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Committee Date:	03/10/2013	Application Number:	2013/05274/PA
Accepted:	26/07/2013	Application Type:	Full Planning
Target Date:	25/10/2013		
Ward:	Selly Oak		

Former B & Q Ltd, 100 Harborne Lane, Selly Oak, Birmingham, B29 6TL

Refurbishment of existing building, including installation of mezzanine floor, reconfiguration and reduction of garden centre/external sales area and reconfiguration of service yard, alterations to access from Harborne Lane and car parking, landscaping and other associated works

Applicant: Grantchester Developments (Birmingham) Ltd  
c/o The Agent  
Agent: Blue Sky Planning Ltd  
Bourne House, 475 Godstone Road, Caterham, Surrey, CR3 0BL

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1. The proposal is for the refurbishment of an existing vacant DIY store including various internal, external and car park works. The scheme is part of the wider redevelopment and refurbishment of Battery Retail Park for which there is a related application (2013/05264/PA).
- 1.2. Externally, the existing brick and corrugated metal warehouse 'shed' would be re-clad in new metallic silver composite cladding panels on its front (west) and side (north and south) elevations, with a new 14m wide, x 4m deep x 9m high entrance. The entrance would be fully glazed at lower levels for the first 3.5m, with a 2m high aluminium brise soleil feature above and signage area above this. Either side of the signage zone would be gray composite cladding panels forming a frame around the entrance. A steel fire escape stair is proposed for the rear (east) elevation, with a 6.5m high canopy proposed for the service yard on the southern side elevation. Internally, a new 1,115 sq m mezzanine floor is proposed, which when the existing mezzanine is discounted, would result in a net increase in floorspace of 975 sq m to 3,913 sq m. Total site area 1.17 ha. No details of operating hours have been provided and it is anticipated that 40 equivalent full-time jobs would be created by the relocation of Homebase from its current location next door into this unit.
- 1.3. Within the grounds of the site, the existing car park fronting Harborne Lane would be resurfaced and reorganised, reducing the number of car parking spaces from 132 to 108. However, the reduction in car parking spaces would allow for a new level pedestrian link to be provided into the site just to the south of the pelican crossing on Harborne Lane, close to its junction with Gibbins Road. A new pedestrian access with a 2.4m wide footway is also proposed on the northern boundary of the site, linking in with the proposed redevelopment of the Battery site to the north (2013/02178/PA).

- 1.4. Vehicular access to the car park would be improved by reducing the external garden sales area by 200 sq m to 600 sq m. The reduced garden sales area would be enclosed by a 1m high wall, with 4m high glazed screen above, replacing a high mesh fence and 7m-8m high conifers. This would enable two way traffic into the site along with a new pedestrian footpath which would link through to a new crossing and set of stairs to the upper level of Battery Retail Park. The stairs would be 2.5m wide and constructed in black brick with a stainless steel handrail and balustrade.
- 1.5. In terms of the access point for vehicles to the site, this would be widened with a new central refuge and tactile paving provided for pedestrians. Part of the landscaping marking the entrance would be reduced to improve the access point and allow two way working, resulting in the loss of three London Plane trees (1 category B- moderate, 1 category C- low quality and 1 category U- unsuitable for retention). A category C Hornbeam and category C Silver Birch would also be removed on the northern boundary to facilitate an access route to the adjacent Battery site. To compensate for the loss of these trees a comprehensive new landscaping plan has been shown. As part of the new access arrangements, a dedicated 10m long right turn lane would be provided for the service yard to the unit. This lane and revised access point would allow for a new 29m access ramp to be created at the rear of the service yard and former B & Q building. The ramp would be for service vehicle access to the rear yard of four proposed units (1A, 1B, 1C and 2A) the details of which are considered under 2013/05264/PA.
- 1.6. The applicant has offered a sum of £99,000 across both sites (£39,000 for this application and £60,000 associated with 2013/05264/PA) to pay for footway improvements and associated maintenance costs on Bristol Road on the eastern boundary of the wider Battery Retail Park site. This would result in an improved pavement from the service yard access off Bristol Road to its junction with Chapel Lane and would link in with wider footway and public realm improvements planned as part of the Battery site scheme to the north (2013/02178/PA- to be determined).
- 1.7. In support of the scheme the agent has provided a Planning and Retail Statement, Design and Access Statement, Transport Assessment, Tree Survey and Flood Risk Assessment and the proposal has been subject to detailed pre-application discussions with Officers. Following further comments, amendments have been made during the course of the application, increasing the width of the proposed pedestrian route to the Battery site from 1.8m to 2.4m and rerouting the pedestrian link to the west, towards Gibbins Road, to secure the retention of London Plane trees fronting the site.

