
Committee Date:	02/04/2015	Application Number:	2015/00607/PA
Accepted:	04/02/2015	Application Type:	Full Planning
Target Date:	01/04/2015		
Ward:	Sutton Vesey		

Brampton Hall Community Centre, Princess Alice Drive, Sutton Coldfield, Birmingham, B73 6RB

Demolition of existing community hall (D1) and erection of a restaurant (A3) with external seating, car parking and bin store provision.

Applicant: Burney Midlands Ltd
c/o Agent
Agent: Dovetail Architects Ltd
Dovetail House, 60 Station Road, Upminster, Essex, RM14 2TJ,

Recommendation

Approve Subject To Conditions

1. Proposal
- 1.1. This application is for the demolition of the existing community use building (Use Class D1) and erection of a building for restaurant use (A3) with external seating, car parking and bin store provision.
- 1.2. The prospective user is 'Frankie and Benny's', which would create 25 full-time and 17 part-time employment opportunities.
- 1.3. The proposed opening hours would be between 10am and 11:30pm Monday to Sunday and the proposed delivery hours would be between 7.30am and 8pm Monday to Saturday.
- 1.4. The proposed building would be sited in the same position as the existing building. It would have a footprint measuring 19.07 metres by 18.8 metres and designed with a high lean-to roof measuring 8 metres in total height to provide a mezzanine within part of the roof space. The building would have render and brickwork to the elevations and the roof would consist of a bullnose fascia and deep timber cladded soffit. A red and green coloured canvas canopy would extend around three facades.
- 1.5. Internally, the restaurant would comprise a seating area with 138 covers, a bar area, services room, staff W/C and a kitchen area (including a wash up area, beer store, chiller and freezer) and within a mezzanine level there would be male and female W/C, plant room, staff lockers and a cleaner's cupboard.
- 1.6. The existing car parking area would be reconfigured to increase the number of car parking spaces from 18 to 23 including 2 car parking spaces for people with disabilities. A new pedestrian route would be created through the existing boundary treatment to link the site with the adjoining Tesco's car park. The existing vehicular

access point and access road from Princess Alice Drive would be used by the proposed restaurant and serving vehicles.

- 1.7. 3 trees (T9, T14 and T15) would require pruning to enable the development and no trees would be removed.
- 1.8. A bin store measuring 5.2 metres by 4.4 metres would be provided to the rear of the building and would be enclosed by timber fencing.
- 1.9. The application has been submitted with a Design and Access Statement, Daytime Bat Survey, Draft Phase 1 Contaminated Land Assessment, Arboricultural Report, Transport Statement, Serving and Deliveries Statement, Equipment Schedule, Waste Management Plan, and a statement on Performance Specification for the Heating Ventilation and Air Conditioning of the Proposed Frankie and Benny's.

1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to Brampton Hall, which Birmingham City Council had a long leasehold interest in until December 2014 when the leasehold was surrendered to Burney Capital Group on an unconditional basis. Brampton Hall is currently vacant and was previously used as a community centre until 2014. It comprises a single storey, double height hall with a single storey extension forming an L-shape building and is located in the south-eastern part of the site. The site currently has 18 off-street car parking spaces with access gained from Princess Alice Drive. The site is relatively flat and includes mature trees which are covered by a Tree Preservation Order (TPO 1356).
- 2.2. The site fronts Chester Road North and is located between Tesco Superstore and a KFC restaurant which forms part of Princess Alice Retail Park. The site falls within the primary shopping area of New Oscott District Centre as defined by the Council's Shopping and Local Centres SPD.
- 2.3. The surrounding area is predominantly commercial in character and the nearest residential properties are located on the opposite side of Chester Road North at first floor above the commercial shops and to the northwest of the petrol filling station.
- 2.4. The site is well served by public transport services including regular bus services and the nearest rail service is Chester Road Rail Station which is 2.5km southeast of the site.

