Document Title: Non-Retail Uses in Moseley Village

“Securing a Better environment for all the people of Birmingham”
REPORT OF THE CHIEF PLANNING OFFICER

DEVELOPMENT CONTROL COMMITTEE

9 SEPTEMBER 2004

WARDS AFFECTED
MOSELEY & KING'S HEATH

REVIEW OF POLICY FOR NON-RETAIL USES IN MOSELEY VILLAGE

1. SUMMARY

1.1 A Policy for Non-Retail Uses in Moseley Village was adopted by the Development Control Committee on 7 October 1999 following concerns over the decline of retail units and the need to protect the Moseley's basic retail function. Through this policy the City Council has been successful in halting most further changes of use to A3 Uses (include cafes, restaurants, hot food takeaways and pubs) and A2 Uses (including banks, building societies and financial services).

1.2 One of the recommendations stipulated the need for periodic monitoring, to assess the success and impact of the Non-Retail Uses Policy on the vitality and economic viability of Moseley Centre. The appended report sets out the results of the monitoring exercise and evaluates the impact of the policy on the centre from 1999 to 2004.

1.3 The attached report was approved by the Cabinet Member for Regeneration at his meeting on 28 July 2004. It confirms the continued need for the Policy for Non-Retail Uses in Moseley Village as supplementary planning guidance. The report is forwarded to Development Control Committee to be noted.

2. RECOMMENDATIONS

2.1 That your Committee notes the contents of the appended report - Review of the Policy for Non-Retail Uses in Moseley, approved by the Cabinet Member of Regeneration on 28 July 2004.

3. CONTACT OFFICER

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REPORT OF CHIEF PLANNING OFFICER

CABINET MEMBER FOR REGENERATION

NON-KEY DECISION

REVIEW OF POLICY FOR NON-RETAIL USES IN MOSELEY VILLAGE

1. SUBJECT AND BRIEF SUMMARY OF PROPOSALS

1.1 A Policy for Non-Retail Uses in Moseley Village was adopted by the Development Control Committee on 7 October 1999 (Appendix 3). Through this policy the City Council has been successful in halting most further changes of use to A3 Uses (include cafes, restaurants, hot food takeaways and pubs) and A2 Uses (including banks, building societies and financial services) since the policy was introduced in 1999. One of the recommendations stipulated the need for periodic monitoring, to assess the success and impact of the Non-Retail Uses Policy on the vitality and economic viability of Moseley Centre. This report sets out the results of the monitoring exercise, evaluates the impact of the policy on the centre from 1999 to 2004 and confirms the need for its continued use as supplementary planning guidance.

2. RECOMMENDATIONS:

2.1 Note the review of the policy including the results of the questionnaire and monitoring surveys is noted.

2.2 Confirm the Policy for Non-Retail Uses in Moseley Village as Supplementary Planning Guidance to the Birmingham Plan.

2.3 Refer this report to the new Moseley and Kings Heath Ward Committee, Selly Oak District Committee and Development Control Committee for information.

2.4 The Policy for Non-Retail Uses Policy in Moseley Village (Para. 3.3) superseded points 3, 4, 5 and 6 of pages 8 and 9 of the Moseley Village Local Action Plan. April 1992. (Attached as Appendix 1).

3. BACKGROUND

3.1 Prior to the adoption of the non-retail use policy, increasing concerns had been expressed by local residents, local action groups and local councillors about the growth in the number of non-retail uses in Moseley; in particular, A3 uses and public houses. These concerns focussed on:
- loss of retail units and the need to protect Moseley's retail role
- impact of a concentration of A3 uses on Moseley's character as a conservation area
- impact on residential amenity and issues of nuisance and safety
- parking and traffic issues.
3.2 Research indicated that there had been a decline in the number of retail units from 1993-1999 and a significant growth in A3 uses and vacant properties. As a consequence a policy for non-retail uses for Moseley Village was adopted following extensive public consultation with local residents, residents’ associations and organisations, West Midlands Police, Moseley Traders’ Association, Birmingham Licensing Committee and other interested parties. The results of consultation revealed strong support for the policy.

**Policy Statement**

3.3 The policy states: “In future, within the Moseley Village area, all applications for a change of use to A3 uses will normally be refused. Further applications for a change of use to A2 uses will also normally be refused where there is a loss of a retail unit. Other applications will be considered on their merit”.

3.4 It was agreed that the policy be monitored to assess its impact on the vitality and viability of the centre. The review is now taking place: i) as five years have passed since the policy was introduced; ii) in response to requests made from local members and; iii) in order to provide up to date information for determining planning applications.

4. **MONITORING OF THE VITALITY AND VIABILITY OF THE CENTRE**

4.1 The key justification for the policy is that it conforms with both national planning policy guidance (PPG6, PPG1, PPG13) and the adopted Birmingham Plan 1993 and Birmingham Plan Alterations Draft Deposit 2001 which aim to ensure that the viability and vitality of centres is maintained. A number of indicators for measuring the viability and vitality of centres are set out in PPG6 Town Centres. These include diversity of uses; proportion of vacant street level property; pedestrian flows; accessibility; perception of safety and occurrence of crime; and the environmental quality of the centre. Part of this monitoring programme also includes seeking the views of traders and customers. This was achieved via a questionnaire survey of all local traders within the centre (40 respondents) and a survey of 150 customers on a weekday and Saturday throughout the day. The results and findings of the questionnaire and surveys are set out in Appendix 2 and summarised below.

