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| Committee Date: | 03/10/2013 | Application Number: | 2013/05264/PA |
| Accepted: | 26/07/2013 | Application Type: | Full Planning |
| Target Date: | 25/10/2013 | | |
| Ward: | Selly Oak | | |

Units 1-3, Battery Retail Park, Chapel Lane, Selly Oak, Birmingham, B29 6SJ

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

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

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. The proposal is for the refurbishment and alterations to a number of existing retail units within Battery Retail Park. The scheme is part of the wider redevelopment and refurbishment of the retail park for which there is a related application at the adjacent former B & Q building to the west (2013/05274/PA).
- 1.2. Externally, the front of the existing Homebase store (the western unit, 1) would be removed, with the building pulled back in line with PC World and Currys. An additional 495 sq m would be created on the side elevation of the Homebase store, running for the full length of its side (west) elevation. The Homebase store, would be split into three separate units as Homebase would relocate to the former B & Q site to the west. Currys and PC World (units 2a and 2b) would be in the same location and the former Comet (unit 3) would be split into two new units.
- 1.3. Fronting the car park, the new units would have large expanses of double height glazing (6.5m high) set around portico type entrances projecting out by 3.5m from the frontage. These porticos would have 2.8m high areas of aluminium brise soleil, a minimum of 4m above ground level and a signage area above this, rising to approximately 1m above the 9m overall height of the units. In line with the signage zone and framing the individual units would be composite cladding panels in either silver or gray depending on the individual unit. The silver cladding, along with an expanse of double height glazing, would return onto the proposed side elevation. Existing service yard elevations to the north and east would remain unchanged. No details of operating hours have been provided and it is anticipated that 100 equivalent full-time jobs would be created by the development.

1.4. Internally, total new gross floorspace proposed would be 4,163 sq m, but with existing mezzanine floors and the frontage of Homebase removed, this would result in an overall net increase of 1,166 sq m. The breakdown of proposed floorspace for each unit is as follows:-

- Unit 1a- 2,082 sq m (743 sq m mezzanine);
- Unit 1b- 1,087 sq m (251 sq m mezzanine);
- Unit 1c- 1,115 sq m (372 sq m mezzanine);
- Unit 2a- 2,408 sq m (1,070 sq m mezzanine);
- Unit 2b- 3,136 sq m (1,046 sq m mezzanine);
- Unit 3a- 929 sq m (186 sq m mezzanine); and
- Unit 3b- 372 sq m
- Total gross floorspace- 11,129 sq m, site area 2.29ha.

Units 4a (Halfords), 4b (Next) and 5 (Frankie and Benny's) would remain as is.

1.5. Within the grounds of the site the existing car park fronting Chapel Lane would be resurfaced and reorganised, increasing the overall number of car parking spaces from 339 to 351. Pedestrian access would be improved from the Chapel Lane entrance by the introduction of two new pedestrian walkways. A new pedestrian footpath would also link through to the lower level Battery Retail Park via a new set of stairs. The stairs would be 2.5m wide and constructed in black brick with a stainless steel handrail and balustrade and would be positioned at the new footway outside of the side extension of unit 1a.

1.6. The proposed side extension to unit 1a would be built on the access road to the rear service yard for the current Homebase store. To retain access to this service yard a new 29m access ramp to be created at the rear of the former B & Q to the west. This would result in a shared access off the Chapel Lane/ Harborne Lane junction for the former B & Q and the proposed units 1a, 1b, 1c and 2a on the upper level of the retail park. The service yard accessed off Bristol Road would serve the remainder of the proposed units (2b, 3a and 3b) and the retained Halfords and Next units. As part of these works the access point off Chapel Lane/ Harborne Lane junction would be widened and remodelled, with a new central refuge and tactile paving provided for pedestrians and a dedicated 10m long right turn lane into the service yard access.

1.7. The applicant has offered a sum of £99,000 across both sites (£60,000 for this application and £39,000 associated with 2013/05274/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).

1.8. 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.

[Proposed Plans](#)

[Proposed Visuals](#)

2. Site & Surroundings

- 2.1. The application site consists of four retail park units, Homebase (unit 1), PC World (unit 2a), Currys (unit 2b) and the former Comet store (unit 3). There are two other units (Halfords and Next), along with a stand alone Frankie and Benny's restaurant within the retail park area which do not form part of the application site. The retail park is set well back from Chapel Lane to the south onto a large 339 space car park. Each unit is constructed from brick and corrugated metal, with a small glazed entrance area and signage zone above. The arrangement of units is staggered with Homebase and the former Comet store positioned forward of both PC World and Currys.
- 2.2. Currently, service access for unit 1 is via Chapel Lane and the main forecourt car park, with an external sales area also to the rear of the unit. The Chapel Lane entrance forms the vehicular access for customers to the site. The remaining units are serviced via an additional yard with access from Bristol Road. Pedestrian access is via the Chapel Lane entrance and a separate access point from Bristol Road adjacent to Next. To the west, at a much lower level and separated by a large gravel board fence and steep sloping masonry, is the former B & Q unit which is part of the wider Battery Retail Park site. There are no direct pedestrian links between the two elements of the site, with access via the footway on Chapel Lane only. A proposed greenway would be onto the northern boundary of the application site, associated with the scheme at the former Birmingham Battery site (2013/02178/PA).
- 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 and commercial properties including a car dealership to the east on the opposite side of Bristol Road.

