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Target Date:	16/07/2014		
Ward:	Quinton		

Former Punchbowl PH, 153 Wolverhampton Road South, Quinton, Birmingham, B32 2AX

Outline planning application for demolition of an existing disused public house and erection of Retail (A1) at ground floor and 14 Residential (C3) dwellings above, with vehicular access from Wolverhampton Road South and Quinton Lane. All Matters for consideration except Landscaping.

Applicant: Aquarius Land
c/o Agent
Agent: Zebra Architects
Stablemasters Cottage, Basin Road, Diglis, Worcester, WR5 3DA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks outline planning permission for the erection of a mixed use building with two retail units at ground floor and 14 flats at first, second and third floor. All Matters are for consideration apart from landscaping. The retail units would be 465sqm and 139sqm (totalling 604sqm). The flats would consist of 12 two beds and 2 one beds. All bedrooms meet Places for Living guidelines. The ground floor plan shows an indicative internal layout showing that the larger retail unit (of 465sqm) would consist of a main sales area and a separate warehouse, with two offices located between the warehouse and the front wall of the unit. However, this internal layout could change before the final fit-out.
- 1.2. The building would be of traditional design, with brick elevations and a tiled pitched roof and would consist of varying heights. The front elevations would include decorative brick detailing around the windows and have projecting gables at the corners. The higher windows would be smaller than the ground floor windows to show an order of hierarchy in the fenestration. In terms of boundaries, the frontage would consist of a low brick wall and railings with landscaping behind, the rear boundary would mostly consist of a substantial retained boundary wall.
- 1.3. At its highest point the building would be four stories, with a tower on its corner, and a three storey element following Ridgacre Road and wrapping around the corner where it turns into Quinton Lane. The top floors would be within the roofspace. The building would also step down to three stories behind the tower, where the building faces onto Wolverhampton Road West. The building includes dormer windows at third floor, within the 4 storey tower, and within the roof at second floor of the three

storey sections. The drawings show the height of the current building on site and show that most of the proposed building would be a similar height, the tower element would be 1.5m higher than the ridge of the existing building.

- 1.4. The flats would have access to 16 parking spaces to the rear. The retail units would have access to 17 customer parking spaces and a rear delivery area. Vehicular access would be from Wolverhampton Road South and Quinton Lane, similar to the existing arrangement but including a through route. The current third access to the site, directly off the roundabout, would be closed. Pedestrian access to the retail units would be from the car parks and two dedicate pedestrian routes from Ridgacre Road. There would also be a dedicated pedestrian access from Ridgacre Road to serve the entrance to the flats, via a stair-core in-between both retail units.
- 1.5. The application has been submitted with a Design and Access Statement, Transport Statement and Bat Survey.
- 1.6. The scheme has been amended, since it was originally submitted, to delete the hot food takeaway, to increase resident parking, to reduce the height of the corner tower (by approximately 1.5m), and make alterations to the location of some windows (to reduce overlooking and improve the elevations).
- 1.7. Site area 0.28ha, density of dwellings would be 50dph.
- 1.8. [Site Layout Plan](#)
- 1.9. [Front Elevations](#)

2. [Site & Surroundings](#)

- 2.1. The site consists of the former Punch Bowl public house, which ceased trading in 2010. The site is currently occupied by a caretaker and is considered weatherproof but beyond practical use as a public house. The building is two storeys but has very generous room heights, at ground floor, resulting in a building which is more three storey in scale terms. The front boundary consists of a wall which is a retaining structure where located adjacent to Ridgacre Road. The site has three access points, all vehicular, with gates preventing access.
- 2.2. The site is within a non-defined shopping area, with two small parades of shops on the adjacent Court Oak Road and the Quinborne Centre opposite the site 20m west along Ridgacre Road. Quinton Lane Medical Centre is to the immediate northwest of the site. Woodhouse Primary School is located 200m to the south of the site, with access from West Boulevard.
- 2.3. The site consists of a pub garden and a hard-surfaced area to the three frontages around the building. The site varies in height from 188 AOD at the northern most point to 184 AOD on the southern boundary. The building has a ground floor slab level of 186 AOD. The site therefore varies in height by 4m, although the front boundary includes a retaining wall of 1.5m and as such the front portion of the site includes made ground, presumably created when the basement of the public house was created, resulting in a mostly level site.
- 2.4. The surrounding area is otherwise residential in character consisting mostly of semi-detached properties. The nearest houses are to the north of the site and No.149 Wolverhampton Road South shares its side boundary with the rear boundary of the site, the house itself is a metre away from the north boundary of the site and its rear

garden adjacent to the existing courtyard and delivery area at the rear of the public house. Further houses are located to the west of the site across the end of Quinton Lane, nearest residential being a two storey 'L-shaped' block of maisonettes (No.s 2 to 18).

