
Committee Date: 27/11/2014 Application Number: 2014/06265/PA
Accepted: 03/09/2014 Application Type: Full Planning
Target Date: 29/10/2014
Ward: Handsworth Wood

261-269 Rookery Road, Handsworth, Birmingham, B21 9PT

Change of use of part ground floor of building from Class B8 Use
(Storage and Distribution) to a betting shop (Use Class A2)

Applicant: Paddy Power PLC
 c/o Agent
Agent: Planning Potential Ltd
 14-15 Regent Parade, Harrogate, North Yorkshire, HG1 5AW,

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks permission for change of use of part of the ground floor of the building from B8 (storage and distribution) to a betting shop (Use Class A2). Access would be from Rookery Road.
- 1.2. The change of use would affect 129sqm floor area, and would consist of customer area, service counter area, toilets and staff room.
- 1.3. Proposed opening hours would be 0800-2200 seven days per week including Bank Holidays
- 1.4. The business would employ 2 full time members of staff and 4 part-time.
- 1.5. There are 3 additional current planning applications that have been submitted separately accompanying this application for the installation of a new shopfront, roller shutters and advertisements and installation of four new satellite dishes, three air conditioning units and a TV aerial (2014/06268/PA, 2014/06266/PA and 2014/06267/PA).

[Existing & proposed ground floor plans](#)

2. Site & Surroundings

- 2.1. The application site is part of a detached two storey building located on the corner with Newcombe Road and set within the Primary Shopping Area of the Rookery Road Neighbourhood Centre.
- 2.2. The Rookery Road frontage has 5 shop windows at ground and first floor with solid roller shutters. There is a single storey side extension set in from the corner entrance with a mono pitch roof. The main roof of the property has a parapet to the

front, part flat and dual pitch roof with a gable end facing Newcombe Road. The property is rendered and painted white.

2.3. There is 4m deep paved forecourt area adjacent with Rookery Road with bollards and 2m with Newcombe Road. There is 1 hour parking facility on the road opposite the premises.

2.4. The building is currently occupied and trading as CBS Complete Boilers and spares and also used for storage purposes.

2.5. [Street location](#)

2.6. [Street view](#)

3. Planning History

3.1. 07th June 2005 - 2005/02677/PA - Retention of security shutters to windows at first floor. Refused.

3.2. 31st October 2003 - 2003/05432/PA - Alterations to front and side elevation and new security shutters to form showroom at ground floor - Approved with conditions.

3.3. 10th May 1984 – 06473006 – Erection of garage/store – Approved with conditions.

3.4. 16th February 1956 – 06473001 – Use as printing works & store – Approved.

4. Consultation/PP Responses

4.1. M.P, Local Ward Councillors, Residents Associations and adjoining occupiers were notified.

4.2. Councillor Karen Trench raises objections on grounds that there are sufficient betting shops in the area and having another one will not be good for the area. That the most vulnerable in society need to be protected by limiting access to these businesses. Councillor states Rookery Road and the surrounding area is one of the poorest areas of Birmingham. That shops are required which add to the area and not take away resources.

4.3. Councillor Paulette Hamilton raises objections on behalf of business owners and local residents; on the grounds that there was an enormous problem with transient residents drinking on the street, and that with the introduction of an alcohol restriction zone there has been some success. Residents were horrified to see plans for this betting shop, that there are other betting shops on Rookery Road, College Road, Soho Road and Lozells Road. She would like to support local opposition to this betting shop because of the numerous problems that are encountered at the shop on College Road, and also because on Rookery Road there is a women's centre that caters for vulnerable women. She raises concern that there would be an increase in people hanging around, gambling, anti-social behaviour, drug dealing, burglary and on street robberies and a general decrease in the character of the area.