4.2 Land use surveys conducted of Moseley Local Centre from 1999 – 2004 show that:

- The number of A1 uses has decreased by 4%. The current proportion of retail is 40% compared to 44% in 1996. However, this decrease is slightly distorted by the amalgamation of four units into one large unit – Sainsbury’s Store.
- The number of operating A3 uses has remained largely the same at 19%.
- The number of A2 uses has also remained the same at 19% in 1999 and 2004. The number of D1/ D2 (non-residential institutions and assembly and leisure) uses has increased by 2%.

(A summary table of the survey is attached as Appendix 2).

4.3 In summary, the proportion of A1 retail uses in Moseley is now 40% compared to 44% in 1999 (not including void units). 50% is widely regarded by other Councils as a guideline for the minimum level of retail provision to sustain the vitality and viability of a shopping centre. In other similar Birmingham local centres, the proportion of retail uses is much higher – usually between 60-70%. The number of A3 uses is also of particular concern in Moseley. At 19% the proportion of A3 uses is significantly higher than other comparable centres at 7-16%. The proportion of A2 uses 19% is also higher than most other centres at 10-17%.
4.4 Overall, the centre has a fair range of and choice of uses, however, the retail element accounts for only 40% of all units justifying a strong need to retain the Non-Retail Use Policy to prevent any further decline.

4.5 The number of vacant properties has fallen from 13 in 1999 to 12 in 2004. At 9%, the proportion of vacant units is lower than other similar centres in the City and below the national average of 10.81%. However, this is an issue of concern for local traders and visitors.

4.6 The results of the surveys show that the centre has remained largely unchanged. During the period 1999-2004, the City Council refused five planning applications for changes of use from A1 to A3 outlets in Moseley Village. One application was allowed on appeal in 1999. Three applications for changes of use from A1 to A2 were also refused, but one of those was allowed on appeal.

4.7 The questionnaire surveys show that customers and local traders have differing opinions on the range and choice of uses in the centre. Most customers rated the centre as good and having improved whilst most traders thought it was poor and had declined over the last five years.

4.8 Accessibility was mainly considered as good, but the lack of sufficient car parking was a common concern. The Moseley Local Action Plan recognised this issue and proposed two sites as car parking opportunities: one at the rear of 440-158 Alcester Road accessed from Woodbridge Rd and the other at the rear of the police station off Woodbridge Rd. It has not been possible to bring these potential sites forward, but these options will be investigated further.

4.9 The majority of customers perceived safety and security of the centre as good, whilst as a local business it was mainly considered fair. Both customers and traders noted a slight improvement since the banning of street drinking and introduction of street wardens in Moseley. However, both customers and traders wanted greater police presence in the centre.

4.10 The environmental quality of the centre was rated as good/excellent and most thought it had improved over the last five years. However, many people said that further enhancements could be made by improving shopfronts, paving, street cleanliness and having more trees and hanging baskets.

4.11 75% of local traders rated the economic health of the centre as good/excellent and the majority also felt that it had improved over the last five years. However, there were concerns about the number of vacant properties and their physical appearance along with high business rates.

5. CONCLUSIONS

5.1 Research on the planning history within the centre shows that the City Council has been fairly successful in halting further changes of use from retail to A3 and A2 since the Non-Retail Uses Policy was introduced in 1999. (See Appendix 2) The decrease in the proportion of retail uses from 44% in 1999 to 40% in 2004 has been offset by the new Sainsbury’s store which has helped to maintain the total amount of retail floorspace. The recent development of Sainsbury’s foodstore in Moseley indicates that the centre is economically healthy with potential for further growth. This is likely to continue to have a positive impact on the rest of the centre by acting as an anchor store. Recent and current planning applications demonstrate continued retail interest in the centre.

5.2 However, I remain concerned about the low proportion of retail uses against the high proportion of A3 and A2 uses. This demonstrates the strong need to confirm and retain the
Policy for Non-Retail Uses in Moseley in order to protect its primary retail role and sustain a viable centre.

5.3 The number of vacant properties has dropped to since 1999. Three of the vacant units that were observed during the survey were being refitted at the time, so that the number of vacant units show now be even lower. Vacancy rates in Moseley are lower than the national average. The majority of vacant units that have been brought back into use over the last 5 years have been A1 retail uses. This shows that the Non-Retail Uses Policy in Moseley has not prevented the take up of vacant units, especially for retail uses. However, vacancies are considered to be an issue by traders and visitors.

5.4 Overall, the centre appears to be economically healthy with low vacancy rates, development interest and a diversity of uses. The impact of the Non-Retail Uses Policy has enabled Moseley’s shopping role to be safeguarded but it is evident that this needs to continue to ensure that the centre remains viable. There is also a need to continue to address other issues raised in the questionnaire surveys. These include environmental enhancements, shopfront improvements, and parking in particular. The City Council will continue to work with the local traders association and the Moseley Community Development Trust to consider these issues and explore options to address them.

6. MATTERS FOR DECISION

6.1 That the Policy for Non-Retail Uses in Moseley Village is confirmed and retained as it is an Supplementary Planning Guidance to the Birmingham Plan.