2.5. [Site Location](#)

2.6. [Street View](#)

3. Planning History

- 3.1. No planning history for the application site.

4. Consultation/PP Responses

- 4.1. Ward Councillors, residents associations and nearby occupiers and residents were notified. Site Notice displayed at site.

- 4.2. Bush Area Residents Association and a Petition with 19 signatures raise objection to the application on the grounds of traffic; increase litter and graffiti which will bring the area down quickly; nuisance of people trying to get a car park; noise at night which will disturb people sleeping especially those who have to get up in the morning to go to work; increase vermin which is not good for health and doesn't help the budget of the NHS; and there is already sufficient eating and drinking establishments in the area.
- 4.3. 6 letters of objection received from nearby residents expressing the following concerns:
- Increase traffic in an already very congested area. As an example on Friday 13th February 2015 at 1.25pm a journey from Chester Road railway station to Roylesden Crescent took 45 minutes. It was obvious that the main holdup was due to traffic queueing along Chester Road to turn into Princess Alice Drive.
 - The traffic congestion on Chester Road North and Jockey Road is making people use Roylesden Crescent as a cut through to avoid the traffic lights and congestion around the junction at Beggars Bush, which is making Roylesden Crescent very dangerous for residents.
 - Emergency vehicles find it very difficult to manoeuvre through this area.
 - Increase litter, smells and vermin.
 - The existing building is nice and part of the community and it does not need to be replaced with a monstrosity of a building.
 - Too many restaurants.
 - Add unnecessary competition to existing businesses in the area.
 - The shopping area has been overdeveloped with little consultation or recognition to local residents.
 - Loss of community centre.
- 4.4. Transportation Development - No objection subject to conditions to secure: cycle storage facilities; servicing and parking management plan; parking spaces to be formally marked out on the ground; and parking and vehicular circulation areas to not be used for any other purposes and to be kept free of any obstruction.
- 4.5. Regulatory Services - No objections subject to conditions to secure: extraction and odour control details; provision for a vehicle charging point; contamination remediation scheme; and a contaminated land verification report.
- 4.6. West Midlands Police - No objection and recommends any alarm to the premises to be a 'Type A' alarm and provides guidance on the type of CCTV system, lighting and type of doors and windows.
5. Policy Context
- 5.1. UDP 2005, Draft Birmingham Development Plan (BDP), Places for All SPG, Shopping and Local Centres SPD, Car Parking Guidelines SPD, Places for All SPG, NPPF and TPO 1356.
6. Planning Considerations
- 6.1. Policy Context
- 6.2. The NPPF contains a presumption in favour for sustainable development. It seeks to promote competitive town centre environments that provide customer choice and

a diverse retail offer and which reflects the individuality of town centres. It advises that Local Planning Authorities should pursue policies to support the viability and vitality of town centres. Paragraph 70 of the NPPF also refers to promoting healthy communities and advises that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

