Committee Date: 14/11/2013  Application Number: 2013/06331/PA
Accepted: 23/08/2013  Application Type: Extend Time to Implement
Target Date: 22/11/2013
Ward: Harborne

East Car Park, St Johns Road, Harborne, Birmingham

Application for a new planning permission to replace an extant planning permission 2010/03044/PA for residential development comprising 4 apartments fronting onto St Johns Road, and a mews of 7 houses to the rear together with associated vehicular and pedestrian access, car parking and landscaping

Applicant: Hare Hatch Holdings Ltd
c/o agent
Agent: Savills (UK) Ltd
Innovation Court, 121 Edmund Street, Birmingham, West Midlands, B3 2HJ

Recommendation
Approve Subject To Conditions

1. Proposal

1.1. This application seeks planning permission to extend the time to implement a extant permission. Application 2010/03044/PA was approved by Planning Committee 26th August 2010 with a three year consent. The scheme was for 4 flats and 7 town houses and provided 11 parking spaces for residents, and 9 spaces for customers/staff of the premises fronting the High Street. The four flats fronting the High Street would be in a two/three storey building, with an archway access leading to the terrace of seven two-storey townhouses lying perpendicular to St John Road. Design is contemporary, with flat-roofs and brick-clad elevations.

1.2. This application has been supported by a planning Statement, and updated noise assessment, transport assessment and arboricultural assessment.

Layout Plan

2. Site & Surroundings

2.1. The application is located just north, and to the rear, of 61-77 High Street, Harborne. The site is currently used as a private car park. There is a mix of uses within the area with a further car park on the opposite side of the road, to the west of the site, commercial properties to the south and residential properties to the north, as such the application site is in a mixed use area.

2.2. There are residential gardens, commercial service areas/commercial equipment and parking areas that adjoin the site. There is limited existing soft landscaping within the site. Traditional two storey Victorian properties dominate the residential
character of the area although there are a number of recent additions which provide a mix of styles in the area. There is a mix of 2, 3 and 4 storey buildings on the High Street.

Location Plan
Street Maps

3. Planning History

3.1. 26/05/09 Pa no 2009/00413/PA – Redevelopment of site with the erection two buildings of two and three storeys containing twelve flats and a retail unit – Approved with conditions.

3.2. 26/08/10. Pa no 2010/03044/PA Residential development comprising 4 apartments fronting onto St Johns Road, and a mews of 7 houses to the rear together with associated vehicular and pedestrian access, car parking and landscaping. Approved with conditions.

4. Consultation/PP Responses

4.1. Transportation – No objection subject to conditions to secure; pedestrian visibility splays, reinstate redundant footway crossings and for new footways crossings to be installed at the applicant’s expense.

4.2. Regulatory Services – No objection subject to conditions previously imposed.

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

4.4. West Midlands Fire Service – Details satisfactory.

4.5. West Midlands Police – No objection.

4.6. Residents, Resident Associations and Councillors consulted. Press and Site notice Made.

4.7. Cllr James McKay – Objects. Parking in central Harborne is a long-standing worsening situation, and was recognised during consultation on a controlled parking zone last year. Although the CPZ proposals narrowly failed to pass the 60% threshold to proceed, the results demonstrated very clearly the extent of the problem. This pressure is felt greatest in the roads immediately off the High St, such as St John's Road. To lose a car park in itself will clearly increase pressure on surrounding roads. However, if the residential properties are then subsequently built without a parking allocation that realistically reflects the additional demand, then the burden on surrounding roads will be doubly reinforced. The CPZ proposals, and the subsequent mitigation work being undertaken, approach the challenge of parking in Harborne as a whole, which is how it needs to be understood. Piecemeal loss of parking, and increase in demand, undermines this approach, and worsens the situation for residents.