- 2.5. The site is located on the corner of Wolverhampton Road South and Ridgacre Road. Quinton Lane also forms a boundary on the western side of the site.

- 2.6. [Site Location Map](#)

- 2.7. [Street View](#)

3. Planning History

3.1. On site

5th May 2006. Pa No. 2006/00793/PA. Single storey rear extension and the creation of a new car park access. Approved.

3.2. Car Park associated with the former Scarlet Pimpernel, Tennal Road, Harborne

2nd July 2014. Pa No. 2012/01479/PA. Erection of three A1/A2 retail units on car park of former public house. Refused on the basis that Harborne District Centre comprises vacant units that could accommodate the proposed development in a sequentially preferable location.

4. Consultation/PP Responses

- 4.1. Transportation – No objection subject to conditions to require; Demolition Management Plan, Construction Management Plan, Delivery Management Plan, Car Park Management Plan, S278 required for highway works and the monitoring of Parking on Quinton Road/Wolverhampton Road over a 12 months in order to protect servicing arrangements.

- 4.2. Environmental Services – No objection, subject to a condition requiring noise insulation between floors and for glazing, details of extraction, hours of use (0600-2300), and delivery time restriction (0700-2200).

- 4.3. Birmingham Public Health - Should this application fall within 400 metres of a school within Birmingham, and the school expresses concern about the impact of the proposed hot food takeaway upon the school healthy eating programme, we would recommend that this application is refused. Should this application fall within the boundaries of a Local Centre within Birmingham, and mean that there would be more than 10% of retail units occupied by A5's (in line with the 10% cap outlined in the adopted Local Centres Supplementary Planning Document), we would recommend that the application is refused.

- 4.4. West Midlands Fire Services – No objection.

- 4.5. West Midlands Police – No objection.

- 4.6. Severn Trent – No objection subject to drainage condition.

- 4.7. Public Participation

- 4.8. Residents, Resident Associations, Councillors and MP consulted. Site and Press Notice posted. 23 letters of objection have been received and objections have been received from Councillor Caroline Badley and Councillor Matthew Gregson.
- 4.9. Cllr Caroline Badley – Has serious concerns about the proposal for retail and fast food outlets but is supportive of the proposal for apartments as long as there is sufficient parking. If the application is approved then it is likely that the local independent shops may not survive. The size of the retail unit suggests a sizeable store. I believe this will have a damaging effect on the viability of the other businesses. I would urge you to reject the application as *it is contrary* to 7.21, 7.22 and 7.23, of the UDP. The proposal would damage existing local independent retailers, would not ensure that centres remain as attractive as possible, and would have a significant adverse effect on the continued vitality and viability of an existing shopping centre as a whole and fail to maintain a range of shops to meet the needs of the local community within the centre, including premises appropriate to the needs of independent retailers as well as national multiples. She also quotes the comments of 8 other residents, finding many people are against the proposal. She requests that she would like to speak at Planning Committee.
- 4.10. Cllr Matthew Gregson – Objects and concurs with the above comments.
- 4.11. 23 letters of objection from local residents and shopkeepers, with concerns in regard to;
- 4.12. **Principle of retail use**
- 4.13. The proposal fails the sequential approach to the location of new retail uses and is therefore contrary to the UDP. A similar nearby scheme at the Scarlet Pimpernel was refused due to a similar concern. They object to the saturation of retail use in an area with a well-established parade. There are no benefits for the addition of any more retail/food outlets with the current selection situated in close proximity to the site. TESCO, CO-OP, Select and Save, George & Helens and the recently opened Pizza take away are in easy access and the increase of retail/food outlets will saturate the area and be detrimental to the local environment. There are several empty retail units existing which provides the evidence that there is not enough demand to justify any more retail spaces being developed. Harborne District Centre comprises vacant units that could accommodate the proposed development in a 'sequentially preferable location'.
- 4.14. The scheme fails the sequential approach for retail strategy contrary to Policy 7.27 of the UDP and would have a direct impact on the economic viability of the existing shops. There is a finite consumer demand in the area, this is relatively static and is based on the number of local residents within the catchment area.
- 4.15. **Consultation process**
- 4.16. Objects due to poor levels of consultation, the existing parade of shops has been excluded from the Design and Access Statement, there appears to be deliberate mis-information in reporting the facts by the developer/applicant. I have not received a letter about this and I have to say there are many of us around here that don't want any more shops or takeaways around this side of Quinton. The LPA has not consulted residents and businesses widely enough, the advertisement of the press notice was placed in the Birmingham Post which has a smaller circulation than the Birmingham Mail. Why were we not included in the consultation of this proposed re-development?