[Site Location](#)

[Street View](#)

3. Planning History

- 3.1. -22/03/89- 72460000- Redevelopment to provide non-food retail including vehicle service facilities together with café, restaurant and hot food premises- Approved.
-15/12/97- 1997/04482/PA- Elevational alterations to existing store to allow sub-division into two units (Currys/ PC World units)- Approved.
-01/06/10- 2010/01759/PA- Installation of mezzanine floor (former Comet unit)- Approved.
-20/12/11- 2011/07180/PA- Erection of coffee shop (A3) with associated landscaping, external seating and pedestrian link- Approved (as yet unimplemented).
- 3.2. Related application at adjacent site- 2013/05274/PA- 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- 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 the scheme is refurbished to *Secured by Design* enhanced security measures.
- 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. It indicates that new development would require contributions to support various initiatives in Selly Oak, including environmental improvements. Places for All supports the provision of active frontages facing onto public space.
- 6.5. **Use and increase in floorspace**
Battery Retail Park was granted consent for comparison retail units in the late 1980s and this use is 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 1,166 sq m. Combined with the sister application at the former B & Q to the west (2013/05274/PA), this would result in an overall uplift in floorspace of 2,141 sq m. This is an increase of 14 sq m compared to extant 2010 application at the former B & Q (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 floors and the prevention of amalgamation and sub-division of the units proposed would safeguard an appropriate level of development for the retail park.
- 6.6. **Design**
The current design of the retail park units are as functional 'warehouse type' buildings, with minimal fenestration and as a result appear insular and dated. The proposal would result in more prominent entrance features framed by large expanses of double height glazing and new cladding, improving the overall appearance of the scheme, increasing internal views of the units onto the retail park forecourt and helping the vibrancy and vitality of the district centre through much needed refurbishment work. The side extension proposed would be a continuation of the retail park buildings and when combined with the frontage of the Homebase building being pushed back in line with the existing PC World and Currys units, it is considered appropriate in scale and size with the existing buildings. The portico type entrance features, along with the glazing and cladding frames would act as a marker for each unit and would provide some relief to the front elevation of the retail park. A materials sample condition would ensure a suitable finish to the development and my City Design Officer has raised no objections to the proposal subject to this condition.
- 6.7. **Vehicular and pedestrian movement**
The remodelling of the car park would result in the creation of improved pedestrian footways from the main vehicular entrance off Chapel Lane, as well as a new stair close to the unit 1a extension, linking the upper part of the site with the former B & Q at lower level. This, along with a remodelled footway in front of the retail units 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. These elements, along with the remodelled car park 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.

- 6.8. Concerns have been raised by CP4SO, a local community group, over the proposed service access ramp to the units from the Harborne Lane/ Chapel Lane entrance to the former B & Q site. 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 (2013/05274/PA) this would result in a 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, would still have to cross Chapel Lane to service the current Homebase and PC World units.
- 6.9. 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 units 1a-2a are not considered to have an adverse impact on highway safety or free flow of traffic. The increase in floorspace proposed for the retail units and additional 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.
- 6.10. In terms of the issues over the ramp blocking a potential north-south route through the site, as part of the refurbishment of the existing B & Q, the applicant has offered to provide a 2.4m wide access route through to the proposed Battery site development. A detailed study was also 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 existing Homebase unit and the former B & Q. 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 sister application (2013/05274/PA) linking the wider site with both Gibbins Road and the Battery site to the north, along with the new stair and pedestrian routes across the forecourt, are considered optimal to improve linkages through the site and to the wider area.
- 6.11. **Planning obligations**
The agent has confirmed that the applicant is prepared to contribute a total of £99,000, £60,000 for this application and the remaining £39,000 for the sister application at the former B & Q. This would be spent on footway improvements adjacent to the application site on Bristol Road between its junction with Chapel Lane to the south and the northern edge of the Battery Retail Park site, 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.

6.12. **Other issues**

WM Police have raised no objections to the scheme subject to the development being completed to principles outlined in *Secure by Design*. As this is an advisory document and as the development is considered to be well overlooked onto public areas, I do not consider it reasonable or necessary to attach such a condition. However, a lighting condition for the development would ensure that public places and buildings are suitably lit and is seen as appropriate for the development.

7. Conclusion

7.1. The refurbishment and extension of the retail units 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 number of tired retail units, 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, the application is recommended for approval.

