

<p>Mr Singh Gurdwara Guru Hargobind Sahib Britannia Street Oldbury B69 2PG</p>	<p>Proposed community centre, parking and associated works (revised application DC/17/61185), and demolition of existing Gurdwara Guru Hargobind Sahib building on Dudley Road West to provide additional off site parking. Gurdwara Guru Hargobind Sahib Car Park Upper Chapel Street And Gurdwara Guru Hargobind Sahib Building Dudley Road West Tividale Oldbury</p>
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Date Valid Application Received: 24th May 2019

1. Recommendations

Refusal:

- i) Insufficient off-street parking having a detrimental impact on highway safety; and
- ii) Contrary to the Council's separation distances, resulting in a loss of light and outlook to residents of Acacia Close.

2. Observations

This application is being brought to the attention of your Committee at the request of Councillor Downing. At your last Committee, Members resolved to visit the site and enable sufficient time for the applicant's agent to comment on the concerns raised.

The Application Sites

The two application sites relate to the car park of Gurdwara Guru Hargobind Sahib, located on the northern side of Upper Chapel Street (the main application site), adjacent to the Birmingham Canal, and a former gurdwara building on Dudley Road West. The area is a mixture of industrial units and residential properties.

The former gurdwara site on Dudley Road West is situated on land allocated in the Local Plan as Local Employment Land, and as such, this application is a departure from the Council's adopted Local Plan. If approved, the application would have to be reported to Full Council for consideration.

Planning History

The main application site was formerly an area of open land and was granted planning permission in 2010 (DC/10/52857) for conversion to a car park, alongside a separate application for a temple, which has now been built on a separate site to the south of the current application site.

A further application was submitted in 2012 (DC/12/54554) to alter the car park further by providing additional spaces.

In 2018, planning permission was refused by your Committee for a community centre (DC/17/61185) on part of the site for the following reason:

The proposal would result in insufficient car parking to the detriment of the safety and convenience of the users of the highway.

The applicant, in an attempt to address the reasons for refusal, now proposes to demolish the former gurdwara on Dudley Road West (approximately 300m from the site of the proposal), to create 12 off-street parking spaces for the proposed community centre.

Parking Spaces History

Putting the issue over parking spaces into perspective:

- i) In 2010 a new gurdwara (DC/10/52857) was approved with **58** car parking spaces;

- ii) Due to the parking demand, a further application to expand the car park (DC/12/54554) was approved resulting in **93** spaces;
- iii) In 2018 Planning Committee refused a similar proposal before you now based on **68** spaces; and
- iv) The current application (DC/19/63157) proposes a total of **90** car park spaces for both the proposed community centre and the existing Gurdwara. This is a reduction of three spaces since the 2012 application whilst introducing an additional use.

Current Application

The current proposal is for a community centre, parking and associated works. This community centre would be located on the western side of the car park near to the rear garden boundaries of the residential properties on Acacia Close. The proposal would measure 35.0m (L), 10.0m (W) with a maximum height of 6.4m. The proposal also includes the demolition of the existing gurdwara building on Dudley Road West to provide additional off-site parking.

The proposed community centre would hold up to 150 people; and the opening hours would be 09:00 to 18:00 hours Monday to Saturday with no opening on Sundays.

The Gurdwara that would share the use of the car park, has restricted hours that are limited to:

Monday – Friday; 05:00-21:00 hours

Saturdays; 24 hours

Sundays and Bank Holidays; 12:00 – 21:00 hours

Therefore, both sites have the potential to operate at the same time whilst sharing the same parking provision.