4.17. The application submission

- 4.18. The site plan does not show the current retail development of the Co-Op in the locality. It does not show either the Co-Op supermarket or the parade of retail units in Court Oak Road that already includes two takeaway food outlets. The whole of the aforementioned retail developments that are within approximately 300 yards distance of the proposed site. There is, very carefully, no mention made of these shops (when the Court Oak pub and retail area are listed which are a 10/15 minute walk away) and the site photographs also, very carefully, avoid showing these. This omission of local amenities means the plans are biased and misleading in the way they represent the local retail facilities.

4.19. Loss of public house

- 4.20. The loss of the public house would be contrary to the guidance on this subject. The proposal is contrary to 'loss of public house' guidance.

4.21. Design

- 4.22. It would damage the aesthetic value that the former Punchbowl building brings to the area. Not only does the 'design' of the new complex woefully attempt to replace a building with architectural merit, it would destroy a local landmark that is known in the area. Secondly I think the new complex would be excessively bulky and does not fit the site which is actually quite small in scale. Add to the fact that there are numerous planned apartments on top of the shops, it would not suit the position. The building has a very poor level of interaction with surrounding buildings. Surely a design that doesn't focus on extruding outdated design theory from several other architectural designs in the area would be of more benefit visually. The Design and Access statement very poorly written and it makes several assumptions which at best are naive, and at worst dangerous if the scheme did go ahead.

4.23. Parking and highway safety

- 4.24. The scheme has a lack of parking and fails City car parking standards. 68 spaces are required by the standards. If the sites car parking spaces are full there appears to be no provision for overflow and with an increase of incoming and outgoing traffic ie. deliveries and customers, traffic travelling in both directions will encounter problems.
- 4.25. Ridgacre Road leading up to and away from the roundabout is already heavily used by vehicles parking when visiting Lench's Trust building, Adult Education classes and the library, The Christadelphian Church and residents without a front drive. There are crossings to assist pedestrians on Ridgacre, Court Oak, and West Boulevard Roads but no help when crossing Wolverhampton Road South. The proposal would create a rat run to Hagley Road West. There is also the NHS Medical Centre catering for pregnant and elderly patients who would be considerably disadvantaged by fast traffic exiting the development. There's no parking available on Quinton Lane due to the health centre and this causes problems to OAP's and people with disabilities. We are very unhappy about plans for conversion to flats because of the problems of parking on the bottom of Quinton Lane. It is already congested and we think this will make it more dangerous. Access to driveways is often difficult for residents. Concerned in regard to the impact of the proposal on the safety of school children due to increased traffic. The increase in pedestrian movement on Wolverhampton Road South would increase considerably

as the nearest bus stop would be outside of the existing Co-Op, also other shoppers using the shops on Court Oak Road would cross over Court Oak Road onto Wolverhampton Road South and not only be faced with vehicles travelling fast off the island but also a new entrance to the site with vehicles only having to look right.

4.26. **Environmental concerns**

4.27. The applicants have not indicated how the external spaces will be managed. Concerns in regard to odours created. The fast food outlets which create rubbish, noise and blocked drains. I also have concerns about drug dealers using this new site as this is already happening outside the medical centre on the night-time people coming and going radios blasting. We also object to the plans for a fast food outlet as this will cause problems with noise at night and with litter in the area. The increase in pungent odours will pervade the air together with the rise in littering which will result in an increase of vermin. Noise will also become a problem with the higher volume of traffic and delivery vehicles resulting in increase in pollution, with the Woodhouse Primary School nearby this is not a satisfactory situation. The hot food takeaway would be located too close to the Woodhouse School opposite the site. There are too many hot food takeaways in the area. The hot food takeaway, due to litter, odour. Impact of car parking on-street.

4.28. **Security concerns and anti-social behaviour**

4.29. The rear boundary of adjacent residents would be vulnerable to burglary. Easy access will be available into back gardens. Smell nuisance and anti-social activity cause by the hot food takeaway. The litter in the area is very bad from the existing local fast food outlets.

4.30. **Ecology**

4.31. Impact on bats seen around the eaves of the building and around the site.

5. Policy Context

5.1. National Planning Policy Framework (2012)

5.2. Birmingham UDP, Draft Birmingham Development Plan, Car Parking Guidelines SPD, Places for Living SPG, Development Involving Former Public Houses SPG.

