Committee Date: 22/01/2015  Application Number: 2014/06165/PA
Accepted: 04/12/2014  Application Type: Full Planning
Target Date: 29/01/2015
Ward: Springfield

438 Stratford Road, Sparkhill, Birmingham, B11 4AD

Demolition of existing building and erection of three storey building to provide 4 no. Retail Shops (A1) and Restaurant (A3) at ground floor and Mosque and Islamic Community Centre above

Applicant: Mushtaqs Ltd
451-453 Stratford Road, Sparkhill, Birmingham, B11 4LD
Agent: Masood Akhtar Associates
65-67 Whitmore Road, Small Heath, Birmingham, B10 0NR

Recommendation
Approve Subject To Conditions

1. Proposal

1.1. Proposal consists of the demolition of the existing single storey retail unit and erection of a 3 storey mixed-use building consisting of the following elements:
   - Ground floor – 4 x retail units (39.2-45.6sqm) fronting Stratford Road, 1 restaurant (49.8sqm / 27 covers) at the corner of Stratford Road and Weatheroak Road, and entrance / reception to a mosque and Islamic Community Centre off Weatheroak Road. A small service yard with vehicular access off Weatheroak Road and refuse storage area to the rear.
   - First Floor – Gents Prayer Hall (max. 55 prayer mats), library (max. 16 people), study area (max. 24 people), meeting room, pantry and Gents WUZU Area.
   - Second Floor – Ladies Prayer Hall (max. 33 prayer mats), study / library area (max. 12 people), meeting room, pantry and Ladies WUZU Area.

1.2. The proposed building adopts a traditional brick and tile style and would accommodate the upper floor behind a pitched roof with ridge and eaves levels to match the adjoining parade of shops and creation of vertical rhythm by means of first floor gable features and a full height glazed corner feature. The architectural language of the building also includes religious features, most noticeably a dome (approx. max. 13m high) and minaret (approx. max. 20m high). The building wraps around the junction of Stratford Road and Weatheroak Road, and would provide active frontages at ground floor level.

1.3. The applicant’s (Mushtaq’s Ltd) intention is to provide a prayer room predominantly for its employees (approx. 40 male and female full time staff based at 451-459 Stratford Road), especially for Friday prayers including Eid/Festival prayers. The applicant also advises that they wish to give something back to the local community, particularly to the residents on Weatheroak Road and Wilton Road as well as to local business within the near vicinity of the site. This includes day time and evening
classes, library and Islamic classes and discussions. The applicant also expressed that the development and running costs would be funded by the company.

1.4. Opening hours for the retail units would be 0800-2000 hours Monday to Friday, 0800-1800 hours Saturdays and 1000-1800 hours Sundays, whilst the restaurant would be 1130-2300 hours Monday to Friday, 1130-0000 Saturdays and 1030-2230 hours Sundays.

1.5. Capacity of the prayer facility is indicated as being 98 and these would be full during Friday Prayers, Eid/Festival prayers as well as other special events. Numbers attending other prayers is likely to range from 10-20 people during the day. The classrooms for adults and children would be open 1000-1600 hours Monday to Friday and 1000-1400 hours at the weekend.

1.6. A Transport Statement and Travel Plan have been submitted in support of the planning application.

Proposed Floor Plans

Proposed elevations / streetscenes

2. Site & Surroundings

2.1. The triangular shaped site has a corner location at the junction of Stratford Road and Weatheroak Road within the Primary Shopping Area of Sparkhill Neighbourhood Centre. The existing building is a single storey building and is surrounded by predominantly traditional 2 and 3-storey Victorian parades of shops and terrace housing. There are also a number of post-war and more contemporary buildings along Stratford Road.

2.2. Stratford Road consists of a mixture of commercial uses and Weatherfield Road has a number of small commercial uses, including workshops to the immediate north of the application site. Away from its junction with Stratford Road, Weatheroak Road consists of terrace housing.

2.3. Stratford Road is a red route and there are a limited number of restricted parking bays available. On-street parking is available on adjoining side roads, including Weatheroak Road, where demand is high.