7. EVALUATION OF ALTERNATIVE OPTIONS

7.1 Two alternative options have been considered:

(i) To reduce the area covered by the policy to a Core Area or Primary Retail Frontage. If the area covered by the policy is reduced to a core area only, it is likely that the proportion of retail uses could further reduce. Non-retail uses are also likely to be concentrated around the fringe of the local centre, closer to residential areas and impact residential amenity.

(ii) To abandon the policy. If the policy is abandoned completely, the proportion of retail uses could reduce further and affect the primary retail function and economic viability and vitality of the centre. This could also result in an over-concentration of A3 uses, which PPG6 states could have cumulative effects on the loss of retail, traffic, parking, and local residential amenity.

8. CABINET MEMBER CONSULTATION

8.1 The Cabinet Member for Regeneration has been consulted in the preparation of this report.

9. WHAT CONSULTATION (if any) HAS TAKEN PLACE

9.1 Formal public consultation took place prior to adoption of the policy in October 1999. This involved presentations to the former Planning and Moseley and Sparkhill Ward Sub-Committees as well as to the Central Moseley Neighbourhood Forum. Letters and comments forms were sent to local organisations and other with an interest in the Moseley area. The results of the consultation gave a very positive endorsement of the policy.
9.2 The questionnaire surveys have directly sought the views of traders and shoppers. Questionnaires were sent to all local traders in Moseley Village, of which around 40 responded and 150 customers were surveyed.

10. WHAT REPRESENTATIONS (IF ANY) HAVE BEEN RECEIVED E.G. IN RESPONSE TO THE INCLUSION OF THIS DECISION IN THE FORWARD PLAN

10.1 None

11. LEGAL POWERS AND IMPLICATIONS FOR RESOURCES (INCLUDE FINANCE, PEOPLE, PROPERTY AND IT CONSIDERATIONS)

11.1 There are no specific financial implications arising from the implementation of this report.

12. IMPLICATIONS FOR POLICY PRIORITIES

12.1 The policy will contribute to "A Safer, Cleaner and Greener City" and "A Modern and Successful City".

13. ARE THE RECOMMENDATIONS IN THIS REPORT CONSISTENT WITH ANY APPROVED "POLICY FRAMEWORK", PLAN OR STRATEGY/CON THE APPROVED BUDGET

13.1 The recommendations in this report are consistent with the Birmingham Plan 1993 and Birmingham Plan Alterations Draft Deposit 2001 and the Strategy for Local Centres. The policy also consistent with the Moseley Local Action Plan.

14. REASON FOR RECOMMENDATIONS

14.1 Confirmation of the Policy for Non-retail uses in Moseley will affirm the City Council's aspirations of flourishing neighbourhoods and strengthening local centres.

14.2 Monitoring and review of the policy has taken place and confirms that it has been effective and successful in retaining Moseley's retail role. I ask you to note this policy review and confirm the policy as Supplementary Planning Guidance to the Birmingham Plan.

15. BACKGROUND DOCUMENTS

- Report of Acting Director of Planning and Architecture to Planning Committee 13 May 1999 – Draft Policy for Non-Retail Uses in Moseley Village

- Report of Acting Director of Planning and Architecture to Development Control Committee 7 October 1999 – Policy for Non-Retail Uses in Moseley Village
Policy for Non-Retail Uses in Moseley Village

My decision is to adopt the recommendation(s) set out in this report.

COUNCILLOR HARDEMAN
CABINET MEMBER FOR REGENERATION

DATE: 28/12/1
MOSELEY VILLAGE ACTION PLAN 1992

* Opportunities may exist for changes of use and small scale development for office purposes (of a character compatible with the Conservation Area) in roads adjacent to the centre, but not in residential areas.

* Another policy objective is to ensure that the shopping centre acts as a focus for community life and provides a safe and secure environment for local residents at night as well as during the day. A positive contribution towards this could be achieved by encouraging the re-use of vacant floors above shops for residential purposes, which also meets a housing need.

Earlier planning guidance for Moseley was provided by a "primary retail frontage" policy which was approved by the Planning Committee in October 1984. It seems to have been successful to date in restricting the development of further non-retail uses within a defined area of the centre. However, these policies are felt to be restrictive in the light of the changing nature of the centre and the strategic objectives outlined in the UDP as well as Guidance from the Department of the Environment which recognises the fact that service uses providing direct services now have an established place in many centres. This Plan has provided an opportunity to review and update these policies and a new set of Planning Guidelines relating specifically to Moseley Centre have now been drawn up.

In future, therefore, all proposals for development, including for a change of use of a property should recognise the special character of the existing commercial area which is wholly contained within the Moseley Conservation Area.

All applications within the area shown on the map, including applications for planning permission, listed building consent and conservation area consent will be assessed upon their individual merits and specific reference will be given to the following guidelines:

1. Proposals should demonstrably preserve or enhance the character and appearance of Moseley Conservation Area.

2. All alterations to properties should conform to the scale and vernacular style of the area, and in particular, shop fronts and schemes for advertisements should meet the proposed guidelines to be adopted by the Planning Committee. Account should also be taken of the need to provide appropriate access for people with disabilities.