- 6.3. Policy 3.8 of the adopted UDP 2005 states that there is a need to protect and enhance what is good in the City's environment and improve what is less good. Policy 3.14A-D expects new developments to be considered as part of its context and sets out the principles against which new development would be considered, including the effect on local character, scale and massing.
- 6.4. The adopted UDP sets out policies to protect and enhance centres, and to promote a diverse range of uses in Centres. Policy 7.24 advises that uses which provide a direct service to a customer, such as a restaurant, now have an established place in many centres. Such uses would be encouraged as complementary to the retail function of centres, subject to the need to ensure that an over-concentration of such uses does not create significant areas of dead frontage, and does not prejudice the viability of the centre as a whole.
- 6.5. Policies 8.6 and 8.7 of the UDP provides general guidance as to where new restaurants can acceptably be located and states that due to the amenity issues usually associated with such developments and their impact on traffic generation, restaurants should generally be confined to shopping areas or areas of mixed commercial development. It further states that within such areas and wherever similar facilities exist, account would be taken of the cumulative impact of such development particularly in terms of impact on the amenity of the area and traffic generation.
- 6.6. The Shopping and Local Centres SPD identifies New Oscott as a District Centre. It seeks to support the primary retail function in centres whilst ensuring an appropriate balance of retail and non-retail uses. It encourages restaurants within centres as these are the most sustainable locations for such investment with optimum accessibility by a range of means of travel. Policy 5 refers to applications for new restaurant uses within centres and seeks to prevent the clustering of restaurants.
- 6.7. Principle of Development and Use
- 6.8. The demolition of Brampton Hall is considered acceptable as the building has limited architectural merit and is not a listed building. Brampton Hall was previously used as a community centre until 2014 when all of the 12 community groups were relocated to other community/meeting venues within the local area. I am satisfied that the proposed scheme would not result in the unnecessary loss of a valued community facility.
- 6.9. The application site is located within the Primary Shopping Area (PSA) of New Oscott District Centre and is considered to be an appropriate location for a new restaurant. The proposed restaurant would complement the retail function of New Oscott District Centre, provide a daytime use and improve customer choice and competition. I therefore consider that the principle is acceptable subject to site specific issues. The key issues are whether the proposed restaurant would have a detrimental impact on the retail function of the centre, on visual amenity (including impact on trees), on the amenities of nearby residents and on highway safety.

- 6.10. Impact on the retail function of the centre
- 6.11. New Oscott District Centre currently has a high proportion of units operating in retail use with over 70% of units in A1 use. There are only 1.67% of units operating in restaurant use and I do not consider that there is an over-concentration of restaurants in the centre. There is an existing KFC restaurant located next to the application site however I am of the view that the proposed scheme would not result in an over-clustering of restaurants in one particular area within the centre. I therefore do not consider that the proposed restaurant would have an adverse impact on the retail function or undermine the vitality and viability of the centre.
- 6.12. Impact on visual amenity
- 6.13. The design of the proposed building has been amended in response to comments received by the City Design Advisor. The proposed restaurant's front door has been repositioned to face Chester Road North in order to enhance the street scene and complement the shops on the opposite side of the road. The proposed building includes large areas of glazing to provide an active daytime frontage and includes brickwork to reinforce the local character.
- 6.14. The outdoor seating area has been relocated from the north to the south side of the building within an attractive and spacious landscape setting to benefit from the late afternoon and early evening sunlight during the summer months and to increase activity to the public realm.
- 6.15. I am satisfied that the proposed building would represent a high quality development and would be in keeping with other recently constructed commercial buildings within Princess Alice Retail Park. I have attached conditions to secure appropriate building materials, landscaping and to ensure adequate protection of trees during construction. I note that the City Design Advisor and Landscaping Officer raise no objection.
- 6.16. Impact on residential amenity
- 6.17. Regulatory Services raise no objection subject to conditions to secure details about the extraction and odour control system, a vehicle charging point, a contamination remediation scheme and a contaminated land verification report. I have attached all conditions except for the vehicle charging point as I do not consider that this is justified.
- 6.18. Nearby residents have expressed concern about the potential increase in litter, vermin and noise. The applicant has provided a Waste Management Plan which outlines how waste would be stored and removed from site and also includes details on pest control during construction and when the restaurant is operating. I have attached a condition to ensure the proposed development is in accordance with the details outlined in the Waste Management Plan and a condition to secure adequate litter bins.
- 6.19. In terms of noise, the proposed restaurant would be open between 10am and 11.30pm Monday to Sunday and deliveries and collections to and from the site would be between 7.30am and 8pm Monday to Saturday. I am of the view that the proposed opening hours and servicing times are appropriate for this centre location and would comply with the recommended opening hours outlined in policy 8.7 of the UDP. I have attached a condition accordingly to secure the opening hours and to secure the details set out in the Servicing and Deliveries Statement. I have also

attached a condition to ensure no amplified music is played outside at any time to safeguard nearby residents from late night noise disturbance.

