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Committee Date: 16/05/2013      Application Number: 2013/01638/PA  
Accepted: 22/03/2013      Application Type: Full Planning  
Target Date: 21/06/2013  
Ward: Moseley and Kings Heath

Pitmaston House, 123 Moor Green Lane, Moseley, Birmingham, B13 8NF

Change of use from offices (Use Class B1) to religious education college and place of worship (Use Class D1), new ramp, external staircase, electricity sub-station and decked area to rear, and extension to car park

Applicant: Church of Scientology  
Pitmaston, 123 Moor Green Lane, Moseley, Birmingham, B13 8NJ  
Agent: Broadway Malyan  
Interchange Place, 151-165 Edmund Street, Birmingham, B3 2TA

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Planning permission is sought for the change of use of an existing but vacant B1 office building formerly used by the Ideal Benefit Society, to a religious education college and place of worship (D1).
- 1.2. The building comprises 3739sq.m of internal space of which 194sq.m would be used for the purpose of a place of worship, accommodating a maximum capacity of 160 people seated and up to 6 people officiating.
- 1.3. The facility would have a number of public areas that would be open to the public between the hours of 9am to 10pm Monday to Friday and between 9am and 6pm on Saturdays and Sundays. The main church worship service would be on a Sunday morning for approximately 1 hour. Opening hours of the building are sought as 0700-2300 hours.
- 1.4. 33 full-time equivalent staff would be located within the building, comprising of two sets of volunteer staff. One set would cover the week days to 6pm, whilst the remaining set of volunteers would cover the evenings and weekends. The total number of staff would be 100. The operator anticipates that around 130 students and visitors would attend the property at some point each day.
- 1.5. The operator of the facility would hold four special event days during the year (31 December, 13 March, 9 May and 8 September) which would be held at the application site. These events would usually be held in the evening.
- 1.6. The lower ground floor would include 7 offices of varying sizes (which are classified as teaching space) along with store rooms and plant rooms. The ground floor would comprise of 7 staff rooms and 8 classrooms/offices (all teaching space), two meeting

rooms, a presentation room, reception office, main reception and public display room which would all be accessible by the general public and a chapel with accompanying ante-rooms and vestry. The first floor would comprise of 40 rooms classed as teaching space that would be used for classrooms, offices and meeting rooms, a members common room and a library. The second floor, which is only located within the spine of the building rather than the two wings would comprise 19 exam rooms and 3 offices (all classed as teaching space), a large reception room and 5 interview/admin office rooms.

- 1.7. In addition to the primary uses of the building, the proposals include a series of supporting and ancillary spaces including:
- a) meeting rooms on the ground floor adjacent to the main reception, one of which the applicant states would be available to local residents and groups.
  - b) A café would be located on the ground floor.
  - c) Toilet facilities would be provided on all five floors.
  - d) A sauna and exercise facility would be located on the lower ground floor incorporating shower and changing areas.
  - e) The existing boiler room on the lower ground floor would be retained and would incorporate high efficiency boilers and hot water systems.
  - f) File storage facilities would be provided on the lower ground floor.
- 1.8 48 car parking spaces are currently available on site, and permission is sought to extend this to accommodate 84 spaces and 10 cycle spaces are proposed. The car parking would be located to the side of the building on the corner of the site at Moor Green Lane and Holders Lane.
- 1.9 The application is accompanied by a design and access statement, planning statement, conservation statement, Phase 1 Habitat Survey, transport assessment and travel plan, statement of community involvement and a structural survey. Extensive pre-application discussions were undertaken prior to application submission.
- 1.10 Site area: 0.81Ha

## 2. Site & Surroundings

- 2.1 The application site is occupied by the former Ideal Benefit Society building (known as "Pitmaston House"). The building is Grade II Listed, set in landscaped grounds with associated parking. The application site has been vacant since 2007 and was most recently used as an office (Use Class B1a), which is considered to be the established use of the building.
- 2.2 The site is located within the Moseley Conservation Area and the surrounding area is predominantly residential in character.
- 2.3 Church of Scientology Religious Education College Inc acquired the whole of the original site in 2007 with land and buildings to the north then sold to a housing developer, Kingerlee Homes Limited, who had secured planning permission for the conversion of the existing outbuildings into residential use along with some new build residential apartments. Agreements have been reached between the two parties regarding access arrangements and the management of the overall site.
- 2.4 The site itself comprises of Pitmaston House, surrounded by mature partially landscape grounds and hardstanding to the front of the building providing 48 car

parking spaces and vehicular access within the site. The pond to the rear of the building is designated as a Site of Local Importance for Nature Conservation (SLINC) and is known as "Pitmaston Pond".