3. Consideration will be given as to whether a proposal involves the loss of a retail use, and the appropriateness of any proposed non-retail use to a local shopping centre.

4. Consideration will also be given as to whether a proposed non-retail use would consolidate or extend any frontage containing an existing row of non-retail uses within the centre, i.e. whether the proposed use would contribute towards the creation of a 'dead frontage'.

5. For all changes of use, consideration will be given to the contribution the use would make towards maintaining and enhancing pedestrian flow within the centre. This would involve reference to the proposed hours of use and whether a permanent shop window display is proposed.

6. If the premises are vacant, and were previously in retail use, account may be taken of the period over which they have remained unoccupied and the measures taken during that period to market them for retail purposes.

7. All proposals shall comply with existing City-wide planning policy guidelines (such as that governing the change of use to hot food shops and restaurants).

8. Proposals should not prejudice the safety and free flow of pedestrians and motor vehicles. Proposals including off-street parking and provision of rear servicing will be encouraged, subject to there being no adverse effects upon the character and appearance of the Conservation Area.

SOCIAL ISSUES

One of the issues of concern identified both by local organisations and traders during the consultation process is the highly visible presence within the Moseley area of significant number of alcoholics, vagrants and other disadvantaged groups. There are fears that problems with alcohol abuse in particular will continue to act as a deterrent to local shoppers and cause fears over personal safety, as well as being a disincentive to further investment in the centre.

The problem is a complex one, but three main reasons have been advanced for its existence:

* The Department of Social Security Office (DSS) at Ravenhurst Street/Moseley Road is the only one within the city which deals with those of no fixed abode. In addition, the Unemployment Benefit Office on Alcester Road only requires weekly signing for those who have to register as unemployed. In comparison, other local offices require daily signings. The combination of these 2 offices along the same bus route seems to mean that homeless alcoholics congregate in Moseley Shopping Centre, where they can buy drinks.

* Within Moseley, there is a supply of large Victorian and Edwardian houses which have been converted into bed-sitters and flats, as well as institutional uses such as care homes and hostels. Many of these provide accommodation for client groups with a range of special needs (such as the mentally ill, the elderly, etc.).

* Moseley also has a tradition as a tolerant, mixed community and there is a support network for the homeless and disadvantaged within the area.
### SUMMARY OF MOSELEY VILLAGE
### LAND USE SURVEY

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### Units

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<td>128</td>
<td>130*</td>
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* Two additional units - 214a Alcester Road (IBX Accountants) and 171 Alcester Road (Davidsons Solicitors).

** Amalgamation of 4 units into one – 158-166 Alcester Road (Sainsbury’s Local). Additional units formed by subdivision of 93a Alcester Road (Centro Sun Centre and Thistle Estates).

*** Additional units formed by subdivision of 149-153 Alcester Road (Moseley CDT).

**Void**

The number of vacant units has decreased from 13 in 1999 to 12 in 2004.

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### CUSTOMER QUESTIONNAIRE RESULTS

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#### PURPOSE OF VISIT

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#### RANGE AND CHOICE OF USES

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#### RANGE AND CHOICE OF USES OVER THE LAST 5 YEARS

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#### ACCESSIBILITY OVER THE LAST 5 YEARS

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#### SAFETY AND SECURITY

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#### SAFETY AND SECURITY OVER THE LAST 5 YEARS

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#### ENVIRONMENTAL QUALITY

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#### ENVIRONMENTAL QUALITY OVER THE LAST 5 YEARS

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### TRADERS QUESTIONNAIRE RESULTS

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<th>Fair</th>
<th>Poor</th>
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SUMMARY OF FINDINGS

1. Diversity of Uses

Customers’ views

1.1 Just over half the customers surveyed rated the range and choice of uses in Moseley as being “good”, with just under 10% stating it was “excellent”. Overall, there was a general satisfaction with the variety and mix of shops and services in the centre. Those who considered it "fair" (34%) and "poor" (6%) commented that:
- a greater variety of shops is needed
- a bigger supermarket is needed
- too many pubs
- too many restaurants/ takeaways
- functional/ practical shops needed rather than specialist shops e.g. greengrocer, butcher
- more independent/specialist shops

1.2 About half of the people surveyed felt that over the last 5 years, the range and choice of uses had “improved”. The improvement was mainly attributed to the opening of Sainsbury’s Local supermarket. Those who considered it as “remaining the same” accounted for 23% and those who thought that it had “declined” — 14%.

Traders’ views

1.3 In contrast to customers’ views, 40% of the traders who responded to the questionnaire rated the range and choice of uses in Moseley as being “poor” whilst only a quarter rated it as “good”. The majority of respondents (35%) felt that the range and choice of uses in the centre had “declined” over the last five years. The comments made regarding this issue were largely similar to the customers’ opinions expressed above. However, a small proportion of traders expressed a need for more banks, restaurants and bars.

2. Proportion of Vacant Street Level Property

2.1 The number of vacant properties has fallen from 13 in 1999 to 12 in 2004. At 9% the proportion of vacant units is lower than other centres in the City and below the national average of 10.81%.