Site Location

Street View

3. Planning History

3.1. 12/11/12 – 2012/06061/PA. Erection of first floor building for the creation of a restaurant (Use Class A3) with ancillary take-away, installation of extraction flue & alterations to ground floor elevations. Approved.

4. Consultation/PP Responses

4.1. Transportation Development – If minded to approve, recommend conditions relating to, removal of all redundant footway crossing, vehicular access specification, levels
and boundary treatment, no provision of hot food takeaway element to restaurant, provision of service yard, cycle storage, and limit capacity.

4.2. Regulatory Services – No objection subject to conditions relating to extraction and odour control, noise levels from plant and machinery, external amplification equipment, hours of use, delivery time restrictions and maximum number of worshippers.

4.3. Severn Trent Water – No objection subject to drainage condition.

4.4. West Midlands Police – No objection with concerns regarding increased traffic / congestion and recommend Secured by Design accreditation.

4.5. West Midlands Fire Service – No objection.

4.6. Birmingham and Black Country Wildlife – Bat records within 700m of the application site and Council should be satisfied that there would be no bats present.

4.7. Local residents, business premises, neighbourhood forum, Councillors and MP consulted.

4.8. Petition containing 13 signatures from residents of Weatheroak Road submitted by Councillor Jerry Evans objecting on the grounds of parking pressure. Reference is also made to the Council’s disposal of the car park on Beach Road.

4.9. Petition received containing 26 signatures from residents of Weatheroak Road, objecting on the following grounds:

- Noise, smell and disturbance from restaurant.
- Existing parking problems.
- Established restaurants and mosques in the locality.
- Increase litter and vermin.
- Anti-social behaviour.
- Building would be taller than houses opposite.
- Block out light.

4.10. A further representation has been received from a resident of Weatheroak Road objecting on the grounds of smell, vermin, number of mosques in the locality and anti-social behaviour.

5. Policy Context


6. Planning Considerations

6.1. Location:

6.2. Places of Worship and Faith-Related Community and Educational Uses SPD recognises the importance of finding the right location for uses which attract large numbers of users, reducing the need for travel and achieving more sustainable patterns of development, so by reducing reliance on the car. Furthermore, Shopping
and Local Centres SPD highlights that centres act as a focus for local life and successful communities, providing shops, services and facilities to meet local needs.

6.3. In light of the applicant’s objective to provide a facility for its employees, who are based on the opposite side of Stratford Road as well as other business premises and residential properties in the vicinity, it is considered that the proposal would serve a purely local need. No objection in principle is therefore raised to the provision of this community facility within a local centre, in very close proximity to its intended users.

6.4. Vitality and Viability:

6.5. The existing premises are currently a single storey retail unit and the proposal would provide 4 smaller retail units and a small restaurant at ground floor with a mosque and community centre to the upper floors. Whilst the proposal would see a reduction in the overall level of retail floor space, it would still provide an appropriate level as well as other uses suitable within a local centre. A survey undertaken in 2014 identified that some 73% of units in the local centre were in retail use. As such it is considered that the proposal would enhance the vitality and viability of Sparkhill Neighbourhood Centre overall.

6.6. Design:

6.7. The existing single storey building does not make a positive contribution to the streetscape and its redevelopment provides an opportunity to improve the character and quality of the locality. The scale and massing of the building is appropriate to its neighbouring commercial properties along Stratford Road and at the same time sympathetic to the more domestic scale of the residential properties on Weatheroak Road.

6.8. It should also be noted that the contemporary building to the opposite side of Weatheroak Road at its junction with Stratford Road is also larger than the terrace housing and there are also workshops between the application site and the closest terrace housing to the west side of Weatheroak Road.

6.9. The proposed dome and minaret are significant architectural features but are considered to enhance the scheme and not represent over-dominant features to the detriment of wider visual amenity. The dome is set back from the building’s frontage and the minaret is of appropriate proportions to the proposed building. The external appearance of the building would reflect the religious purpose of the upper floors whilst respecting the positive characteristics of the locality and would represent an overall improvement on visual amenity.