Publicity

The application has been publicised by neighbour notification letters, site and press notices. Eighteen objections (one of which is a petition of objection containing 186 signatures) and one letter of support have been received. The reasons for either objecting or supporting this application are as follows:

Objections

- i) The car park is currently at capacity with cars over spilling on to the highway when the Gurdwara is in use;
- ii) The side roads are constantly busy, with local businesses, parents undertaking the school run and residents parking;
- iii) The Gurdwara and the community centre could be open on the same day and time – causing significant highways issues, and potentially causing conflicts between the end users and the existing residents;
- iv) Concerns have been raised that the current tree buffer would be removed and residents would look out onto the roof of the proposed community centre;
- v) The proposal does not look to be for a community use. There is the potential for the site to be used as a banqueting suit, and potential for parties given the large room proposed;
- vi) The building would create an “alleyway” resulting in waste land between the community centre and the rear boundaries of the houses in Acacia Close;
- vii) The building would cause a significant loss of light to properties in Acacia Close;
- viii) Concerns have been raised over the safety of the building on Dudley Road West as the objector shares the party wall of the building to be demolished, where his business operates;
- ix) The Gurdwara already has a community centre attached, why is there a need for another; and
- x) The privacy of residents of Acacia Close would be compromised.

Support

One response has been received in support of the application and states:

“The community Centre will provide tremendous support to all members of the local community from all backgrounds...”

...The Gurdwara has worked hugely with the neighbouring Primary School. As stated on Tividale Primary Schools' website (newsletter September 2014); When the Gurdwara's current car park is least used; the Gurdwara has offered parking for parents collecting children from the local primary school which helps ease

parking problems on the main road and helps deter hazards as well as more safety for Children.

If possible, current plans to develop a car park on Dudley Road West can also provide further assistance to neighbouring businesses. The car park can be utilized by neighbouring businesses on Dudley Road West when the car [park] is least used by the applicant...”.

Responses to objections

I respond to the objector’s comments in turn;

- i) Photographic evidence has been provided by the residents to demonstrate this which has also been corroborated by independent surveys undertaken by Highways which indicated that there would not be sufficient parking;
- ii) Photographic evidence has been provided by residents that nearby roads are already congested;
- iii) It is accepted that the highway issues would occur if both uses operated at the same time;
- iv) The Council’s 14m separation distances relates to two-storey buildings. The proposal is single-storey and measures approximately 11m away. However, combined with the size of the building and level changes, the proposal would have the impression of a two-storey building when viewed from the rear of the properties in Acacia Close, and therefore would be contrary to the Council’s adopted Residential SPD;
- v) It is the opinion of the Council that a condition preventing banqueting uses would be difficult to monitor and enforce;
- vi) The alternative would be to push the building back towards resident’s properties in Acacia Close, further reducing the separation distances;
- vii) The proposal lies east of the properties in Acacia Close, therefore any potential loss of light would only be significant in the morning;
- viii) Noted, however party wall matters are not a material planning consideration;
- ix) It is noted that a community facility already exists but this is not relevant to the proposal; and
- x) There are no windows proposed on the western elevation, therefore I do not consider that the proposal would cause a loss of privacy.

Statutory Consultee Responses

Environmental Health (Air Quality)

Given the size of the building, there is no requirement for a detailed air quality assessment. However, if approved, details and implementation of electric charging points, a transport assessment and travel plan demonstrating the mitigation of air quality impacts associated with the development should be conditioned.

Environmental Health (Contaminated Land)

Concerns have been raised over the potential historic contamination of the site. As a result, the Council's Environmental Health Team require the standard ground remediation works condition on any approval.

Environmental Health (Air Pollution and Noise)

Noise

No objections due to no windows on the elevations and the limited hours of use would not impact on the nearby residents.

Odour

If approved, conditions regarding extraction equipment details (included plant equipment) and construction/deliveries times are conditioned.

Planning Policy

With regards to the site on Dudley Road West, Policy have stated that there is no clear reason as to why a departure from the Local Plan would be deemed acceptable.

Highways

Objections received. A total of 113 off-street parking spaces are required. 89 spaces are proposed, meaning there is a shortfall of 24 spaces. The Council's Highways Department recommends that the whole of the carpark is retained for the existing use.

The above has been relayed to the applicant's agent who, at the time of writing this report, is yet to dispute the concerns of the Council's Highways Department.