6. Planning Considerations

6.1. Residential Principles

6.2. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

6.3. The UDP also supports a more sustainable pattern of development by re-using brown-field sites in suitable locations. The UDP requires that new housing

developments should provide an appropriate environment (paragraphs 5.20-5.20A), a suitable housing density and mix (paragraph 5.40) and encourages a full range of housing types and sizes including those for people with disabilities and other specific needs (5.35 and 5.37). Paragraph 5.38 identifies that densities of at least 50 dwellings per hectare will be expected in local centres and corridors well served by public transport, with 40 dwellings per hectare elsewhere.

- 6.1. Places for Living (SPG) encourages good quality accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character. 'Places for All' SPG also emphasises the importance of good design, high quality environments, again with an emphasis on context.
- 6.2. Policy SP25, of the emerging Birmingham Development Plan, states that the location of new housing should be on previously developed land, be accessible to jobs, shops and services by other modes of transport, be sympathetic to natural assets and not conflict with other core strategy policies in relation to employment land, green belt and open space. Policy SP26 refers to new housing offering a choice of type, size and tenure to create balanced and sustainable communities.
- 6.3. The site is located on previously developed land, within a mixed use area consisting of residential and commercial uses. The site is adjacent to main roads and is located 0.5kms from the Strategic Highway Network and is well served by public transport. The site is therefore considered to be a suitable and sustainable location for residential use.
- 6.4. Retail Principles
- 6.5. The site is located outside of an established local centre, the nearest two being Harborne (1.59kms to the east) and Quinton (1.79kms to the west). The site is adjacent to two small rows of shop units, which are also outside of a designated local centre consisting of two rows of shops either side of Court Oak Road. The parade to the north of this road contains a Co-Op (at 441-435) and two small vacant retail units (No's 431-433). The parade to the south of this road consists of 3 small parades totalling 8 units (including a 'Select & Save' that consists of several conjoined units and includes a post office). These groups of shops are not recognised as a local centre but they function together as a small centre providing local day to day services to a local population.
- 6.6. The application seeks planning permission for the creation of 604sqm of A1 use retail space, in the form one large retail area and associated warehouse (465sqm) and a smaller retail unit (of 139sqm). Paragraphs 23 to 27, of the NPPF, deal with the need to promote the vitality of town centres and are relevant to this proposal. Paragraph 23 states that planning policies should promote competitive town centre environments. Paragraph 24 then sets out the sequential test that applies to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. It states that a sequential test is necessary for any retail proposals over 2500sqm, as such the proposal is below this threshold and no test is required.
- 6.7. Paragraph 7.27, of the UDP, states that proposals for new retail development should be accommodated in centres but that out of centre proposal could be acceptable provided that a need for the proposal has been clearly demonstrated and the principles of the sequential approach have been followed [where applicable]. Whilst there are some small retail units available in the Local Centres, there are no in-

centre locations identified that can accommodate a retail area of 604sqm in either Harborne or Quinton.

- 6.8. Paragraph 7.28, in an out of centre location retail development should also have no major impact on the vitality and viability of an existing centre as a whole; investment in existing centres will not be deferred; there would be no major loss of non-retail employment as a result of the displacement of existing viable businesses; and the site is widely accessible by public transport, including services provided through planning obligations, and is likely to facilitate multi-purpose trips, in order to reduce reliance on the car and minimise traffic generation. I am satisfied that neither Quinton or Harborne Centres would be affected by the proposal.
- 6.9. It is noted that the existing public house building benefits from permitted development rights to change to an A1 use and this represents the 'fall-back position'. The building is intact but vacant, as such it has the capability of being re-occupied. The current ground floor of the building (of 270sqm) has a lawful A4 use and this space could be converted to an A1, A2 or A3 use without requiring any further planning permission. In mind of this, the issue of the principle of A1 retail use is partly established by the lawful use of the current building.
- 6.10. Furthermore, the proposal aims to meet day-to-day local needs and sequentially preferable sites may not meet this need. The proposal would replace the existing Co-op store within this parade/centre of day-to day retail units. Whilst a sequential assessment has not been undertaken and is not considered to be a requirement in this instance, the District Centre at Harborne and the number of vacant units that are available within it has significantly changed since the refusal for retail development at the Scarlet Pimpernel. A number of units do remain vacant within the District Centre that could be occupied by the proposal. However, I am of the view that despite units being vacant, the current application site, unlike the Scarlet Pimpernel, is not within walking distance of the District Centre and therefore serves a more considered day-to-day local need than that previously proposed at the Scarlet Pimpernel. I also note that this would mostly consist of a retailer relocating from one store to another and could, in turn, provide a further opportunity for other retail uses to occupy the current Co-Op store and thus increase the vitality of this local parade. On this basis, I do not consider that this proposal relates to the District Centre in the same way to that of the previous decision at the Scarlet Pimpernel and as such, the proposed retail use complies with adopted development plan policy and the NPPF.
- 6.11. Design Issues
- 6.12. In terms of scale the proposed building ranges in height from 4 storeys, on the corner, to 3 storeys along Ridgeacre Road and Quinton Lane. The top floor of both elements are served by dormer windows and as such the build would principally read as a three and two storey building. The existing building is of a substantial bulk as the ground floor has significant height and as such even though this has only two levels it is nearer to the scale of a three storey building. This is borne out in the scale comparison study undertaken by the architect which shows that the highest part of the building (ridge of the roof) would be 2.3m higher than the ridge of the existing building. The local character consists of two storey houses, consisting mostly of terraced and semi-detached properties. Some larger buildings are evident such as the Medical Centre to the north (being around three stories) and the care home at 80 Ridgeacre Road (being three stories). Furthermore, the site is a prominent landmark location where additional bulk and height is welcomed to provide an important visual focal point. This would consequently deliver a suitable replacement of the existing