2.2 However, only 30% of the local traders surveyed felt that the centre was doing well in terms of vacant units. 30% considered it "fair" and 23% thought that the centre was doing badly with 5% very badly. Respondents commented:
- vacant units needed to be refurbished
- business rate are too high
- more communication needed between the City Council and landlords
- open shops that people want

2.3 Over the last five years, the majority of respondents felt that the vacancy rate had remained the same.

2.3 Vacant properties have been the main issue of concern for the Moseley Traders Association, Moseley Society and Moseley Community Development Trust. Of the 12 existing vacant units, 5 were previously in A1 use; 4 were previously in A2 use and 3 were an A3 use. Comments from local traders included the provision of incentives from the Council to encourage landlords to bring vacant A1 properties back into use and to maintain them properly. Those vacant units which have been brought back into use in the last 5 years have mainly been A1 retail uses. There was also a call for more dialogue between the City Council and landlords and working with the Traders'
3. Pedestrian Flows

The amount of pedestrian flow data available is limited. In 1997, a survey conducted at various points around the junction of Alcester Rd / Salisbury Rd / St. Mary’s Row during the hours of 0700-1900 counted 5,803 pedestrians. In 2002 the same survey was undertaken and counted 5,393 pedestrians. This reduction may reflect the greater use of the car in general rather than a decrease in the number of visitors to the centre.

4. Accessibility

Moseley Local Centre has very good accessibility to public transport with the Nos. 1, 35, 649, 650 and 50 Bus Showcase Route running through the centre at very frequent intervals. The 50 Route has been subject to a major improvement scheme.

Concerns over existing car parking and a need for additional parking provision were identified as issues in the Moseley Local Action Plan. Enhancement of the existing Pay and Display Car Park at the rear of St. Mary’s Row was completed in November 1999. This involved resurfacing of the car park, provision of bay markings and cycle stands, lighting works and landscaping and tree planting.

Around two thirds of the customers surveyed considered accessibility of the centre as “good” to “excellent”, 23% thought it was “fair” and 14% rated it as “poor” to “very poor”.

Over the last five years, the majority of people felt that accessibility had remained the same. A quarter thought that it had “improved” and 11% felt it had “declined”.

Local traders considered that accessibility of the centre for a business was mainly “fair” (38%) to “good” (33%). The overwhelming majority felt that accessibility had remained the same over the last 5 years.

Similar comments regarding accessibility were made by both customers and traders. These can be summarised as:
- need more customer car parking
- improve existing car park
- provide free customer parking
- too many parking restrictions
- introduce rail service and re-open train station
- too much traffic and congestion (customer view only)
- poor bus service (customer view only)
- bus stop pull-ins required so that buses don’t block up the road
- designated delivery area

5. Perception of Safety and Occurrence of Crime

Customers’ views

About 50% of customers surveyed rated safety and security in Moseley centre as being “good” and 7% said it was “excellent”. One third of customers considered it “fair” and 9% “poor”. Comments relating to how safety and security could improved included:
- remove street drinkers and vagrants
- install CCTV
- greater police presence
- improve street lighting
- higher security in the car park
- too many pubs
- felt unsafe at night
- high incidence of petty crime and muggings

5.2 37% of customers felt that safety/security in the centre had "remained the same" over the last five years but 28% thought it had "improved" whilst 13% thought it had "declined". The people who said they had noticed an improvement attributed it to the banning of street-drinking in the centre.

5.3 Traders' views

5.3 In terms of safety and security for local businesses, just over 50% rated the centre as "fair". Most respondents felt that this has remained the same or improved over the last five years. Comments on how safety and security in the centre could be improved included:
- Install CCTV
- Greater police presence
- Re-open police station on Woodbridge Rd
- The banning of street drinking has improved the area but there are still many street drinkers congregating in the village green
- The introduction of street wardens has been effective but there needs to be more communication between local traders and the street wardens
- Less pubs
- Drug problem in the area
- Graffiti needs to be cleaned up
- High incidence of theft and petty crime

6. Environmental Quality of the Centre

6.1 At the heart of the centre is Moseley Village Green, located at the junction of Alcester Road and Wake Green Road. The Moseley Local Action Plan identified the green as a potential village focal point. An environmental improvement scheme was completed in November 1999. The scheme consisted of narrowing the slip road into St. Mary's Row and traffic calming measures to allow extension of the area covered by the green and a more flexible pedestrian friendly space for community purposes. New paving and tree planting, high quality benches, railings and street furniture in keeping with Moseley's status as a conservation area were installed. A themed lighting scheme was also introduced to blend in with the area and provide greater safety and security for users. Since enhancement of the village green, a regular Framers' Market operates there.

6.2 The environmental quality of the centre has, therefore, significantly improved in the last 5 years and this has been well maintained.

6.3 The majority of visitors surveyed rated the environmental quality of the centre as being "good" to "excellent" (60%). A quarter rated it as "fair" and 10% "poor". The comments made regarding environmental quality are summarised as follows:
- Improve street cleanliness
- Need more greenery/trees/flowers
- Improve the seating area
- Improve poor state of shopfronts and buildings
- Reduce traffic congestion through the centre
- Improve street paving
- Clean up the vandalism and graffiti
- Reduce the number of vacant shops
6.4 Over half the customers considered that the environmental quality of the centre had improved over the last 5 years, 23% thought it had remained the same and 7% thought it had "declined".

