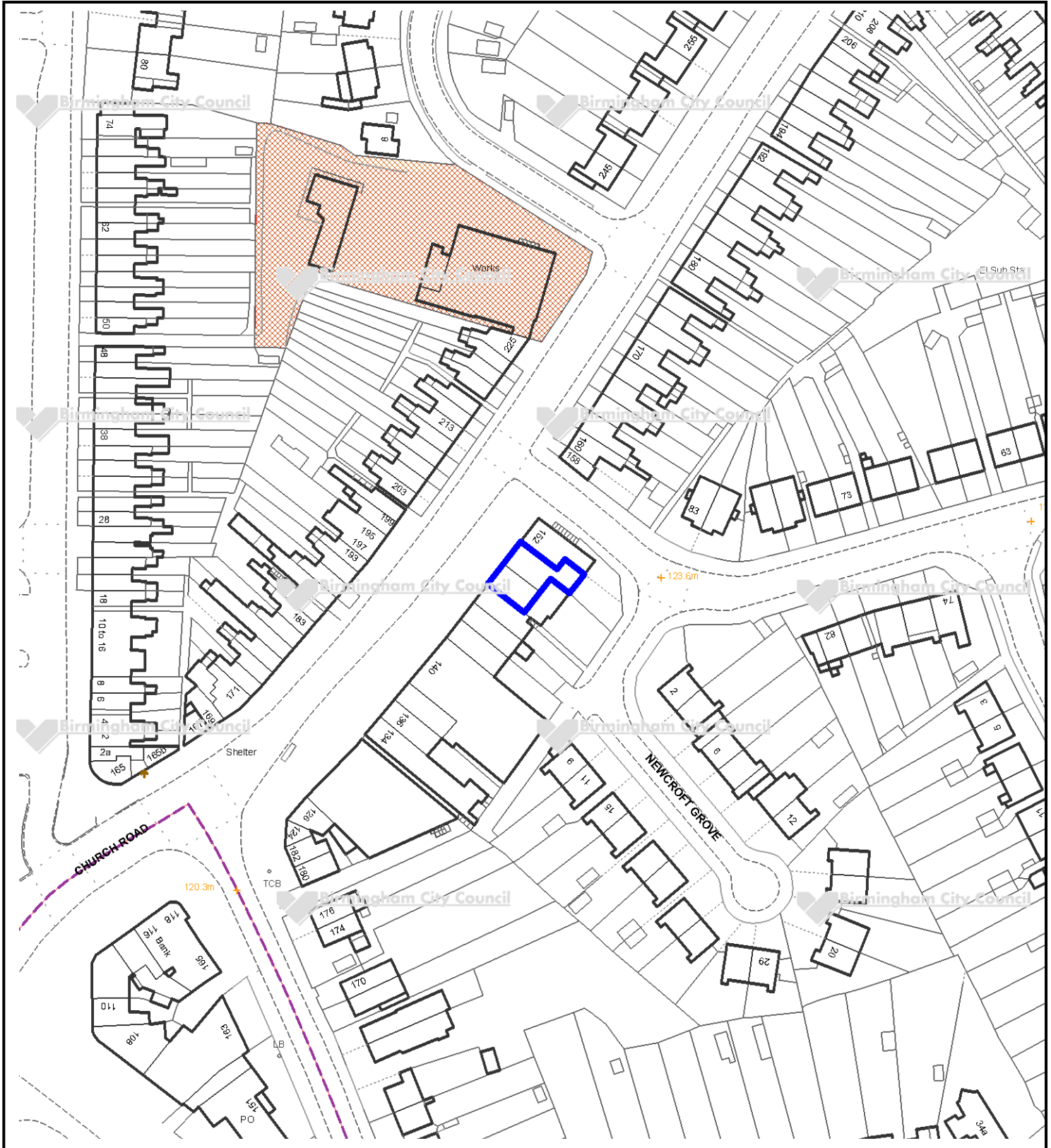
Case Officer: Debbie Farrington

Photo(s)





Location Plan



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