- 6.20. I do not consider that the proposed scheme would result in a detrimental impact on the amenities of nearby residents in terms of odour, litter, vermin, noise and disturbance subject to safeguarding conditions.
- 6.21. Impact on highway safety
- 6.22. The proposed development would provide adequate car parking provision in accordance with the maximum car parking standards set out in the Car Parking Guidelines SPG. I also note that customers attending the restaurant during the daytime may combine their trip with visits to other shops in the centre and the restaurant is also more likely to be busy during the evenings when the shops in the adjoining retail park are closed and there is more car parking available within the centre. I therefore do not consider that the proposed restaurant would have an adverse impact on parking demand.
- 6.23. The submitted Transport Statement concludes that the proposed restaurant is likely to increase traffic to and from the site compared to the previous use of the site as a community centre however the level of increase in traffic is unlikely to have a significant impact on highway safety. I therefore do not consider that the proposed restaurant would have a detrimental impact on the free flow of traffic or on highway safety.
- 6.24. Transportation Development raises no objection subject to conditions. I have attached conditions to secure adequate cycle storage facilities and for the parking area to be formally marked out and only used for car parking and kept free from obstruction. I do not consider that a servicing and parking management plan is necessary as the applicant has provided a Servicing and Deliveries Statement which confirms the number of deliveries/collections per week, the hours of servicing and that all deliveries would be scheduled and booked by the restaurant manager.
- 6.25. Impact on trees and ecology
- 6.26. All existing trees would be retained and the proposed tree works are considered acceptable by the Tree Officer.
- 6.27. A Daytime Bat Survey was submitted with the application which concluded that there was no evidence of roosting Bats within or on any exterior surface of the building but there was evidence of birds using the space under the eaves of the building. The survey has recommended that a detailed survey would need to be carried out prior to works going ahead during the bird breeding season (March to September) to ensure that no active nests would be affected. It has also recommended a number of mitigation measures to safeguard wildlife. The Council's Ecologist raises no objection to the proposed development. I concur with this view and have attached a condition accordingly to secure the recommended mitigation measures.

7. Conclusion

- 7.1. I consider that the proposed restaurant would complement the retail function of the centre, increase customer choice and competition and support the vitality and viability of the centre. Subject to safeguarding conditions, the proposed scheme would have no detrimental impact on visual amenity, on the amenities of nearby residents and on highway safety. I therefore consider that the proposed scheme

would comply with policies contained within the adopted UDP 2005, Shopping and Local Centres SPD, Car Parking Guidelines SPD and the NPPF.