feature building on the site. I am consequently satisfied that the scale and height of the proposal is appropriate for the context.

- 6.13. In terms of architecture, the proposed building is of traditional design with brick elevations and tiled roofs. Interest would be added to the roof through the addition of dormer windows and the corners are enlivened with projecting gables which on Quinton Lane hides an otherwise awkward obtuse corner of the building. Interest would also be added through the addition of brick detailing between first floor windows to echo some of the more interesting features evident on the existing building.
- 6.14. In terms of internal layout, the bedroom sizes exceed Places for Living guidelines and elsewhere provide adequate storage and living space for an occupant to have a comfortable living environment. No dedicated outdoor amenity is provided for residents, however, the local parks are within walking distance (such as Queen's Park) and this is comparable to existing flats above other retail units in the area. As such, I am satisfied that residents of the flats would have a good standard of accommodation and this would satisfy guidance within Places for Living.
- 6.15. Loss of Pub/suitability for conversion
- 6.16. Paragraph DC12, of the adopted UDP, states that public houses can provide an important meeting point for the local community. An adopted SPG, adopted 1992, sets down criteria when considering development involving former public houses. This includes a consideration of the availability of other public houses and whether the proposal includes any replacement leisure/community use. The proximity of adjacent land uses and the highway impact of the use of the public house are also identified as considerations when assessing the suitability of retention. The guidance also states that "in cases where the area is already adequately served by other public houses and/or other leisure/social facilities, favourable consideration will be given". I note that the public house has been closed since 2010, and has been actively marketed since. The nearest alternative pubs are The Court Oak (0.56kms east) and The Amber Tavern (0.57kms north). The Quinborne Centre is 90m to the southwest of the site and The Church of St Faith and St Lawrence is 0.62kms (to the east). I am satisfied that the vacant public house is no longer seen as a required asset to the community, through lack of patronage and the market generally through a lack of interest from other publicans. I also consider that there are adequate local community facilities within relatively close proximity to the site to meet any local demand. As such I consider that this guidance is satisfied.
- 6.17. Transportation
- 6.18. The applicant is providing 33 car parking spaces for both elements of the development. Cycle storage is referred to in the Transport Statement and complies with current standards. The Transport Statement explains that the existing Co-Operative food store, currently located to the northeast of the roundabout junction, seek to move from its current location to occupy the A1 Food Retail space available as part of the redevelopment proposals. There are approximately 8 no. formal parking spaces located outside the frontage of the store. Various surveys were undertaken on the existing store on the 22nd May 2014, customer headcount, car park vehicles accessing/egressing and car parking accumulation. The surveys suggested that 58% of customers arrived on foot.
- 6.19. The maximum parking demand at the site is forecast to be around 19 vehicles within any one time period. I concur with the Transport Assessment conclusion that the

proposed parking provision for the retail element is satisfactory. A total of 14 spaces would be available for the residential element at 1 per flat. I would recommend that spaces are not allocated to a specific use to give some flexibility. However, it would be appropriate for a Car Park Management Plan to be provided. The flats should be limited to 1 space on site (parking badge) and a time limit for the retail element.