- 2.5 Existing access points (one vehicular, one pedestrian) to the site are from Moor Green Lane.
- 2.6 The site is surrounded by residential properties on three sides, with the playing field of Moseley Ashfield Cricket Club located directly opposite the site. Other places of note close by to the site include Cannon Hill Park to the west, Highbury Park to the south and Moseley Hall hospital to the east.
- 2.7 The site is in an accessible location and is well served by a network of pedestrian and cycle routes and public transport (bus) services.

### 3. Planning History

- 3.1 2/5/2013. 2013/01639/PA. Listed building consent granted for various internal and external works to include removal of existing internal walls/doors to create new rooms, replacement of roof, new basement floor, repairs to brickwork, pipework, doors. Replacement of doors and rooflights.
- 3.2 5 March 2013. 2013/00113/PA. Planning permission granted for the change of use from offices (B1) to single dwellinghouse (C3) with replacement of existing garage with ancillary accommodation at 82 Russell Road.
- 3.3 5 March 2013. 2013/00114/PA. Listed Building Consent granted for the removal of flue and demolition of garage at 82 Russell Road.
- 3.4 30 April 2010. 2009/03401/PA: Planning permission granted for the conversion of buildings and erection of new buildings to provide 31 dwellings, car parking and landscaping. This permission is currently being implemented on site.
- 3.5 27 May 2010. 2009/03402/PA: Listed Building Consent granted for conversion and alteration to form residential units and demolition of outbuildings to stable block and garage to 82 Russell Road. This permission is currently being implemented on site.
- 3.6 20 April 2009. 2009/00128/PA. Planning permission refused for the conversion of buildings and erection of new buildings to provide 31 dwellings, car parking and landscaping.
- 3.3 21 December 2006. 2006/04017/PA. Planning permission granted for the conversion of buildings and erection of new buildings to provide 67 one, two and three bedroom dwellings, car parking and landscaping.
- 3.4 21 December 2006. 2006/04016/PA. Listed building consent granted for the conversion and alteration to form residential units and demolition of outbuildings to stable block.
- 3.5 25 May 2006. 2005/04560/PA. Conversion of existing buildings and erection of new buildings to provide 71 one, two and three bedroom dwellings, car parking and landscape works - Resolved that application would have been refused following submission of non-determination appeal which was subsequently withdrawn.

3.6 25 May 2006. 2005/04561/PA. Listed building Consent for conversion and alteration of listed building to form residential units and demolition of outbuildings to stable block - Resolved that application would have been refused following submission of non-determination appeal which was subsequently withdrawn.

3.7 30 December 2003. 2003/00994/PA. Conversion of existing buildings and erection of new buildings to form 99 residential units – Withdrawn.

#### 4. Consultation/PP Responses

4.1. Local residents, Ward Councillors, MP and residents associations notified. Site and Press notice posted. 10 letters of objection have been received from local residents, Moseley Community Development Trust, the Moseley Society and Councillor Hendricks. The objections are based on the following grounds:

- a) Cycle parking standards should be adhered to.
- b) Request for further time for the application to be considered by local residents.
- c) Loss of B1 employment use and a missed opportunity for the reinstatement of the use.
- d) The large car park would have a significant impact on the local environment and traffic flows.
- e) Request for a Committee site visit.
- f) Insufficient parking available.
- g) Traffic generation.
- h) Impact on SLINC.
- i) Church of Scientology is not a recognised religion in this country.
- j) Out of character with the totally residential area.
- k) Could lead to serious noise disturbance if weddings and large gatherings are allowed to take place uncontrolled.

It must however be noted that the Moseley Community Development Trust are in support of the property restoration.

4.2 Transportation – raise no objections to the proposed change of use subject to conditions relating to car park management, cycle storage, affiliation to Travelwise and that public worship is restricted to the chapel.