8. Recommendation

8.1. I recommend approval subject to the following conditions:

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- 1 Requires the prior submission of a contamination remediation scheme
 - 2 Requires the prior submission of a contaminated land verification report
 - 3 Requires the prior submission of a drainage scheme
 - 4 Requires the prior submission of sample materials
 - 5 Requires the prior submission of hard and/or soft landscape details
 - 6 Requires the prior submission of extraction and odour control details
 - 7 Requires the prior submission of cycle storage details
 - 8 Requires the parking area to be laid out prior to use
 - 9 Requires the restaurant to operate in accordance with the Servicing and Deliveries Statement
 - 10 Requires the restaurant to operate in accordance with the Waste Management Plan
 - 11 Requires the prior submission of a litter bin
 - 12 Limits the hours of use between 10:00 and 23:30 Monday to Sunday.
 - 13 Prevents the use of amplification equipment
 - 14 Requires the implementation of the submitted mitigation/enhancement plan
 - 15 Requires the scheme to be in accordance with the listed approved plans
 - 16 Limits the approval to 3 years (Full)
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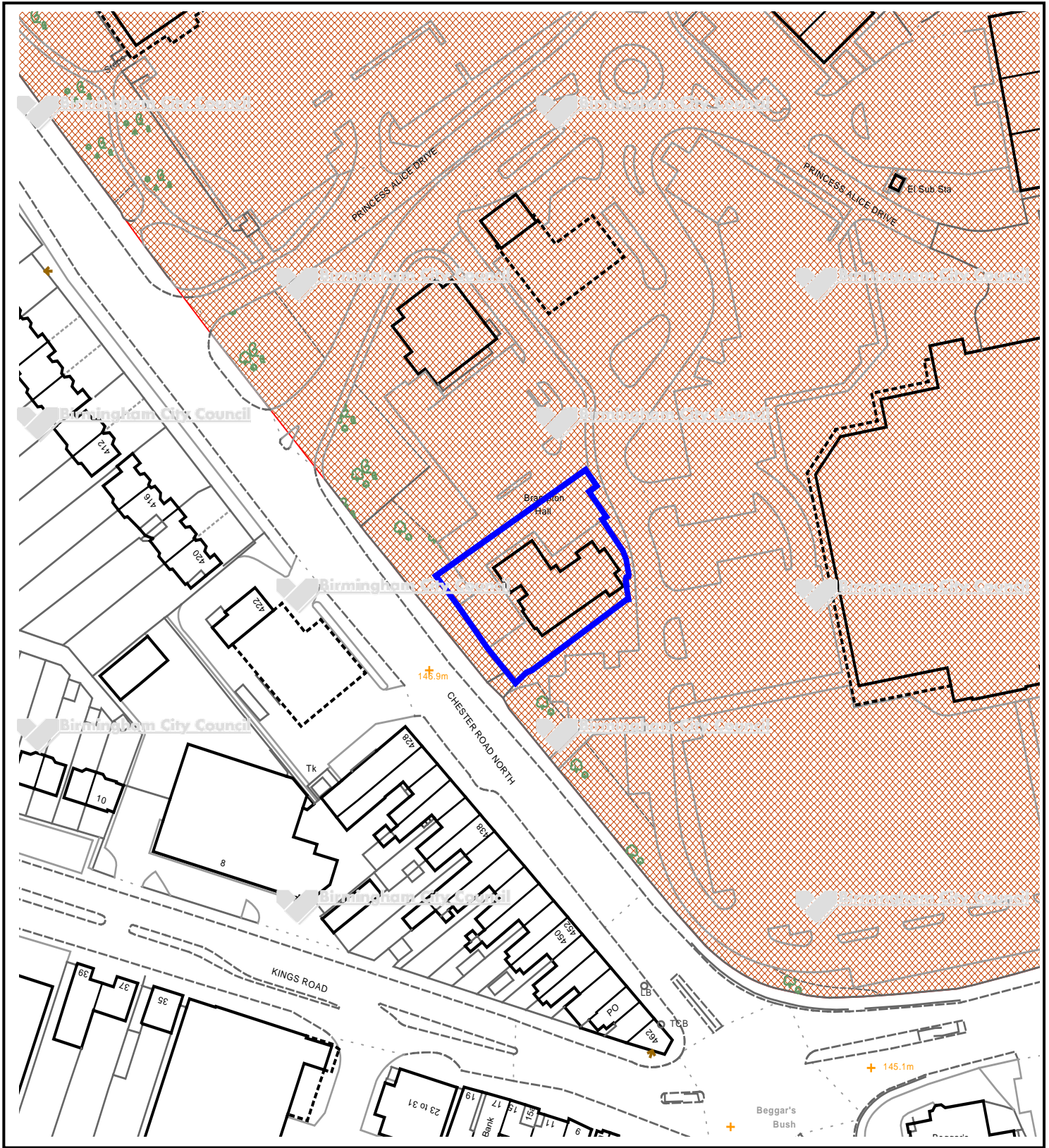
Case Officer: Helen Hawkes

Photo(s)



Figure 1 - Application Site

Location Plan



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