6.5 The majority of traders who responded rated the environmental quality of Moseley centre as being "good" (55%) and over the last five years they mainly considered it had "improved". Comments regarding environmental quality are summarised as follows:
- more greenery and flowers/ hanging baskets
- remove flyposting
- introduce public art
- improve street paving
- clean up litter and graffiti
- refurbish shopfronts
- environmental improvements needed at northern end of the centre

7. **Economic Health**

7.1 In terms of the economic health of the centre, 58% of traders rated it as "good", 18% said it was "excellent" and 23% "fair". Only 5% of respondents considered it to be poor. The majority also felt that the economic health of the centre had "improved" over the last 5 years. However, local businesses generally considered business rates to be too high and there was a need to do something about the vacant and run-down shops in the centre.

8. **Customer comments**

8.1 A total of 150 customers/ visitors were surveyed on a weekday and weekend during the morning, afternoon and early evening to gain a balanced range of views from the variety of visitors. On-street questionnaire surveys were conducted and customers were randomly chosen.

8.2 The majority of customers surveyed arrived at Moseley Local Centre by foot - 47%, whilst 29% of visitors used a car and 19% travelled by bus. The majority of people surveyed lived in the near vicinity and within walking distance of the centre.

8.3 The main purpose of people's visit was for shopping - 51%, with eating and drinking accounting for 24%. Within these figures, 15% made linked trips e.g. shopping and eating/ drinking.

8.4 A large proportion of customers visited Moseley centre very frequently because they lived locally.

8.5 Customers were finally asked how else could Moseley local centre could be improved? The top 7 most common answers were:

1. A greater variety of retail shops, especially a butcher, greengrocer and clothes shop.
2. Less pubs/ no more pubs.
3. Satisfied with Moseley centre as it is.
4. Improve parking facilities and reduce traffic congestion in the centre. General consensus of car users was that parking facilities were poor; there is a lack of parking spaces. They are forced to park in nearby residential streets which in turn cause problems for local residents, and the centre is heavily congested during peak times.
5. Improve street cleanliness.
6. Improve the general appearance of buildings and shopfronts.
7. Remove street drinkers and vagrants from the centre.
9. **Trader's comments**

9.1 Further comments from local traders relating to how Moseley centre could be improved are summarised as follows:

- employ a town centre manager
- more support from the Council for the Traders Association
- more time and investment into advertising the culture and history of Moseley
- provide incentives to bring vacant units back into use
- develop an action plan for the centre
- enforce landlords to maintain their properties
- develop Moseley as a "creative village"
- bring more property into community ownership
- more regular Farmer’s Market
POLICY FOR NON RETAIL USES IN MOSELEY VILLAGE

1. SUMMARY

1.1 This report provides information on the Consultation carried out in respect of the draft revisions to this policy and seeks approval for its adoption, unchanged, as Supplementary Planning Guidance.

2. RECOMMENDATIONS

2.1 That the results of the consultation exercise are noted.

2.2 That the policy is adopted as Supplementary Planning Guidance to the Birmingham Plan.

2.3 That the policy is monitored for a period of two years in order to assess its impact upon the vitality and economic viability of the Moseley Shopping Centre.

2.4 That this report is referred to the Moseley and Sparkhill Ward Sub-Committees for information

3. Officer Contact

Chris Green
Local Planning Team
Development Planning
Telephone: 0121 303 3121
1. PURPOSE OF REPORT

1.1 To inform the Development Control committee of consultation carried out in respect of the policy and to seek approval for its adoption as supplementary Planning Guidance.

2. BACKGROUND

2.1 On 13 May 1999, the former Planning Committee considered a draft policy restricting further non-retail (A2 and A3 uses) in Moseley Village. The report was approved for public consultation and adopted on an interim basis as a material consideration in the determination of Planning Applications for Moseley Village. Officers were asked to report back on the consultation process and with details of any changes to the policy proposed as a result.

2.2 The draft policy was produced in response to concerns (expressed at Ward Sub-Committees) over the growth in the number of non-retail uses in Moseley - in particular A3 uses and especially large public houses and establishments where drinking is the principle function.

2.3 These concerns were backed up by research which shows:

- A decline in the number of retail outlets - and in particular, a loss of large retail units.

- A significant growth in the number of A3 uses - there are now a total of 9 pubs and 15 restaurants within the compact Moseley Shopping Centre.

- The proportion of retail uses in Moseley has now fallen to just under 50% (not including void units). This figure is widely regarded by other Councils nation-wide as a guideline for the minimum level of retail provision which can be permitted before the vitality and viability of shopping centres is affected.

2.4 The strategic context for the draft policy is provided by the Birmingham Plan and PPG6. These stress the need to get the balance right in local shopping centres between retail and service uses. Whilst service uses (such as pubs, restaurants and cafés) can complement the basic retail function of a centre, an over-concentration of such uses can cause local problems and affect the centre’s economic viability. PPG6 warns that proposals for non-retail uses should be assessed on their cumulative effect on such matters as loss of retail outlets, traffic, parking and local residential amenity (para 2.25).