4.3 Children, Young People and Families- no comments/objections.

4.4 West Midlands Fire Service – no objections in relation to fire access or water supplies.

4.5 Regulatory Services – raise no objections to the proposal subject to a number of safeguarding conditions relating to noise levels for plant and machinery, hours of use for the place of worship and no amplified music.

4.6 West Midlands Police – No objections. Note that some of the parking has less scope for natural surveillance, request site-wide measures such as CCTV, lighting, secure accesses and windows, access control into the building important and an internal reception desk should be considered. Overall parking provision would appear acceptable.

#### 5. Policy Context

5.1. NPPF, Birmingham UDP, Regeneration through Conservation SPG, Moseley Conservation Area, Grade II Listed Building, Draft Birmingham Development Plan,

6. Planning Considerations

Policy

- 6.1. Paragraphs 8.33-8.35 of the UDP identify the policy in relation to places of worship and social/cultural and educational facilities. The policy identifies guidelines for the assessment of such applications and states that “in principle such uses may be appropriately sited in residential areas” and in certain circumstances “commercial uses may also be suitable for conversion”. Regard will also be had to “whether the site is in an Area of Restraint, results of public participation exercise, means of pedestrian access, nature of immediate surroundings and the likelihood of noise emanating from the premises and the degree to which it can be prevented.”
- 6.2. The Places of Worship SPD in paragraph 1.2 defines such a use as “an establishment, or a location, where a group of people gather to perform acts of religious praise, honour, or devotion. In addition to traditional places of worship, this term can also include facilities that provide religious or faith-related training, accommodation, social welfare, as well as community and educational facilities.” Paragraph 5.2.5 identifies that premises should be found that can adequately serve the need. Section 5.6 identifies other considerations for assessing the proposed use as noise, parking, access and cumulative impact.
- 6.3. I note a number of objections in relation to the proposed religious operator itself. Whilst these objections are not material planning considerations, based on the above definition of a place of worship, the church would fall within this definition. The Church of Scientology website identifies “Scientology as a religion that offers a precise path leading to a complete and certain understanding of one’s true spiritual nature and one’s relationship to self, family, groups, Mankind, all life forms, the material universe, the spiritual universe and the Supreme Being.”
- 6.4. The application premises are located in a primarily residential area (with a number of schools located within walking distance of the site along with Highbury Hall) but were used as B1 offices up to 2007. No loss of residential properties would occur from this proposal. The site is located in an Area of Restraint however, this relates to the loss of family dwellings rather than office uses. I consider the premises suitable for conversion to the proposed use in principle. I note that an objection relates to the loss of an employment use however, this loss effectively occurred a number of years ago when the offices closed and there is no direct policy for this type of non-industrial employment. The premises are also unlikely to suit a modern office use without considerable alteration to the Grade II listed building. I do not consider that a loss of employment use contrary to policy would occur through this application. Pedestrian access to the site is available albeit those local bus stops are some walking distance from the site but on-site parking is available. With regard to noise, it is unlikely to emanate from the premises and no external amplification is proposed. On this basis, I consider that the proposed change of use complies with planning policy.

Ecology

- 6.5 An Extended Phase 1 Habitat Survey has been submitted with the application and was undertaken on 7th September 2011. The broad habitat types were identified and mapped and the site was assessed for its ecological importance and potential to

support protected species. The habitats identified included woodland and scattered trees, scrub, semi-improved grassland, amenity grassland, tall herb/ruderal, introduced shrubs, short perennial and Pitmaston Pond. The invasive species Japanese knotweed and rhododendron were also recorded on site, including two large patches of Japanese knotweed within the proposed car park footprint. Protected species with the potential to be using the site included bats, breeding birds, reptiles and common amphibian species. The pond was considered unlikely to support great crested newt due to the presence of fish and the lack of other ponds in the local area.

- 6.6 The proposed car park would result in the loss of an area of semi-improved grassland, scrub and a small number of young trees. More significant areas of dense scrub and woodland to the south-west and north-west of the grassland would be retained. Part of these retained areas fall within the boundary of Pitmaston Pond SLINC. The area to be lost is considered to provide suitable habitat for nesting birds, foraging/commuting bats, reptiles and non-breeding amphibians. However, the affected area is relatively small in size (c. 700sqm) and represents only a small proportion of the total habitat resources available to wildlife in the local area. Nevertheless, appropriate mitigation/compensation measures should be adopted to minimise the impact of the loss on local wildlife, and to ensure that retained habitats are adequately protected during construction works. My ecologist considers the proposal to be acceptable subject to a number of safeguarding conditions relating to invasive species, a construction ecological mitigation plan, enhancement measures and a method statement for construction in relation to bats. Proposed landscaping conditions would also provide safeguarding and enhancement for the ecological asset of Pitmaston Pond SLINC.