#### [Proposed Plan](#)

#### [Proposed Elevations](#)

### 2. Site & Surroundings

- 2.1. The application site is a vacant former B & Q DIY store set within a large 131 space car park fronting Harborne Lane to the west. The building is constructed from brick and corrugated metal with no fenestration save for a small glazed entrance area. There is an outdoor garden centre and service yard on the southern boundary of the building, with the rear (east) elevation forming the boundary with the ground level of the rest of Battery Retail Park, a minimum of 1.8m higher. Homebase service yard currently forms part of the rear boundary with the site, with the remainder of the rear

and the northern elevation backing onto a proposed greenway associated with the former Birmingham Battery site (2013/02178/PA).

- 2.2. A number of mature trees line the Harborne Lane edge of the site, which rises above the car park as it heads north towards Harborne Bridge. Vehicular access is at the junction of Harborne Lane and Chapel Lane, with pedestrian access limited to the southern end of the site only. There are currently no pedestrian links between this site and the remainder of Battery Retail Park with a large gravel board fence and steep sloping masonry highlighting the level changes between the two related sites.
- 2.3. The site is identified as being within the Primary Shopping Area of Selly Oak District Centre, with a Sainsbury's supermarket on the opposite side of Chapel Lane to the south. On the opposite side of Harborne Lane to the west is a job centre, self storage company and a small run of detached residential properties.

### [Site Location](#)

### [Street View](#)

## 3. Planning History

- 3.1. -26/08/82- 62624000- Retail DIY home improvement and garden centre- Approved.  
-05/08/97- 1997/02523/PA- Variation of condition restricting the use of the building to that approved by 1982 consent 62624000 to permit use for the sale of non-food goods- Approved.  
-23/11/10- 2009/04767/PA- Construction of 4 retail units, substation, bin store, walls, fencing, steps, footpaths and a service yard and alteration of parking area and access road- Approved (unimplemented).
- 3.2. Related application at adjacent site- 2013/05264/PA- Part refurbishment/part redevelopment of Units 1-3 (inclusive), including insertion of mezzanine floor space, reconfiguration of car parking including provision of new pedestrian links, revised service access and arrangements and associated landscaping and associated works- Pending consideration (on this agenda).

## 4. Consultation/PP Responses

- 4.1. Transportation Development- No objections subject to conditions regarding a travel plan and a Section 278 agreement regarding the amended access point off Harborne Lane/ Chapel Lane.
- 4.2. Regulatory Services- No objections.
- 4.3. WM Police- No objections, recommend a lighting scheme for the site which would follow advice contained within the document *Lighting Against Crime*.
- 4.4. WM Fire Service- No objections.
- 4.5. 2 statutory notices posted, application advertised in press, surrounding occupiers, ward councillors and residents associations notified- One comment received.

The Community Partnership for Selly Oak have commented on the scheme. They support many aspects of the proposed plan and are particularly pleased to note the proposed pedestrian access between the former B&Q unit and the upper section of Battery Retail Park, the improved vehicular access to the site, and the proposed

pedestrian link to the former Battery Site. However they object to the proposed service ramp to the upper portion of Battery Retail Park. The former B&Q access point is especially difficult for articulated vehicles to negotiate and when B&Q were operating on the site, lorries were often seen blocking Chapel Lane (now the outbound A38). CP4SO believe that this would increase with the proposed service access arrangements and would block off a potential pedestrian route between Battery Retail Park and the proposed new development on the Battery site (2013/02178/PA). CP4SO would prefer the current service access for Unit 1 of Battery Retail Park to be retained and the service yard itself be remodelled to facilitate a pedestrian link between the retail park and the Battery site.