Transport Policy

Details of cycle parking should be provided and should be located near to the main entrance of the building to encourage sustainable travel.

Healthy Urban Development Officer

Encourages users to arrive by alternative means other than a motor car.

Access Alliance

Issues raised are covered by other legislation.

Canal and Rivers Trust

Concerns have been raised over the potential for littering and anti-social behaviours, impact on the watercourse from traffic and pollution. Conditions have been recommended to address these concerns.

Cadent

Cadent are a utility company who are responsible for high pressure gas pipe lines. Cadent comments on applications where a pipe is within part of the application site, and in this case, the pipe line is on the proposed additional car park on Dudley Road West. Comments received are not planning related, but these have been passed onto the applicant's agent for information.

Planning Policy and Other Material Considerations

Planning permission was refused in 2018 for the following reason:

"The proposal would result in insufficient car parking to the detriment of the safety and convenience of the users of the highway."

No appeal has been lodged subsequent to this decision.

For the current application, the applicant has altered the location of the proposal within the site and included the former gurdwara site on Dudley Road West, and as such, the application is treated as a new scheme.

In the first instance, it is considered that the proposed community centre is of a suitable design and accords with relevant design policy ENV3 Design Quality and SAD EOS9 Urban Design Principles. However, in respect of its impact on residents of Acacia Close, the proposal does not comply with the Council's adopted 14m separation distance, contained within the Council's adopted Revised Residential Design Guide Supplementary Planning Document.

Policy SAD DM6 of the SADD refers to community uses being situated either on main road frontages or on the fringe of commercial areas, particularly district or local centres. Although, given the existing Gurdwara site opposite, this policy carries little weight in this instance. However, Policy SAD DM6 also indicates parking provision associated with development is a key consideration.

In respect of parking, the objectors have provided evidence to suggest that the existing car park which serves the Gurdwara is at capacity, and vehicles are often parked on the highway. The Head of Highways has also objected on this basis and on their own assessments and knowledge of the site. Looking to national policy, Paragraph 109 of the National Planning Policy Framework states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Evidence has been provided from residents and Council officers that significant harm would be created, resulting in a severe impact on the road network.

Turning to residential amenity, it is anticipated that, due to the massing and scale of the proposed building, the proposal would result in significant harm to neighbouring residential property by way of a loss of light and outlook.

With regards to the matter of departure from the Local Plan, whilst the former gurdwara site forms part of a wider employment allocation, the site has an established planning use as a place of worship. I am therefore of the opinion that the removal of the building and the use of the site for car parking would not carry sufficient weight to warrant refusal of the planning application on this basis, being mindful of this existing use.

Conclusion

The proposal would result in removal of an aspect of the existing Gurdwara carpark which would result in insufficient car parking being available for existing temple users and the proposed community centre. This would be to the detriment of users of the highway and would compromise highway safety, contrary to the provisions of BCCS policy TRAN2 and the NPPF. Furthermore, the proposal is contrary to Council design policy in terms of separation distances, and the impact of the building on the amenity of neighbouring residents.

At the time of writing this report, no additional information has been received from the agent and as a result, refusal is recommended.

3. Relevant History

DC/17/61185 - Proposed community centre and associated works - Refuse permission – 15/06/18

DC/12/54554 - Revised car park layout in association with place of worship (former Britannic House - DC/10/52857) - Grant Permission Subject to Conditions – 26/06/2012

DC/10/52857 - Alterations and change of use to place of worship with associated car parking - Grant Permission Subject to Conditions – 11/02/2011