2.5 The aims of the draft policy are therefore to:

- Protect the economic vitality and viability of the centre

- Ensure a balance of uses within the Moseley Centre and protect its basic retail role

- Preserve Moseley’s unique character as a Conservation Area and encourage a diverse range of high quality facilities

- Restrict further developments of large public houses
2.6 The draft policy states that, in future, all applications for a change of use to A3 uses will normally be refused. Where there is a loss of a retail unit, applications for a change of use to A2 (office) uses, will also normally be refused.

3. MATTERS FOR DECISION

3.1 Members are now asked to agree the following:

- That the policy for non retail uses in Moseley Village is adopted, unchanged, as Supplementary Planning Guidance.
- That the policy is monitored for a period of 2 years to assess its impact upon the economic viability of Moseley Village.
- That the policy is amended if necessary during or at the end of that time.

4. REASONS FOR RECOMMENDATION

4.1 The recommendation is based upon the response to public consultation. This involved presentations to the former Planning and Moseley and Sparkhill Ward Sub-Committees as well as to the Central Moseley Neighbourhood Forum. Letters and comments forms were sent to local organisations and others with an interest in the Moseley area. A total of 55 replies were received.

4.2 The results of the consultation gave a very positive endorsement to the policy:

- Only 5 of those who replied did not support it usually because they felt that pubs, restaurants and cafés helped revitalise Moseley and should be encouraged.
- 30 people supported the policy in its entirety and referred to problems caused by noise, smells, litter, cumulative impact on traffic, character of the area and disorder/community safety.
- 14 people were in favour of restricting pubs only and expressed the view that cafés, restaurants have a role to play in creating a lively atmosphere and helping to sustain daytime use of the Centre.
- 7 of those who responded expressed concerns over the effect of the policy on vacancy levels and felt that A3 or A2 uses were both preferable to empty properties. Several people suggested setting a time limit on the length of time voids could remain empty before the policy is relaxed.

4.3 It is recognised that this is only one of several measures helping to reverse economic decline in Moseley. It is supported by a proactive programme of activities promoting and enhancing Moseley's retail role and improving the economic viability and attractiveness of the Centre. The enhancement schemes currently taking place at the Green and the pay and display car park along with the policies set out in the Moseley Local Action Plan are positive indicators of the Council's commitment.
4.4 A number of suggestions were made by those who responded to the consultation. These included improving parking facilities, adopting a pro-active approach to define gaps in provision and attract new businesses; seeking reductions in rents and rates. Various other concerns and issues relating to the centre were raised. These could be tackled through a partnership arrangement involving Council departments, local traders and organisations and other agencies and are likely to be pursued separately through the Ward Development Plan.

5. IMPLICATIONS FOR RESOURCES

5.1 No financial implications have been identified for the Development Control Committee.

6. IMPLICATIONS FOR WOMEN, PEOPLE WITH DISABILITIES, BLACK AND MINORITY ETHNIC COMMUNITIES AND RACE RELATIONS

6.1 The needs of the whole community have been considered in preparing the guidelines. Specific issues addressed include:

- Safeguarding the range and variety of shopping provision for local people
- Amenities of local residents
- Community safety

7. BACKGROUND READING

7.1 (i) Draft Policy for Non-Retail Uses in Moseley Village - Report of Acting Director of Planning and Architecture to Planning Committee
(iii) Summary of responses to Consultation - August 1999

[Signature]
EMRYS JONES
ACTING DIRECTOR OF PLANNING & ARCHITECTURE
BIRMINGHAM CITY COUNCIL

REPORT OF ACTING DIRECTOR OF PLANNING AND ARCHITECTURE

PLANNING COMMITTEE
MOSELEY WARD SUB-COMMITTEE
SPARKHILL WARD SUB-COMMITTEE

WARD: MOSELEY, SPARKHILL

13 MAY 1999

DRAFT POLICY FOR NON-RETAIL USES IN MOSELEY VILLAGE

1. PURPOSE OF REPORT

1.1 To present draft guidelines on non-retail (A2 and A3) uses in Moseley Village.

2. BACKGROUND

2.1 Concerns have recently been expressed at Ward Sub-Committees relating to the growth in the number of non-retail uses in Moseley; in particular, A3 uses and especially large public houses and establishments where drinking is the principal function. These concerns have focused upon:

- loss of retail units and the need to protect Moseley's basic retail role;
- likely impact of a concentration of such uses upon Moseley's character as a conservation area;
- amenity of residents and issues such as nuisance and community safety;
- parking and traffic issues.

2.2 Recent research indicates the following trends relating to Moseley Shopping Centre.

- Decline in the number of retail outlets - from 63 in 1993 to 54 in 1995. In particular, there has been a loss of large retail units with 3 out of the 8 largest shops in Moseley becoming empty over the same period.

- A significant growth in the number of A3 uses (including cafes, restaurants, hot food take aways and pubs). There were 16 premises in 1993, and 24 in 1999. (This figure includes a new café which is likely to open within the next few weeks).

- This interest in A3 uses is reflected in the fact that since January 1996, a total of 12 planning applications have been submitted relating to 10 premises. There are now a total of 9 pubs and 15 restaurants within the compact Moseley Shopping Centre, with consent for a further café bar/restaurant granted but not yet implemented. An application to convert the former WH Smith's unit to A3 use, extending the O'Neill's public house, is currently being considered.

- The proportion of A2 uses, including banks, building societies and financial institutions, has fallen from 20% to 18%.
There has been an increase in the number of vacant properties from 10 to 13.