- 6.20. Two-way traffic could manoeuvre through the site. My Highway Engineer considers that it unlikely that the route would be used as a short-cut as the access would be very close to the roundabout. She also considers that the safest and most efficient route for the service/delivery vehicle is through the site from the Wolverhampton Road South access. This manoeuvre would allow the vehicle to enter onto Ridgacre Road and have access to the roundabout. Exiting onto Wolverhampton Road South would mean that a lorry would need to undertake a 'u' turn manoeuvre should their route take them south of the city. This would be cumbersome and unnecessary. The applicant has also provided tracking diagrams of servicing/delivery vehicles entering the site from Wolverhampton Road South frontage and exiting onto Quinton Lane. The drawings identify that it is tight but just about manageable. However this would rely on the roads being clear of parked vehicles. Therefore, a condition is recommended that seeks a review of parking opposite the access on Quinton Lane (monitored over 12 months) and implementation of traffic regulation orders should they be deemed necessary to prevent any conflict.
- 6.21. Highway works would be required at the junctions onto Quinton Lane and Wolverhampton Road South, from the site, and would be covered by a condition. The extent of the works would include the reinstatement of redundant footway crossings, amendment of the existing crossings (incorporate heavy duty footway crossings), and alterations to the highway to allow the largest vehicles to enter the site without damaging kerb edges. The applicant has provided tracking for a 15.6m lorry which is a little tight but they also state that the Co-op would only use 12m lorries. A Demolition Management Plan and Construction Management Plan is recommended. Subject to the above conditions there are no objections to the proposals from my Transportation Department. I concur with this conclusion.
- 6.22. Ecology
- 6.23. During consideration of the application several residents raised concerns that bats had been seen on site in the past. The building is no longer in use as a public house and as such it has some potential to be a bat habitat. A daytime building inspection and one evening emergence/activity survey have been undertaken. These surveys confirm that there are a number of gaps in the roof between tiles. These gaps would allow access and roosting opportunities for bats. The internal roof spaces were dusty and heavily cobwebbed, indicating that the roof spaces have not been regularly used by large numbers of bats. However, a small number of old bat droppings were found, indicating that bats have visited the roof space in the past. No bats were recorded emerging from the building during the nocturnal survey, nor was any bat activity (foraging/commuting) recorded.
- 6.24. The initial survey results suggest that the building is more likely to be used on an occasional basis as a non-maternity summer roost by small numbers of bats rather than as a significant roosting site (eg a maternity roost). Two further nocturnal surveys are recommended to confirm the species of bat present and the status of the roost, and to determine the level of compensation/mitigation that may be required to avoid harm to bats and their roosts.

- 6.25. The ecological consultant has discussed with the architect the types of compensatory roost provision that would be required, if bats are found to be present. The architect has indicated that suitable replacement roosting habitat could be accommodated within the scheme design. The type of replacement roost required would be dependent on the bat species that are present. For crevice roosting species such as common pipistrelle, replacement roosts could easily be incorporated within the new building, for example, in the form of bat tubes/bricks or roof/ridge access tiles. For brown long-eared bat, which require space within the roost to fly about before emergence, a dedicated bat loft (designed to provide a sufficient space to meet the species' requirement for an open flight area) would need to be accommodated within the roof space of the building. Other mitigation measures may also be required, such as timing demolition to avoid sensitive periods, supervised dismantling of features which could be used by roosting bats, provision of new tree/hedge planting to enhance foraging opportunities, sensitive design of new external lighting to minimise light levels around replacement roosts.
- 6.26. As a local planning authority, the Council must consider the three tests in Regulation 53 of the Conservation of Habitats and Species Regulations 2010 before determining planning applications that may affect European Protected Species (EPS) such as bats. Regulations 53(2) and 53(9) define the circumstances where a derogation is allowed for an affected EPS and a licence could be issued by Natural England. This includes, as the third test "there is no satisfactory alternative or that the derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".
- 6.27. Planning authorities must demonstrate their regard for these issues, and where they fail to do so, any planning consent granted for such a project may be in breach of the duty placed on LPAs by the Habitats Regulations. In regard to the third test, the results of the initial bat survey indicate that there is a reasonable likelihood that EPS may be present and affected by the proposed development. A mitigation strategy would therefore be required and would need to be acceptable to the Council. I note that further survey work is required to determine the bat species present and the level of mitigation that would be required. However, on the basis of the initial survey results and following discussion with the ecological consultant, my ecologist is satisfied that a suitable level of mitigation can be secured as part of the proposed development to ensure that there will be no significant long term impact on the bat species concerned, ie that the third test set out in Regulation 53 of the Conservation of Habitats and Species Regulations 2010 would be met. My ecologist consequently has no objection subject to the imposition of two conditions, one for further bat surveys to be undertaken to determine the specific species and a second to determine a suitable ecological enhancement strategy based on the findings. I concur with the findings of my ecologist.
- 6.28. Impact on Residential Amenity
- 6.29. In regard to privacy and domination, the nearest neighbour is to the north of the site, at 149 Wolverhampton Road South. This semi-detached dwelling has a rear garden that tapers at its end, it shares a side boundary with the rear boundary of the application site. The rear elevation of the proposed building would be 12m from the rear boundary of the site. The nearest part of the proposed building would present a 2 ½ storey gable end towards the rear boundary, with no side windows on this gable end. The main rear elevation of the proposed building is 15m from the rear boundary and this elevation includes 4 bedroom windows and 3 living room windows at first floor and three bedroom windows at second floor. The second floor windows are dormer windows and are set-back from the rear elevation by a further 3m, distance