4. Central Government Guidance

National Planning Policy Framework promotes sustainable development

5. Development Plan Policy

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV8: Air Quality

TRAN2: Managing Transport Impacts of New Development

SAD EMP1: Employment Land Development Sites

SAD EOS9: Urban Design Principles

SAD DM6: Community Facilities

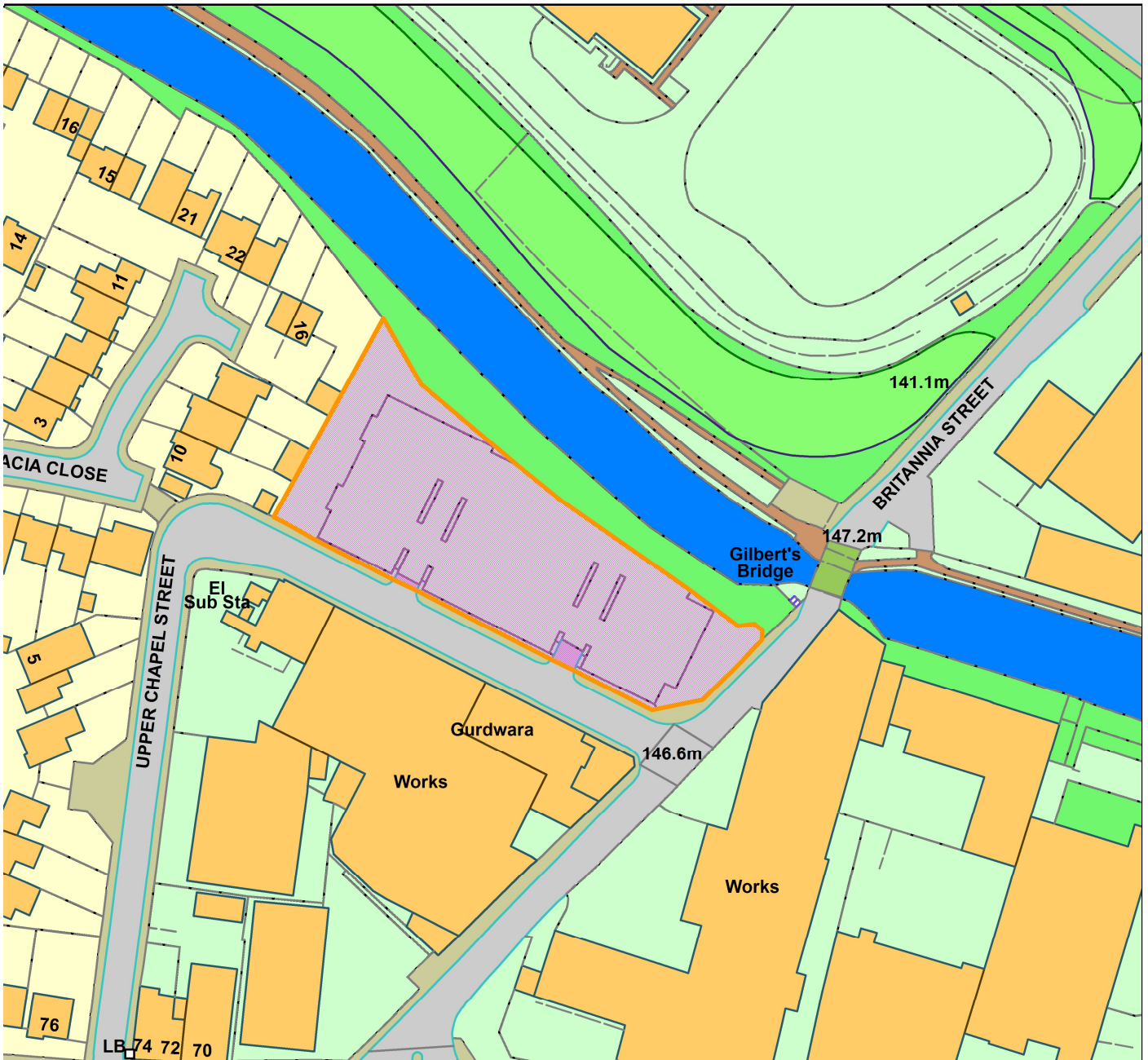
6. Contact Officer

Mr. William Stevens

0121 569 4897

William_stevens@sandwell.gov.uk

DC/19/63157