5. Policy Context

- 5.1. Adopted UDP (2005), NPPF, draft Birmingham Development Plan (2010), Selly Oak Local Action Plan SPG (2001), Shopping and Local Centres SPD (2012), Places for All (2001).

6. Planning Considerations

6.1. **Policy**

National

Paragraph 19 of the NPPF places significant weight on economic growth within the planning system, with paragraph 24 stating that retail uses should be located first and foremost in existing centres. Paragraph 32 supports safe and suitable access to sites for all people and 56 adds that good design is a key aspect of sustainable development and should contribute positively to making places better for people.

6.2. Local

Within the adopted UDP policy 7.23 states that proposals for additional retail development/redevelopment in existing centres will normally be encouraged and that proposals should be of an appropriate scale in relation to the size and function of the centre. Policy 20.15 indicates that Selly Oak shopping centre (including shops at the Oak Tree Lane junction and Battery Retail Park) should perform an important role in meeting the needs of the local community, but notes that the centre suffers from a poor quality environment and that new retail warehouse and foodstore developments at the southern end of the centre have not been well integrated with the original retail area. Policy 20.15B recognises that there are major opportunities for development/redevelopment around Selly Oak centre.

- 6.3. Policy S5 in the draft Birmingham Development Plan promotes the Selly Oak area for major mixed use development including up to 20,000 sq m (gross) of comparison retail floorspace, with the application site and the wider Battery site to the north specifically identified for new comparison retail floorspace. Policy SP18 reinforces the growth of comparison retail floorspace in Selly Oak, identifying the area as one of three 'District Centre Growth Points' in the city. The Shopping and Local Centres SPD places the application site within the Primary Shopping Area of Selly Oak District Centre, where new retail development is encouraged.

- 6.4. The Selly Oak Local Action Plan (SOLAP) identifies Battery Retail Park as suitable for retail development, with all new development encouraging ease of movement, active building layouts and high quality design. Places for All supports the provision of active frontages facing onto public space.

**6.5. Use and increase in floorspace**

The former B & Q was granted consent as a DIY store in the early 1980s, with further consent for comparison retail approved in 1997. The use is considered to be well established and supported by the UDP, the draft development plan and supplementary guidance for the area. In terms of the increase in floorspace, when demolition and removal of existing mezzanine space is taken into account, this would result in a net increase of 975 sq m. Combined with the sister application at the upper level of Battery Retail Park to the east (2013/05264/PA), this would result in an overall uplift in floorspace of 2,141 sq m, an increase of 14 sq m compared to extant 2010 scheme (2009/04767/PA) which lapses in November this year. The level of new floorspace proposed, along with the location of the site within the District Centre and the promotion of this site and Selly Oak as a growth point for in-centre comparison retail, means that the level of new floorspace proposed is considered acceptable. My Strategic Planning Officer concurs with this view and has raised no objections to the development. Conditions in relation to restrictions on food and drink sales, additional mezzanine floorspace and the prevention of the sub-division of the unit would safeguard an appropriate level of development for the site.

**6.6. Design**

The current design of the building is functional and 'warehouse shed' like, with limited fenestration and as a result the building appears insular and dated. The proposal would result in a more prominent glazed entrance feature framed by new cladding, improving the overall appearance of the building and helping the vibrancy and vitality of the district centre through much needed refurbishment work. The projecting entrance with double height glazing at ground level is considered to be in scale and proportion with the building and provides relief to the long western elevation onto the forecourt. A glazed screen proposed to the outdoor retail area would provide additional views into the sales area and would replace dominant conifers and a large mesh fence. On the rear and side elevations, the steel fire escape and service yard canopy would both be effectively hidden from public view and are not considered to have an adverse impact on the overall appearance of the building. A materials sample condition would ensure a suitable finish to the development and my City Design Officer has raised no objections to the works subject to this condition.

**6.7. Vehicular and pedestrian movement**

The remodelling of the car park would result in the creation an improved pedestrian footway from the main vehicular entrance off Chapel Lane, with a new stair close to this entrance, linking to the upper part of Battery Retail Park. A new pedestrian access route is planned across the car park to Harborne Lane, close to the pedestrian crossing towards Gibbins Road, with provision for a route through to the Battery site to the north along the front of the store. These measures would result in better pedestrian movement both into and through the site, with the proposed 2.5m wide stairs successfully addressing the steep level changes between the western and eastern portions of the site.