4.4. A letter of objection submitted by a local business with an accompanying petition, object on the following grounds;

- People hanging around,

- People gambling in the ward,
 - Increase in anti-social behaviour,
 - Drug dealing,
 - Increase in burglary in the area, and on street robberies &
 - Decrease in the character of the area.
- 4.5. A petition signed by 327 local residents and business occupiers object on grounds that it will cause significant anti-social behaviour.
- 4.6. 2 letters of objection submitted by local businesses on grounds of increase in anti-social behaviour including criminal activities, loitering, littering, increase in footfall at unsociable hours in residential area, noise, public nuisance and that the proposed use should be assessed as loss of A1 use.
- 4.7. Transportation – No objection.
- 4.8. Regulatory Services – No objection subject to noise levels for plant and machinery and hours of use.
- 4.9. West Midlands Police – State they have no objection to the proposed change of use. The Crime Prevention Advisor has noted that the site is within a Section 30 Dispersal Zone, which discourages gatherings of people drinking alcohol and causing concern to local residents. Recommendation are made on suitability of security bollards, facility for smokers, improving visibility into the store by removing obscure glazing and adoption of security standards and suitable operating procedure to support staff.
5. Policy Context
- 5.1. The following local and national planning policy is applicable:
- Birmingham UDP (2005), Draft Birmingham Development Plan (2013), Shopping and Local Centres SPD (2013), Loss of Industrial Land to Alternative Uses SPD (2006), The National Planning Policy Framework (2012).
6. Planning Considerations
- 6.1. The proposal should be assessed against the objectives of the policy context set above.
- 6.1. The main consideration in the assessment of this application is whether the principle of the use would be acceptable in this location and whether it would cause any detrimental impact on the vitality and viability of the local centre, residential amenity and highway safety.
- 6.2. Principle of use
- 6.3. The NPPF advises that planning policies should be positive and promote competitive town centres that provide customer choice and a diverse retail offer which reflects the individuality of town centres.
- 6.4. 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 and the application premises are located within Rookery Road Neighbourhood Centre. Therefore the principle of the proposed use as a betting shop A2 unit in this Centre is considered acceptable. I raise no objections to the small loss of warehouse floorspace from the perspective of your committee's industrial land policy.

6.5. Vitality and Viability

6.6. Policy 1 of the adopted SPD Shopping and Local Centres advocates that 50% of all ground floor units in Neighbourhood Centres within designated Primary Shopping Areas 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 these thresholds being lowered. In this case this is not relevant as the lawful use of the premises is as storage and distribution in use class B8. Notwithstanding this it is noted that the level of occupancy within the Primary Shopping Area on Rookery Road in A1 retail use would remain well above the required 50%.

6.7. Residential amenity

6.8. Regulatory Services have assessed the scheme and offer no objection, subject to the imposition of a condition restricting noise levels for plant and machinery and hours of use to between 0700 - 2300. I concur with this view. The applicant has proposed opening hours of 0800-2200 seven days per week including Bank Holidays, which I consider acceptable in this busy commercial neighbourhood centre where ambient noise levels are relatively high.

6.9. I acknowledge the concerns expressed by a significant number of local people over the increased potential for crime and anti-social behaviour which may arise as a result of this application. As a result, I arranged for the police crime prevention adviser and local police representatives to meet with the applicants to discuss and agree proposed management arrangements and internal and any necessary external changes with the aim of reducing the potential for crime. The applicants have since agreed to a number of changes which have been incorporated in to the latest amended plans. The police have confirmed that the agreed measures address the concerns they raised in their initial response and that they raise no objections to the application. I therefore conclude that there is no justification to refuse this application on grounds of the potential for increased crime and anti-social behaviour.

6.10. Highway safety

6.11. 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. The proposed change of use of the premises from B8 warehouse use to A2 Betting Shop use is acceptable and would accord with national and local planning policy. The proposal would not adversely affect the amenities of nearby occupiers or highway and pedestrian safety.