Gurdwara Guru Hargobind Sahib Car Park



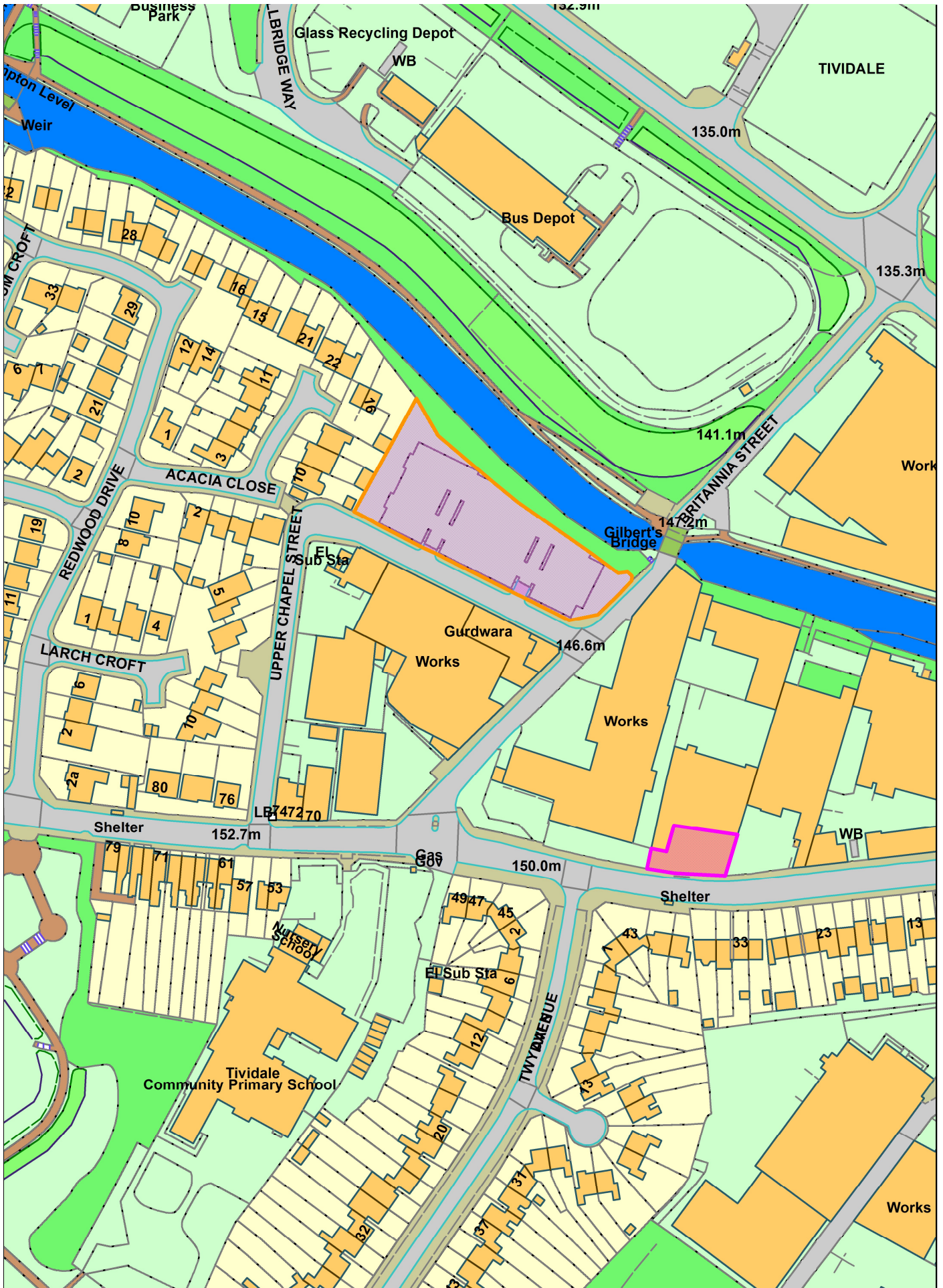
Legend

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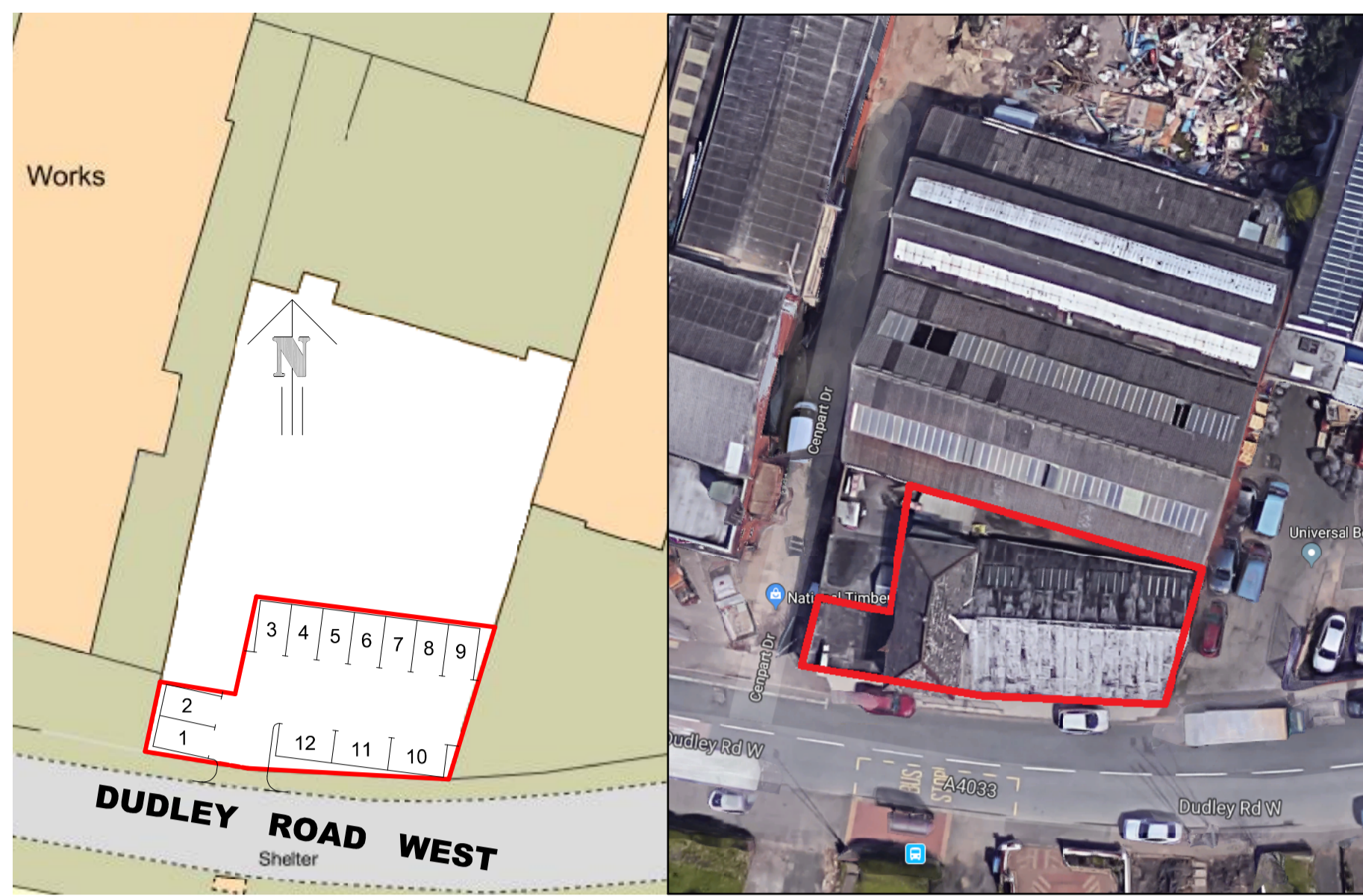
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Department	Not Set