4.8. Cllr Elaine Williams – Objects. Parking in central Harborne is a growing problem and concern especially for residents in the vicinity of the High St. I have been contacted by residents in St John's Rd and Clarence Rd all voicing concerns about the loss of this car park. I agree wholeheartedly with Councillor James McKay's views and request the application go before full planning committee.
4.9. The Harborne Society - The Society has objected previously to the development as it is in-appropriate on that site. In particular the loss of 66 car parking spaces will be detrimental to the continued viability of High Street businesses. The development will also cause significant difficulties for vehicles servicing the rear of retail premises on the High Street. In addition, our detailed objections to previous applications still stand.

4.10. Clarence Road Residents Association – Object due to the impact on existing on street car parking. This application makes no assessment of the impact of the development to existing on street car parking. Since the original application was approved Birmingham City Council have commissioned a ‘Harborne Village Parking Study’, which notes that "a number of roads do experience a high amount of non-resident parking in the evenings and/or extremely high levels of resident parking." The report also demonstrates the roads in the immediate area of the proposed development meet the council’s policy for considering the introduction of a Controlled Parking Zone/Residents’ Parking Scheme due to demand on, on street parking. The application fails to consider the asset value and ownership of the car park to Harborne as a retail centre. This objection has included a petition with 19 signatures with concerns in regard to the adverse impact on residential amenity and local business.

4.11. Harborne Parish Lands Charity (the freehold owner of the site) object to the proposed development as the proposal is contrary to the covenant within the lease, putting further pressure on the high street and a reduction of car parking would reduce the number of customers attending the centre.

4.12. 7 Letters of objection have been received from local residents with the following concerns;

4.13. “The applicant is not the freeholder of the land. Councillor John Alden, as trustee, stated that the applicants are not allowed to build the approved scheme under the commercial lease.”

4.14. “We obtained over 1000 signatures from local businesses and local residents for the original application, that this decision impacted on.”

4.15. “There are insufficient car parking spaces in Harborne. The council has identified there is a lack of car parking capacity. The loss of more than 50 parking spaces would have an impact on residence and on High Street businesses. The loss of parking will affect residents who struggle to park outside their own house.”

4.16. “The development does not benefit the retail businesses of Harborne, which continue to struggle in these economic times. The new clock tower development is just about to get phase 1 to open in November. It’s tough trading on the high street and with 11 Charity shops trading its important that for the few new shops due to open that customers can park, to assist in trading. The development of Attwood House, early next year, will remove 44 parking spaces from Harborne High Street. This application, if renewed, will remove a further 60/70 spaces. The retail health of Harborne High Street depends on a sufficient provision of off-street parking.”

4.17. “As a doctor working nights, the construction of these buildings would keep me awake during the day putting my patients at risk. This development would also look straight into our apartment and disrupt our privacy. Parking in this area is already a
nightmare and the building of flats and houses, even with parking spaces, will add to the over crowding of the streets."

4.18. “The site should be developed as a multi-storey car park. Shoppers should have easy access to car parking to maintain a healthy high street.”

5. Policy Context

5.1. Birmingham UDP, Draft BDP, Places for Living SPG, Car Parking Standards SPD.

5.2. NPPF. Greater Flexibility for Planning Permissions DCLG.

6. Planning Considerations

6.1. This application was approved in August 2010. The guidance, associated with this type of application, states that consideration must focus on whether material considerations have changed significantly since the original grant of permission.

6.2. From a policy perspective, the considered UDP remains the current Development Plan. Policy 7.15, of the adopted UDP, states that “emphasis will continue to be placed on the positive promotion and enhancement of existing shopping centres”. Policy TP5 of the draft BDP states “the City Council will seek to maintain and enhance the vitality and viability of centres”. The pre-submission draft BDP has been approved by Cabinet and will be published for statutory consultation early in 2014. It will then be submitted to the Secretary of State for public examination, so at present the document is therefore of only limited weight. In any event, I do not consider there will be a material change in retail Policy between both Plans enabling a different view to be reached. I do not consider the NPPF has materially changed retail, design, transportation or other relevant policies which would be likely to cause the Council to reach a different view on the proposals than in 2010.