8. Recommendation

8.1. Approve subject to the following conditions:

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- 1 Limits the noise levels for Plant and Machinery
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Limits the hours of use to between 08:00 - 23:00.
 - 4 Limits the approval to 3 years (Full)
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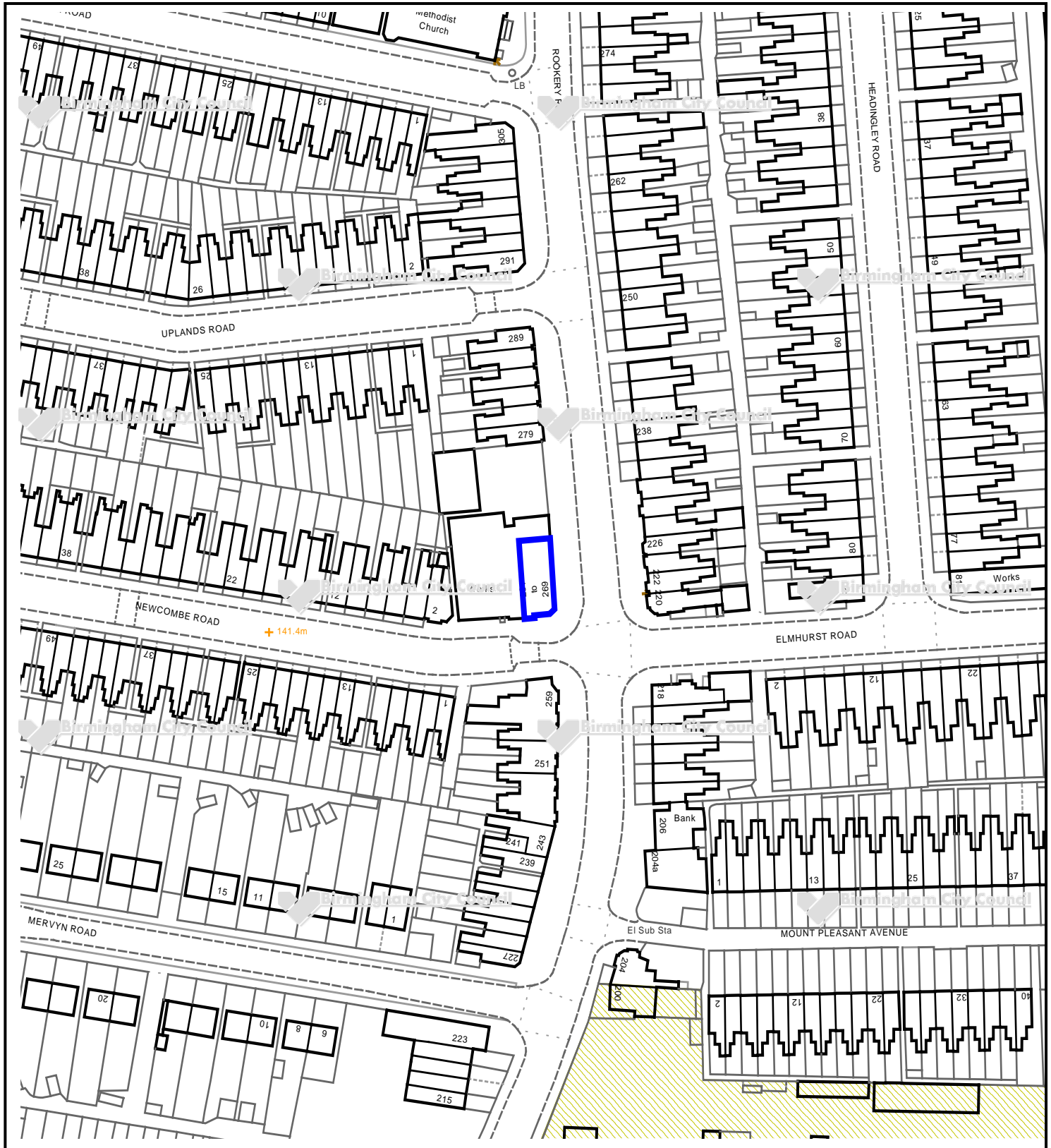
Case Officer: Atief Ishaq

Photo(s)



Figure 1: Front Elevation

Location Plan



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