Comments	Not Set
Date	21 August 2019
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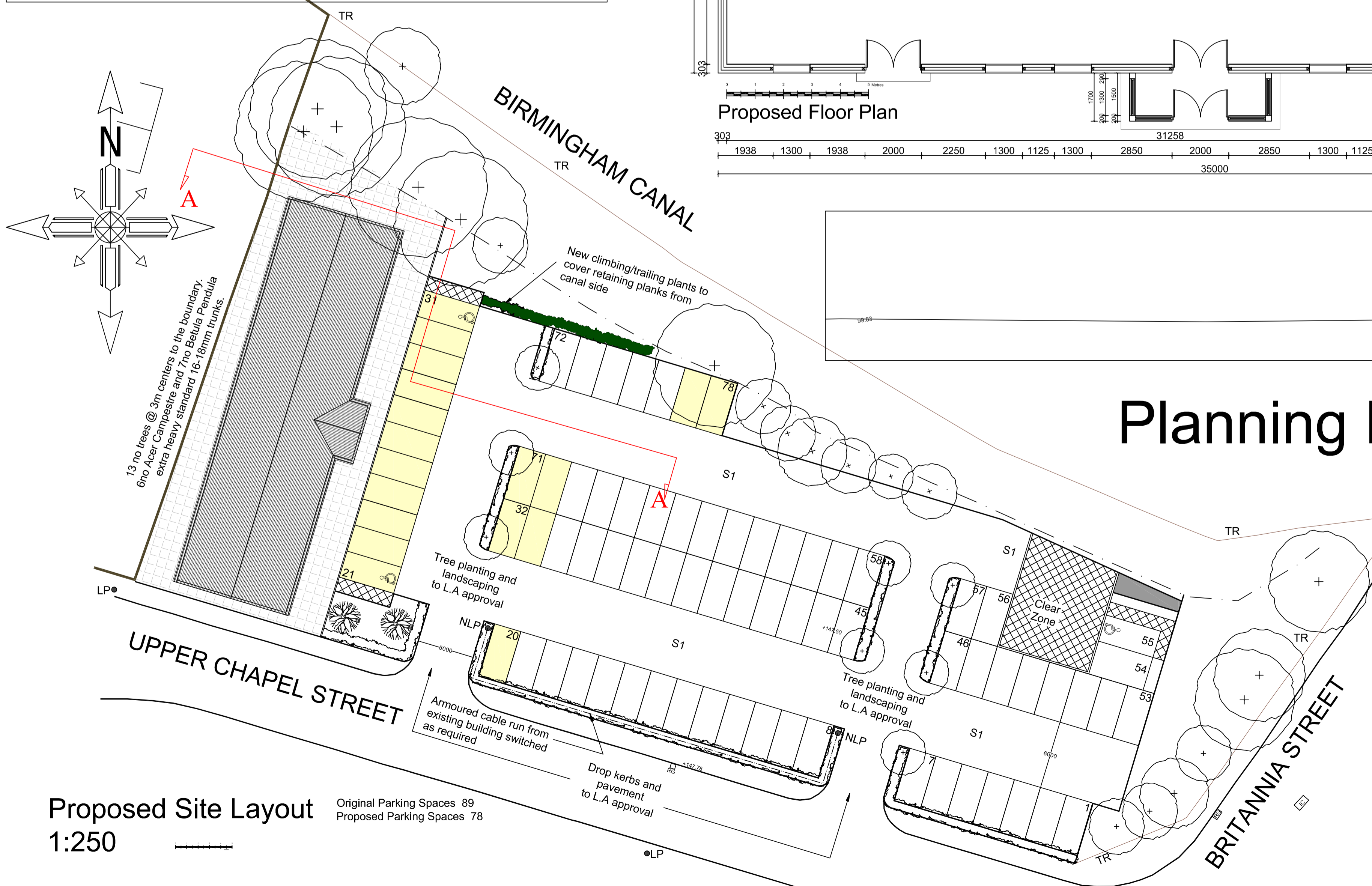
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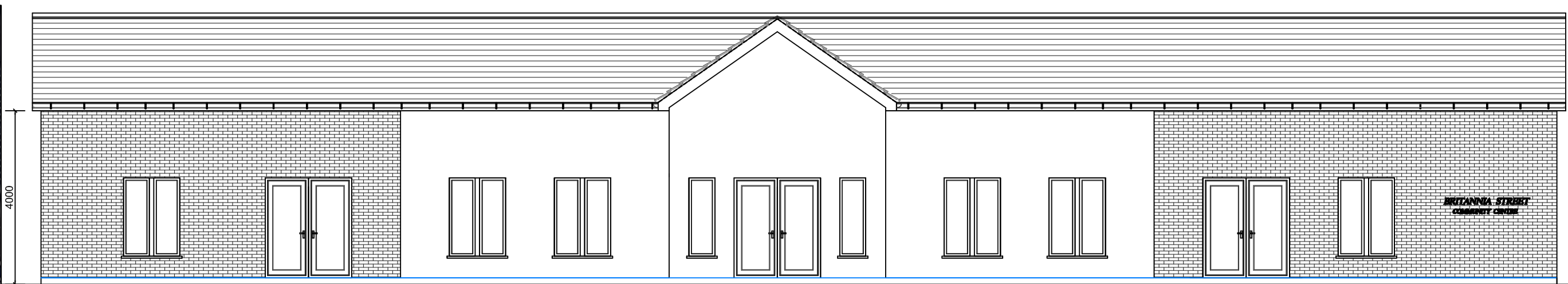
Additional Parking Layout 1:500