#### Transportation Issues

- 6.7 A transport assessment and draft travel plan have been submitted in support of the planning application. These conclude that the proposed use would not have any material impact upon residential communities than if the building was to be re-occupied as an office. During pre-application discussions with the Local Planning Authority, members of the public and local interest groups, questions were raised in relation to any additional car parking that may be required in relation to the worship element of the intended use and any special events held by the Church of Scientology that may result in a significant increase in visitors to the building over and above its primary uses as an education and training college. The supporting information identifies that if it becomes apparent that additional car parking is required, it is the applicant's intention to ferry people to and from external car parks depending upon the volume of public expected. At the moment, it is envisaged that the Event days held by the Church of Scientology would require additional off site car parking. The numbers attending on a Sunday are to be monitored by the Church and if it becomes apparent that numbers are increasing then the same system/facility are to be utilised. An external company called Secure Car Parking Services Ltd are to be employed to manage any extra car parking demand and visitors would be briefed before visiting the site with regard to the car parking arrangements to avoid any impact upon the streets surrounding the site.
- 6.8 I note that a number of objections relate to the impact on traffic flows and that the proposed number of available on site car parking spaces is insufficient for the use. Transportation have reviewed the submitted transport assessment and have raised no objections to the proposal on either traffic impact grounds or car parking subject to a number of safeguarding conditions including a car park management plan, secure cycle storage, affiliation to Travelwise and that public worship is restricted to the

chapel only. I consider that this would be an acceptable way forward that would also allow the Council to assess car parking on the site and if necessary review the applicant's proposals for off-site parking.

#### Noise

- 6.9 A noise survey prepared in accordance with City guidance has been undertaken and submitted in support of the application which assesses any potential impact upon nearby residential properties. The predicted noise output has been shown to be below limiting level criteria at all positions, both during daytime and night-time periods. The assessment concludes that the noise impact of the development should not result in a breach of BS 8233 criteria. Regulatory Services have assessed the proposal and have raised no objection to the proposed use albeit that control of the Place of Worship element is considered necessary to control the proposed use with regards to hours of use and the use of amplified music.
- 6.10 Regulatory Services have also recommended conditions restricting the Place of Worship with regards to weddings, festivals etc however, the applicant has been forthcoming with regards to their four special event days throughout the year and that these would take place at this regional site. The Place of Worship occupancy is restricted by Fire Regulations to 160 people and this is taken into consideration within the Transport Assessment. On this basis, I do not consider it necessary to prevent the use of the Place of Worship for weddings and festivals as this is controlled through the capacity of the room and in doing so the noise would not exceed that achieved through a normal Sunday worship where the maximum capacity would be the same. I do not consider it necessary to limit the hours of use of the Place of Worship, not least as a condition is attached to limit the use of amplified music in the building to 9pm.

#### 7. Conclusion

- 7.1. I consider that the proposed change of use of the vacant former Ideal Benefit Society offices to a religious education college and place of worship is a welcome addition to this part of Moseley and will provide for a much needed restoration of the Grade II listed building. Whilst I note objections to the proposed applicant rather than the use itself, this is not a material planning consideration and I consider that the proposal complies with local and national planning policy, subject to a number of safeguarding conditions recommended below.

#### 8. Recommendation

- 8.1. That planning permission is granted subject to the conditions listed below.