to the rear boundary is therefore 18m for second floor windows. Due to the separation distance, orientation of the rear elevation of houses facing onto Wolverhampton Road South and the change in levels (rising by 3m between both ground floor slab levels) I do not consider that overlooking or loss of privacy would occur into gardens or particularly rear windows of neighbouring properties. In terms of the 45 degree code, the nearest window on the rear elevation of 149 Wolverhampton Road South, which serves a kitchen. When a 45 degree line is drawn it intercepts with the new building after a distance of 15.14m. I am satisfied that this distance ensures that the residents of this property would not suffer over domination. I also note that the existing building also sits on a similar footprint (albeit elongated towards Quinton Lane) and therefore this relationship is similar to the existing situation.

- 6.30. In regard to issues relating to smell, the hot food takeaway has been deleted, as such the main potential smell nuisance generator has been removed from the proposal. I do not consider that the remaining uses would generate any significant issues in regard to smell nuisance.
- 6.31. In regard to issues relating to noise, noise levels would be generated from two main sources; the use of the delivery area to the rear of the building and vehicles attending the site. The boundary shared with residential gardens is to the north of the site and in close proximity to the delivery area to the rear of the new retail units. The car park for the residents (on Quinton Lane) and the customers (adjacent to Wolverhampton Road South) are set further away from residential properties. As such the most likely noise source would be from the use of the delivery area. I note that the delivery area for the public house is also to the rear of the building in a similar location as proposed for the retail use and as such I do not anticipate that noise levels would be significantly different than that experience historically. I note that colleagues in Regulatory Services have considered the impact of the proposal and have raised no objection to the delivery area provided that its use is limited to 0700-2200 daily. They have also advised that the use itself should be limited to 0600 to 2300 daily. I concur with this conclusion and recommend a suitable condition to limit the hours of use and delivery.
- 6.32. Fear of Crime
- 6.33. The NPPF states that planning decisions should aim to ensure that developments "...create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life and community cohesion". I note that some residents have raised concerns in regard to anti-social behaviour and the ability of criminals to gain access into rear gardens. However, I note that the brick wall to the northern boundary of the application site would be retained and made good at the heights it currently is. The minimum height of this is 2m to the rear of 147 and 149 Wolverhampton Road South. This would benefit from natural surveillance from 6 apartments over 2 floors (as opposed to the current condition of a single dwelling with limited views due to the balcony). Elsewhere, the wall rises to 2.5m and 3.5m. To the Northwest boundary, adjacent to the Care Centre, is a closed boarded fence which is 1.8m high. This area would be visible to both passers-by on Ridgeacre Road and Quinton Lane. I am therefore satisfied that access would not be readily available from the site into adjacent rear gardens and natural surveillance would act as a sufficient deterrent. I also note that the Police have raised no objection.

7. Conclusion

- 7.1. The proposal would provide new development on a brown-field site providing new residential properties and new retail units. The proposed building would employ good design standards and make a positive contribution to the street-scene. The scheme would not affect adjacent residential amenity or highway safety and complies with the UDP and the NPPF through the creation of sustainable development.

8. Recommendation

- 8.1. That planning permission be approved, subject to the following conditions;

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| 1 | Limits the hours of use 0600-2300 |
| 2 | Limits delivery time of goods to or from the site 0700 to 2200. |
| 3 | Shop Front Design |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires further bat surveys |
| 6 | Requires a habitat management strategy |
| 7 | Requires the prior approval of details to prevent mud on the highway |
| 8 | Requires the prior installation of means of access |
| 9 | Requires the prior submission of a parking management strategy |
| 10 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 11 | Requires the submission of the outstanding reserved matter detail following an outline approval |
| 12 | Requires the prior submission of boundary treatment details |
| 13 | Requires the prior submission of sample materials |
| 14 | Requires the prior submission of level details |
| 15 | Prevents outside storage |
| 16 | Requires the prior submission of a lighting scheme |
| 17 | Requires the prior submission of a landscape management plan |
| 18 | Requires the prior submission of details of a communal satellite dish |
| 19 | Requires the prior submission of a goods delivery strategy |
| 20 | Limits the noise levels for Plant and Machinery |
| 21 | Requires the prior submission of noise insulation (variable) |
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- 22 Requires the prior submission a noise study to establish residential acoustic protection
 - 23 Requires the prior submission of a construction method statement/management plan
 - 24 Prevents adverts being displayed on the windows
 - 25 Requires the scheme to be in accordance with the listed approved plans
 - 26 Limits the approval to 3 years (outline)
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Case Officer: Ben Plenty