6.8. At the vehicular entrance off Chapel Lane close to its junction with Harborne Lane, the entrance would be widened with a new pedestrian refuge in the centre. The reduction of the outdoor sales area enables the creation of both a new footway and two way traffic movements into the car park, removing a previous bottleneck when accessing the site car park. All of these measures are considered to improve the overall accessibility and permeability of the site for all users. Details of hard and soft landscaping, along with hard surface materials details would secure an appropriate high quality finish to external space.

- 6.9. Concerns have been raised by CP4SO, a local community group, over the proposed service access ramp to the units on the upper levels of Battery Retail Park from the Harborne Lane/ Chapel Lane entrance. These issues centre on potential traffic problems created by delivery lorries waiting to enter the site and blocking Chapel Lane, along with the lack of a potential north-south route through for pedestrians and cyclists to the adjoining Battery site to the north. On delivery lorry issues, the applicant is proposing a dedicated lane for delivery lorries to turn into the service yard ramp. Combined with the two way working proposed for traffic entering the former B & Q, this would result in much better internal traffic movements on the site itself, potentially alleviating actual and perceived issues with delivery traffic to the site. It should also be noted that existing delivery lorries for the eastern side of Battery Retail Park entering the City from the south still have to cross Chapel Lane to service the current Homebase and PC World units.
- 6.10. Transportation Development have raised no objections to the proposed layout and service ramp subject to details of a travel plan and section 278 agreement, therefore the new service ramp and service access for both the application site and units 1a-2a to the east, are not considered to have an adverse impact on highway safety or free flow of traffic. The increase in floorspace proposed for the building and slight reduction car parking spaces are also seen as acceptable by Transportation Development. Further conditions concerning implementation of the cycle parking and providing access for all into and around the site are seen as relevant and necessary to the development.
- 6.11. In terms of the issues over the ramp blocking a potential north-south route through the site, as part of development the applicant has offered to provide a 2.4m wide access route through to the proposed Battery site development. A detailed study has been provided within the design and access statement, firstly highlighting the proposed east-west and north-south linkages through the site and secondly showing the issues surrounding the potential provision of an access route between the building and the existing Homebase unit to the east. This concludes that to address level differences and provide suitable access for all, a 38m long ramp would be required. The length of this ramp, combined with the topography of the site and the potential route past two service yards, means that I consider such a route impractical. If completed it would be a poor pedestrian environment which would be avoided rather than used, even though it appears the most desirable when viewed on plan. Therefore, the proposed pedestrian routes created by the application, linking the site and wider Battery Retail Park with both Gibbins Road and the Battery site to the north, along with the new stair to access the eastern part of the site, are considered optimal to improve linkages through the site and to the wider area.
- 6.12. **Trees**  
As a result of potential vehicular access improvements to allow for two way traffic into the car park and the provision of a right turn into the service yard access, a portion of soft landscaping would be lost. Three London Plane trees (category B, C and U respectively) would be removed on this area of soft landscaping, along with a category C Hornbeam and category C Silver Birch to facilitate access to the Battery site to the north. My Tree Officer has stated that the loss of these trees is acceptable to facilitate the development as he considers the strong line of London Plane trees on the edge of the site fronting Harborne Lane to have the most significant value in terms of amenity. The retention of these trees, along with two remaining London Planes at the vehicular entrance can be secured by a tree protection condition during works. Therefore the loss of the trees identified is not considered to have an adverse impact on the amenity of the surrounding area.

6.13. **Planning obligations**

The agent has confirmed that the applicant is prepared to contribute a total of £99,000, £39,000 for this application and the remaining £60,000 for the sister application at Battery Retail Park. This would be spent on footway improvements adjacent to the retail park on Bristol Road between its junction with Chapel Lane to the south and the northern edge of the retail park, just past its service yard access from Bristol Road. The improvement works would tie in with the footway improvements proposed outside the new plaza area proposed by the Battery site application (2013/02178/PA) and are supported by policies in both the SOLAP and UDP. The total level of contribution is an increase of £55,750 on the £43,250 secured for town centre and highway improvements on the 2010 consent at the former B & Q. My Development Planning Officer considers the offer acceptable which is deemed necessary, directly related to the development and reasonable in scale and kind as per the 2010 Community Infrastructure Levy Regulations.