In summary, therefore, the proportion of retail uses in Moseley has now fallen to just under 50% (not including void units). This figure is widely regarded by other Councils throughout the country as a guideline for the minimum level of retail provision which can be permitted before the viability and viability of shopping centres is affected. In Birmingham, in similar centres, the proportion of retail uses is much higher – usually between 60-70%. The proportion of A3 uses in Moseley is another particular issue of concern. At 20% of all units, this proportion is significantly higher than other local centres. In view of these factors, it is felt that saturation point has been reached and that further non-retail uses (and particularly large public houses, which are likely to have the most significant impact on the centre) should be resisted.

The strategic context for the development of the centre is provided by The Birmingham Plan and PPG6. The Birmingham Plan states (7.24) that service uses (such as professional and financial services, restaurants, leisure and community uses) will be encouraged as complementary to the retail function of centres, subject to the need to ensure that an over-concentration of such uses does not prejudice the viability of the centre as a whole.

The figures quoted above clearly indicate that there is now a very real fear that the economic viability of the centre is likely to be affected if the current trend towards non-retail (and especially A3) uses is allowed to proceed unchecked.

As PPG6 warns, “changes of use, whether in town, district, or local centres can, however, sometimes create new concentrations of single uses, such as restaurant and take-away food outlets, where the cumulative effects can cause local problems. Such proposals should be assessed... on the cumulative effects on such matters as loss of retail outlets, traffic parking and local residential amenity” (Para 2.25).

Further advice and criteria for considering changes of use is provided by the Moseley Action Plan and other Supplementary Planning Guidance relating to hot food shops / restaurants / cafés and ground floor non-retail uses. The Moseley Action Plan also sets out policies to preserve and protect the quality of the Centre as a Conservation Area.

No specific planning guidance is available relating to public houses and establishments where drinking is the primary function. The proliferation of these uses is the main concern in Moseley. The licensing laws provide the main administrative control over public houses through the 1988 Licensing Act. Each licence application takes into account the facilities to be provided, the number of existing outlets and the type and standard of facilities available. To date, the Licensing Justices Committee has not made any written objection to the concentration of pubs in Moseley.

As a consequence, the Director of Planning and Architecture has been asked to prepare a draft policy document in order to provide guidance for assessing future applications for non-retail uses in general and these uses in particular.
3. **AIMS OF POLICY**

3.1 In the light of concerns over the concentration and proliferation of non-retail uses in Moseley, the aims of the draft policy are to:

- Ensure a balance of uses within the centre and protect the underpinning retail role.
- Protect the economic vitality and viability of the centre.
- Preserve the unique character of the centre as a Conservation Area and to encourage a range of diversity of facilities with an emphasis on quality which will attract a variety of visitors, particularly families.
- Restrict further developments of large public houses.

4. **POLICY STATEMENT**

4.1 In future, within the Moseley Village area, all applications for a change of use to A3 uses will normally be refused.

4.2 Further applications for a change of use to A2 uses will also normally be refused where there is a loss of a retail unit. Other applications will be considered on their merit.

5. **THE WAY FORWARD**

5.1 A public consultation exercise will now be undertaken. Copies of the draft guidelines will be sent to local organisations and residents’ associations within and adjoining the area covered by the policy, as well as to West Midlands Police, the Moseley Traders’ Association, Birmingham Licensing Committee and other interested parties. Comments will be invited. A presentation has also been requested by the Central Moseley Neighbourhood Forum.

5.2 It is proposed that the draft guidelines are adopted on an interim basis as a material consideration in the determination of planning applications. Following public consultation, the amended guidelines will be adopted as a supplement to the Moseley Action Plan and as Supplementary Planning Guidance to The Birmingham Plan.

5.3 Once the policy is in place, it will need to be closely monitored in order to assess its impact on the centre. A number of indicators for measuring the vitality and viability of centres are set out in PPG6. These include:

- Diversity of uses
- Proportion of vacant street level property
- Pedestrian flows
- Accessibility
- Perception of safety and occurrence of crime
- Environmental quality of the centre

These factors will all be taken into consideration in monitoring the viability of the centre and the views of traders and customers will also be sought.
5.4 A reduction in the numbers of other uses will not, in itself, increase the amount of retail activity in the Centre. The adoption of the policy will therefore place a greater onus on both the Council and the local traders’ association to promote the retail role of the Centre, in line with the Moseley Action Plan. The proposed enhancement of the Green and the car park are positive signs of this commitment.

6. FINANCIAL IMPLICATIONS

6.1 The costs associated with the local consultation will be contained within Development Planning’s cash-limited revenue budget 1999-2000.

7. IMPLICATIONS FOR WOMEN, PEOPLE WITH DISABILITIES, BLACK AND MINORITY ETHNIC COMMUNITIES AND RACE RELATIONS

7.1 The needs of the whole community have been considered in preparing the draft guidelines. Specific issues addressed include:
- safeguarding the range and variety of shopping provision for local people
- amenity of local residents
- community safety.

8. RECOMMENDATION

8.1 That the draft planning guidelines for non-retail uses in Moseley Village be approved for public consultation and adopted on an interim basis as a material consideration in the determination of planning applications for Moseley Village.

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BACKGROUND PAPERS

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