6.10. Neighbour Amenity:

6.11. Ambient noise levels are high in this location on Stratford Road, whilst it is recognised that these reduce along the residential side roads, including Weatheroak Road. The entrances to the retail units and the restaurant would be off Stratford Road and the submitted plans indicate that the restaurant’s extractor flue would be accommodated within the minaret. The entrance to the mosque and community centre would be off Weatheroak Road, opposite residential properties, but in close proximity to Stratford Road. The location of this entrance, with the adjoining workshops, represents an area of transition on this side of Weatheroak Road, between the busy commercial activities on Stratford Road and the housing. It should also be noted that the activities with the largest number of people visiting
(e.g. Friday Prayers) occur during the daytime hours when ambient noise levels would be at their highest. Within this context, it is considered that the noise and disturbance generated from the different uses proposed would not have an adverse impact on neighbour amenity that could sustain a reason for refusal. Likewise, the proposed building would not have an adverse impact on loss of residential amenity by means of loss of light or outlook. Regulatory Services raise no objection subject to safeguarding conditions, including opening hours. It is considered appropriate to restrict the hours of the restaurant as well as the community centre but not the mosque due to the anticipated low number of attendees late at night and during the early hours of the morning.

6.12. Parking:

6.13. The supporting Transport Statement reinforces the applicant’s claim that there is a need for additional local mosques and community centres as existing facilities are generally full on peak periods such as Friday Prayers, especially at local levels within short walking distances. In light of the facility being specifically proposed for the employees working at Mustaq’s Ltd, on the opposite side of the road, as well as local businesses and residents within the immediate vicinity of the Stratford Road junction with Weatheroak Road and Wilton Road, there is a real probability that a very high percentage of visitors would actually visit by foot. Therefore, whilst there is no on-site parking provision and on-street parking is limited and in high demand it is considered that the proposal would not have an adverse impact on highway safety or the free flow of traffic.

6.14. Transportation Development note the Transport Statement’s surveys at the Stratford Road / Fulham Road mosque and the high number of worshippers walking (85%) to the centre and those travelling by car (15%) were mostly car sharing between 2/3 people per vehicle. The Transport Statement anticipates a similar modal share for the proposal. Transportation Development raises no objection and recommend conditions if Planning Committee be minded to approve. The suggested conditions are considered appropriate with the exception of the capacity limit, which would be unreasonable for a community facility within a sustainable local centre.

6.15. Other Matters:

6.16. The reference to bat records within 700m of the application site is noted. However, in light of the nature and condition of the existing building, (i.e. occupied, maintained and single storey with a flat roof design) it is considered highly unlikely that bats would be present and as such a survey is not considered necessary in this instance.

7. Conclusion

7.1. The application represents the more efficient use of this site within Sparkhill Neighbourhood Centre to provide a small number of retail units and a restaurant as well as a mosque and community centre for an identified need which is highly likely to result in a high percentage of worshippers visiting by foot. The building has been designed to respond to local positive characteristics, whilst incorporating traditional Islamic architectural features. The proposal would not have an adverse impact on neighbour amenity and it has been demonstrated that it is unlikely to have a detrimental impact on highway safety. The scheme is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation
8.1. Approve subject to conditions.

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<td>Shop Front Design</td>
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<td>Requires the prior submission of roller shutter details</td>
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<td>3</td>
<td>Limits the hours of use of the restaurant to 1130-2300 hours Monday to Friday, 1130-0000 hours Saturday and 1030-2230 hours Sunday</td>
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<td>Requires the prior submission of a drainage scheme</td>
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<td>Requires the prior submission of extraction and odour control details</td>
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<td>Limits the noise levels for Plant and Machinery</td>
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<td>Requires the prior submission of hard surfacing materials</td>
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<td>Requires the delivery and service area prior to occupation</td>
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<td>Requires the prior submission of cycle storage details</td>
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<td>Prevents food to be sold from the restaurant for off site consumption</td>
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<td>15</td>
<td>Requires the removal of all redundant footway crossings</td>
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<td>16</td>
<td>Requires the scheme to be in accordance with the listed approved plans</td>
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<td>17</td>
<td>Limits the approval to 3 years (Full)</td>
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Case Officer: Peter Barton
Photo(s)

Figure 1 – Stratford Road / Weatheroak Road junction

Figure 2 – Weatheroak Road looking north from its junction with Stratford Road
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