6.14. In order to secure a pedestrian route to the Battery site to the north, when it is ultimately completed, a clause is recommended within the legal agreement so that the applicants are obliged to provide a public access route for pedestrians to the adjacent site when it is completed. This would be in line with the aspirations of both the SOLAP and UDP.

6.15. Other issues

WM Police have raised no objections to the scheme subject to a lighting scheme in line with the principles outlined in *Lighting Against Crime*. A lighting condition is seen as appropriate so that public spaces and buildings are suitably lit.

7. Conclusion

7.1. The refurbishment and increase in floorspace within the building is welcomed as the development would contribute towards additional comparison retail floorspace in a district centre identified for growth. The proposal is considered to revitalise a building which has a poor appearance, improving the overall vibrancy and vitality of this part of Selly Oak District Centre, with the new pedestrian linkages planned improving ease of movement around and through the application site. With the above points in mind, plus safeguarding conditions and a suitable legal agreement to further improve the environment of the district centre and a pedestrian route to the adjacent development site, the application is recommended for approval.

8. Recommendation

8.1. The consideration of application 2013/05274/PA be deferred pending completion of a suitable legal agreement to secure the following:

a) A financial contribution of £39,000 to be paid upon the serving of the implementation notice (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards footway improvements and associated maintenance costs on Bristol Road, to the east of the application site between its junction with Chapel Lane and the extent of the Bristol Road service yard access to Battery Retail Park.

b) The availability of a pedestrian route for public use in the future being secured by suitable means until a time when the adjoining land at the Battery site to the north is redeveloped with a connecting pedestrian route and at that time permanent pedestrian access is provided.

8.2. That payment of a monitoring and administration fee associated with the legal agreement of £1,500 be secured

- 8.3. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate agreement
- 8.4. That in the event of the s106 legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 23rd October 2013, that planning permission be refused for the following reason:
- (a) In the absence of a suitable planning obligation relating to footway improvements and associated maintenance costs in the vicinity of the application site, the proposed development conflicts with Policies 8.50-8.54, 20.15B, 20.15C and 20.17A of the Birmingham Unitary Development Plan (2005), the National Planning Policy Framework (2012) and guidance given in the Selly Oak Local Action Plan (2001), which has been adopted by the Local Planning Authority as supplementary planning guidance.
- (b) In the absence of a suitable planning obligation to secure a permanent pedestrian route to the adjacent development site, the proposed development conflicts with Policies 3.11, 3.13, 7.15, 7.23, 8.50-8.54 and 20.15C and 20.17B of the Birmingham Unitary Development Plan (2005), the National Planning Policy Framework (2012) and guidance given in Places for All (2001) and the Selly Oak Local Action Plan (2001), both of which have been adopted by the Local Planning Authority as supplementary planning guidance.
- 8.5. That in the event of the above s106 legal agreement being completed to the satisfaction of the Local Planning Authority on or before 23rd October 2013 that favourable consideration be given to the application 2013/05274/PA subject to the conditions listed below

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- 1 Requires the agreed mobility access to be maintained
  - 2 Requires the prior submission of sample materials
  - 3 Requires the prior submission of hard and soft landscape details
  - 4 Requires the prior submission of hard surfacing materials
  - 5 Requires the prior submission of a lighting scheme
  - 6 Requires the prior submission of a commercial travel plan
  - 7 Requires the provision of cycle parking prior to occupation
  - 8 Requires the prior submission and completion of works for the S278/TRO Agreement
  - 9 Requires the implementation of tree protection
  - 10 No subdivision of unit
  - 11 No additional mezzanine floorspace
  - 12 No sale or display of food and drink
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- 13 Pedestrian route kept clear
  - 14 Requires the scheme to be in accordance with the listed approved plans
  - 15 Limits the approval to 3 years (Full)
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Reason for Approval

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- 1 Birmingham City Council grants Planning Permission subject to the condition(s) listed below (if appropriate). The reason for granting permission is because the development is in accordance with:  
Policies 7.13 - 7.16, 7.21 - 7.26 and 7.32 - 7.33 of the Birmingham Unitary Development Plan 2005; Places for All (2001), which has been adopted as Supplementary Planning Guidance; and the National Planning Policy Framework.
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Case Officer: Neal Allcock