6.3. Transport Issues

6.4. The updated Transport Assessment revisits the previous transport work and has undertaken new assessments of local car parking restrictions, available off-street car parking and traffic surveys. The car parking survey shows that only one of the 5 local car parks is at capacity (M&S on Metro Lane) and this is 95% full or more mid morning and during lunch. The survey also indicates that York Street (with 168 spaces) is never more than 55% full in weekdays and was a maximum of 77% full on Saturdays. This indicates that the 58 spaces currently available, with 9 retained, on the application site could be found elsewhere even during highest demand times (12 noon on Fridays and 11.30am on Saturdays). Also, using the previously collected data the applicants have been able to evidence that car parking spaces are now more available in 2013 than were available in 2006 when the first survey was taken. The applicants have also previously illustrated the scheme provides a reasonable level of parking provision for the proposed 11 dwellings (100%) without displacing traffic onto local residential roads.

6.5. Objections raised indicate that local residential roads are congested and this indicates that there is a lack of shoppers/visitors car parking. The Transport statement illustrates that spaces are available in nearby car parks. It seems that local congestion is most likely a result of high car ownership in an area with narrow roads and terraced housing with very limited on plot parking. This seems to place pressure on on-street parking to the detriment of residential amenity. I am satisfied that shoppers and visitors to Harborne would still have adequate access to car parking.
parking and as such the retail vitality and viability of the centre would be retained. However, I also recognise that the application site is operated as a private car park and could be closed at any point, no matter what local demand might exist. I note that Transportation Officers have raised no objection, subject to conditions. I concur with this view, although I note that two conditions have been requested that I am unable to attach as they were not applied within the original approval and would not pass the tests for the proper use of conditions.

6.6. Response to objections raised

6.7. Principal concerns from residents, resident associations and Councillors relate to the loss of the existing car park and the impact this would have on residents (through displacement) and businesses (through a reduction in customer parking). The proposal would result in the loss of 66 spaces, although 9 spaces are proposed to be re-provided for staff/customers on site (with a net loss of 57 spaces). I note that the previous application received a similar objection from the community. The 2010 Officer Report commented that “I note the concerns raised by local residents and consider that the loss of the public car park would be disappointing. However, the car park is a privately run facility on land not within the ownership of the City, the landowner could therefore withdraw the use of the car park at any time.”

6.8. The landowner is not the applicant and I note that the landowner has expressed a strong view that the site is protected by covenant and that they have no intention to enable the scheme to go ahead. That position is not a planning matter that can affect the decision on this application.

6.9. The proposal would result in the loss of an existing car park and whilst I acknowledge the concerns of local residents and traders I do not consider this would be sufficient to resist the development on this basis alone, for the reasons set out in the paragraphs 6.4 and 6.5.

6.10. I note concerns expressed in regard to overlooking. This issue was fully considered as part of the original consent and determined that the scheme met separation distances set out in Places for Living and as such overlooking would not occur.

7. Conclusion

7.1. There has been no significant material change to the circumstances associated with the site and surrounds nor policy and as such the original recommendation remains to approve the application.

8. Recommendation

8.1. Approve subject to conditions.

1 List of approved plans
2 Requires the applicant to provide details of drainage
3 Requires the applicant to provide details of contamination
4 Requires the applicant to provide details of management plan
5 Requires the prior submission of hard and/or soft landscape details
6 Requires the prior submission of boundary treatment details
7 Requires the prior submission of a lighting scheme
8 Requires the prior submission of details of green/brown roofs
9 Requires the prior submission of level details
10 Requires the prior submission of sample materials
11 Requires pedestrian visibility splays to be provided
12 Requires the prior submission of details of a delivery vehicle management scheme
13 Limits the approval to 3 years (Full)

Case Officer: Ben Plenty
View looking East