Photo(s)



Front Elevation



View of the site from the Co-Op opposite Wolverhampton Road South

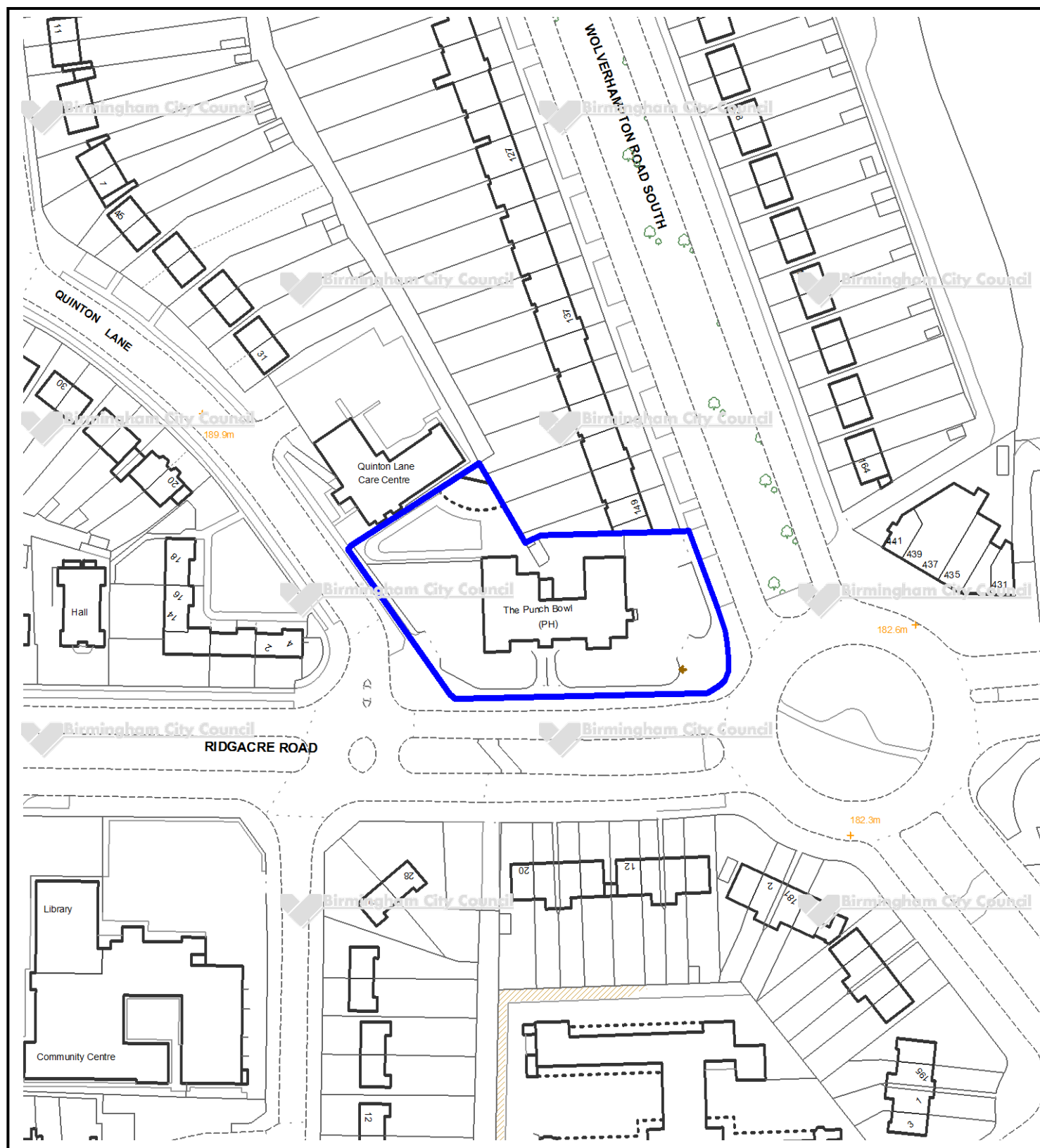


Row of shops adjacent to site



View from first floor terrace towards houses at 149-137 Wolverhampton Road South

Location Plan



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