**Photo(s)**

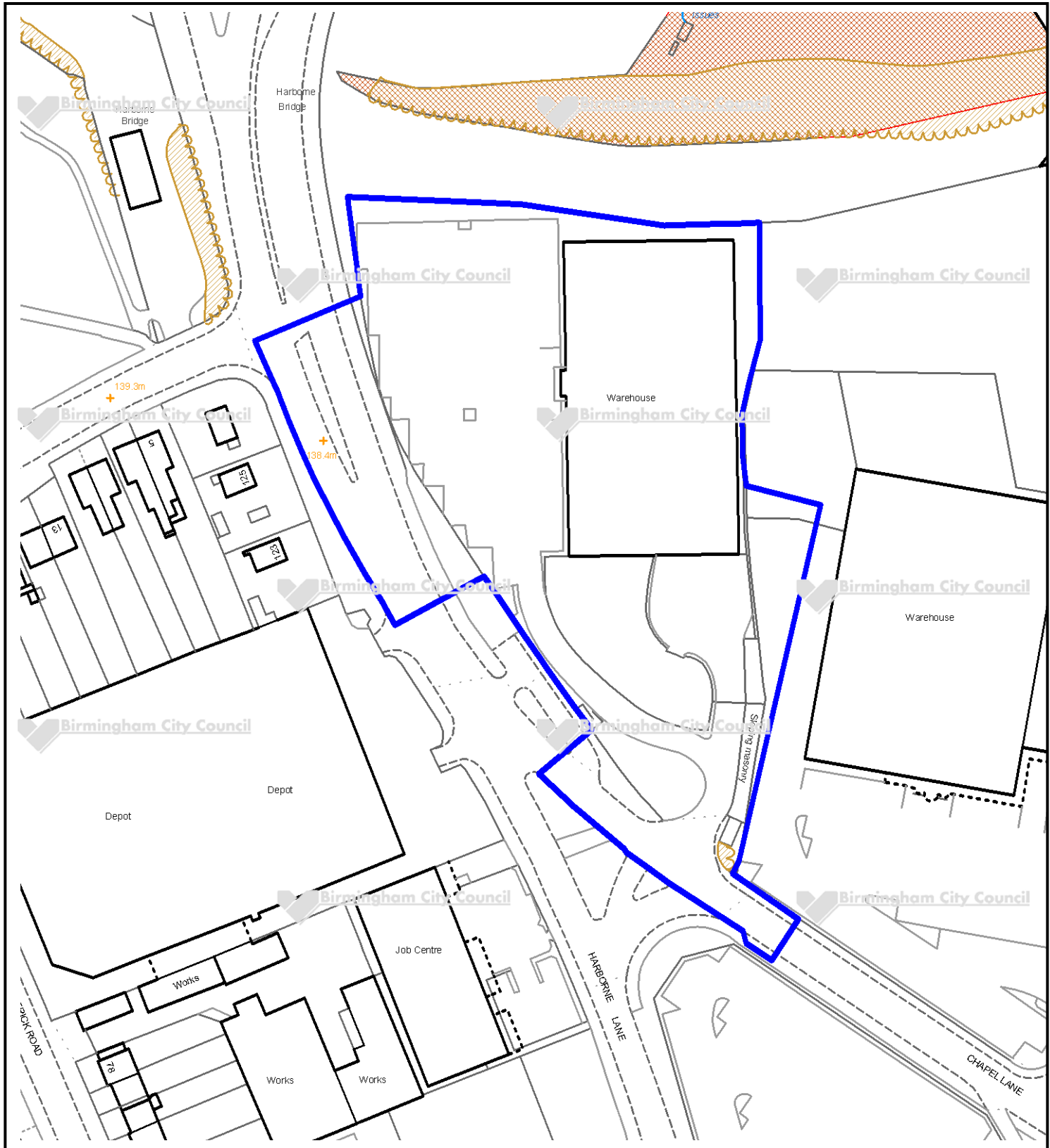


Figure 1: Existing store



Figure 2: Access road and level changes between the two parts of the retail park

# Location Plan



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