

## The Planning Inspectorate

### PLANNING APPEAL FORM (Online Version)

**WARNING:** The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

**Appeal Reference: APP/P4605/W/24/3356275**

#### A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Mr Ian Miller

Company/Group Name

Luxury Leisure

Address

Fifth Avenue Plaza, Queensway  
Team Valley Trading Estate  
Gateshead  
Tyne and Wear  
NE11 0BL

Email

Ian.Miller@Luxury-Leisure.co.uk

Preferred contact method

Email  Post

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes  No

Name

Mr Fraser Tinsley

Company/Group Name

BH Planning & Design

Address

Bradley Hall Ltd  
1 Hood Street  
NEWCASTLE UPON TYNE  
NE1 6JQ

Phone number

07412712169

Email

fraser.tinsley@bradleyhall.co.uk

Preferred contact method

Email  Post

#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Birmingham City Council

LPA reference number	2024/03302/PA
Date of the application	23/05/2024
Did the LPA validate and register your application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Did the LPA issue a decision?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Date of LPA's decision	03/10/2024

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does the appeal relate to an existing property?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Address	173-175 Soho Road BIRMINGHAM B21 9SU
Is the appeal site within a Green Belt?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

#### E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please enter details of the proposed development. This should normally be taken from the planning application form.	
Change of use of the ground and first floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis) with first floor associated storage and staff area including external alterations and associated works	
Area (in hectares) of the whole appeal site [e.g. 1234.56]	0.03 hectare(s)
Area of floor space of proposed development (in square metres)	530 sq metre(s)
Does the proposal include demolition of non-listed buildings within a conservation area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

#### F. REASON FOR THE APPEAL

**The reason for the appeal is that the LPA has:**

1. Refused planning permission for the development.
2. Refused permission to vary or remove a condition(s).
3. Refused prior approval of permitted development rights.
4. Granted planning permission for the development subject to conditions to which you object.
5. Refused approval of the matters reserved under an outline planning permission.
6. Granted approval of the matters reserved under an outline planning permission subject to

conditions to which you object.

7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).

8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.

## G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

2. Hearing

You must give detailed reasons below or in a separate document why you think a hearing is necessary. The reasons are set out in

the box below

The matter of the appropriateness of AGC development in Birmingham has been the subject of several written representation appeals relevant to this proposal. These are PINS ref. APP/P4605/W/19/3229958 and PINS ref. Ref: APP/P4605/W/22/3307082. The members of the Planning Committee have disregarded Planning Officers recommendations regarding the appropriateness of development specifically with regard to Policy PG3 of the Birmingham Development Plan 2017 and the NPPF. Notwithstanding that there are specific differences in each case, the fundamental issue of the impact of AGCs on fear of crime and anti-social behaviour remains in contention between applicants and planning officers on one hand and Elected Members on the other. An oral hearing will allow for evidence to be presented relating to this matter in the context of the current application. The scale of the LPA (largest in the UK) means that further proposals for AGCs will be forthcoming in the future in the functional area. Clarity on this issue may avoid potential appeals in the future.

3. Inquiry

## H. FULL STATEMENT OF CASE

see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes  No

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available) Yes  No

(b) Have you made a costs application with this appeal? Yes  No

## I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

**I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;**

CERTIFICATE B

**I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:**



**Owner's Name:**

L&C Investments Ltd

**Address at which notice was served:**

LCP House, The Pensnett Estate, Kingswinford. DY67NA

**Date the notice was served:**

25/11/2024

CERTIFICATE C and D

**If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.**



### **I. (part two) AGRICULTURAL HOLDINGS**

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.



(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.



(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.



### **J. SUPPORTING DOCUMENTS**

01. A copy of the original application form sent to the LPA.



02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form).



03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.



04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.



05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.



05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.



05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.



06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.



06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.



07. A copy of the design and access statement sent to the LPA (if required).



08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.



09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.



09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.



10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.
11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
- (a) the relevant outline application;
- (b) all plans sent at outline application stage;
- (c) the original outline planning permission.
12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.
13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).
14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

## K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes  No

## L. CHECK SIGN AND DATE

**(All supporting documents must be received by us within the time limit)**

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

**Signature**

Mr Fraser TInsley

**Date**

27/11/2024 09:55:58

**Name**

Mr Fraser TInsley

**On behalf of**

Mr Ian Miller

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

## M. NOW SEND

### Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:  
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

## N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

**You will not be sent any further reminders.**

### The documents listed below were uploaded with this form:

<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A copy of the full statement of case.
<b>File name:</b>	Statement of Case on Behalf of the Appellant - 173-175 Soho Road, Handsworth, Birmingham BS21 9SU.pdf
<b>File name:</b>	APPENDIX A - Decision Notice Ref 2024-03302-PA.pdf
<b>File name:</b>	APPENDIX B - SOCIAL RESPONSIBILITY STATEMENT - Copy.pdf
<b>File name:</b>	APPENDIX E - Appeal Decision 3307082.pdf
<b>File name:</b>	APPENDIX C - Final Officer Reports03102024-53-61.pdf
<b>File name:</b>	APPENDIX D - Appeal Decision 3229958.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. A copy of the original application sent to the LPA.
<b>File name:</b>	Application Form.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
<b>File name:</b>	APPENDIX A - Decision Notice Ref 2024-03302-PA.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
<b>File name:</b>	3553(B)03 ORDNANCE SURVEY LOCATION PLAN.PDF
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
<b>File name:</b>	form_1_cil_additional_information.pdf
<b>File name:</b>	3553(C)01 FLOOR PLANS AS PROPOSED.PDF
<b>File name:</b>	3553(B)04 EXISTING SITE PLAN.PDF
<b>File name:</b>	3553(B)02 ELEVATIONS.PDF
<b>File name:</b>	3553(B)01 FLOOR PLANS AS EXISTING.PDF
<b>File name:</b>	3553(B)05 PROPOSED BLOCK PLAN.PDF
<b>File name:</b>	Planning Statement 173 to 175 Soho Road Handsworth.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
<b>File name:</b>	LIST OF ALL PLANS.pdf

**Completed by**

MR FRASER TINSLEY

**Date**

27/11/2024 09:55:58