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| 1 | Requires the scheme to be in accordance with the listed approved plans                     |
| 2 | Requires the prior submission of a method statement for the removal of invasive weeds      |
| 3 | Requires the prior submission of a construction ecological mitigation plan                 |
| 4 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
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- 5 Requires prior submission of a method statement for building works to avoid harm to bats
  - 6 Limits when amplified music can be played inside the building: 0900 to 2100 hours.
  - 7 Requires the prior submission of extraction and odour control details
  - 8 Limits the noise levels for Plant and Machinery
  - 9 Prevents the use of external amplification equipment
  - 10 Requires the prior submission of hard and/or soft landscape details
  - 11 Requires the prior submission of hard surfacing materials
  - 12 Requires the prior submission of boundary treatment details
  - 13 Requires the prior submission of sample materials
  - 14 Prevents the use from changing within the use class
  - 15 Protects retained trees from removal
  - 16 Requires the prior submission of details for tree works
  - 17 Requires the implementation of tree protection
  - 18 Prevents occupation until the turning and parking area has been constructed
  - 19 Requires the prior submission of a parking management strategy
  - 20 Requires the prior submission of a commercial travel plan
  - 21 Requires the provision of cycle parking prior to occupation
  - 22 Requires the prior submission of cycle storage details
  - 23 Requires the applicants to join Travelwise
  - 24 Requires the prior submission of a package of site security measures
  - 25 Limits the approval to 3 years (Full)
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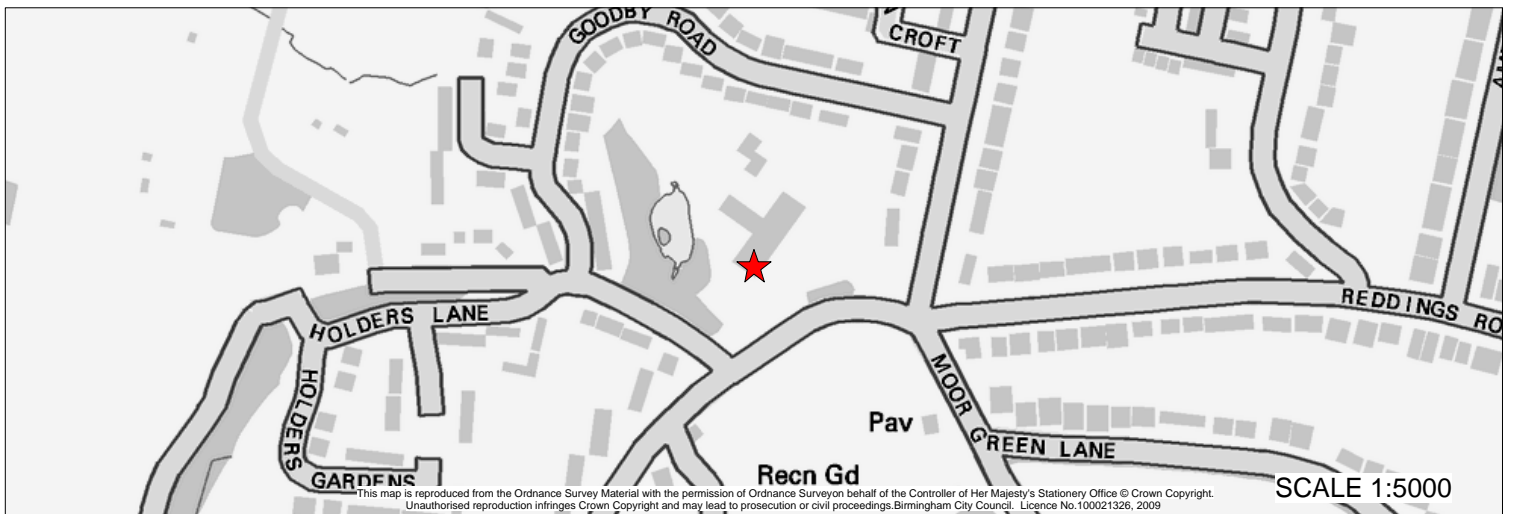
#### Reason for Approval

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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 3.8, 3.10 and 8.33 - 8.35 of the Birmingham Unitary Development Plan (2005); Places of Worship and Faith Related Education and Community Uses (2011), which has been adopted as a Supplementary Planning Document; and the National Planning Policy Framework.
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Case Officer: Pam Brennan





Pitmaston House  
123 Moor Green Lane  
Moseley  
Birmingham  
B13 8NF

2013/01638/PA

-  Statutory Listed Building
-  Locally Listed Buildings
-  Conservation Area
-  Neighbourhood Offices
-  Site Boundary
-  Site Location

Development Directorate  
1 Lancaster Circus  
Queensway  
Birmingham B2 2JE.



Date: 25/9/2007