8. Recommendation

8.1. 1. The consideration of application 2013/05264/PA be deferred pending completion of a suitable legal agreement to secure the following:

a) A financial contribution of £60,000 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.

8.2. 2. That payment of a monitoring and administration fee associated with the legal agreement of £2,100 be secured

8.3. 3. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate agreement

8.4. 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.

8.5. 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 2013/05264/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 No subdivision or amalgamation of units
 - 10 No additional mezzanine floorspace
 - 11 No sale or display of food and drink
 - 12 Requires the scheme to be in accordance with the listed approved plans
 - 13 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 3.10, 3.14, 7.23, 20.15 and 20.15B of the Birmingham Unitary Development Plan 2005; Places for All (2001); and the Selly Oak Local Action Plan (2001) both of which have been adopted as Supplementary Planning Guidance; the Shopping and Local Centres Supplementary Planning Document (2012); and the National Planning Policy Framework.
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Case Officer: Neal Allcock

Photo(s)

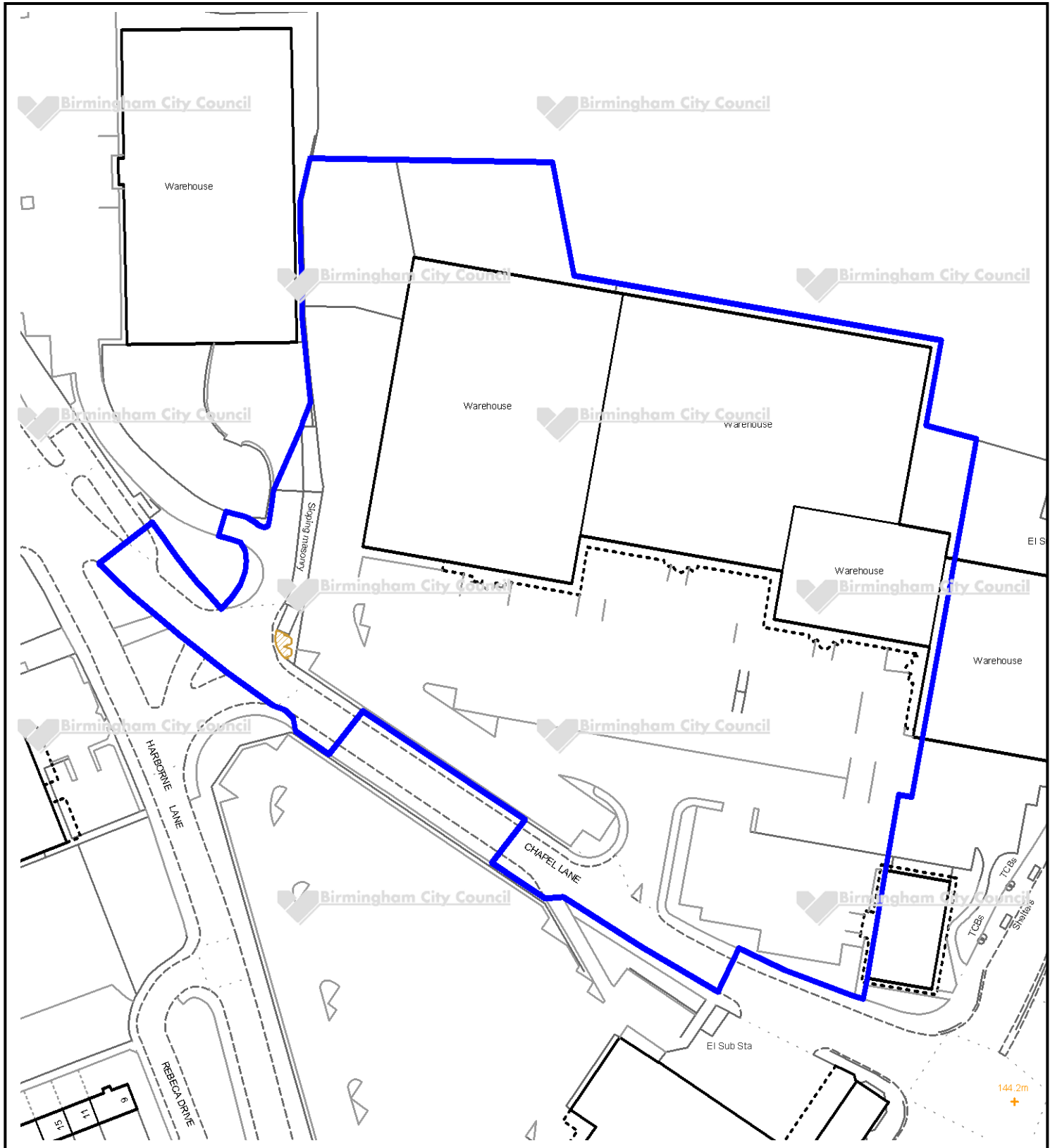


Figure 1: Proposed side extension and service yard to rear



Figure 2: Existing units within Battery Retail Park

Location Plan



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