S1 = 30mm thick porous 10mm asphalt top layer on 75mm thick 20mm porous base layer on 150mm thick porous hardcore sub-base.
 All car park area laid to 1:60 falls with kerb edgings laid level at top surface of tarmac and surrounding grassed areas.
 All surrounding disturbed grassed areas reinstated.
 No line markings proposed
 NLP = New lighting pole galvanised m.s painted black with Abacus Orion 4 LED Asymmetric 3 sides distribution on 3m high post. Lighting switched from main building with optional time controls.
 --- = New lighting cable buried 450mm below G.L. to feed lighting poles.
 - - - = Existing timber post mesh fence.

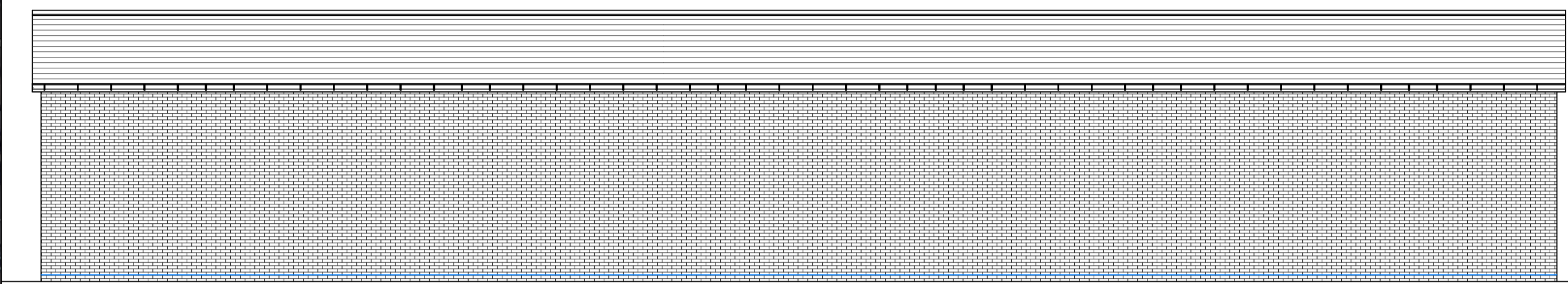


Proposed Site Layout 1:250

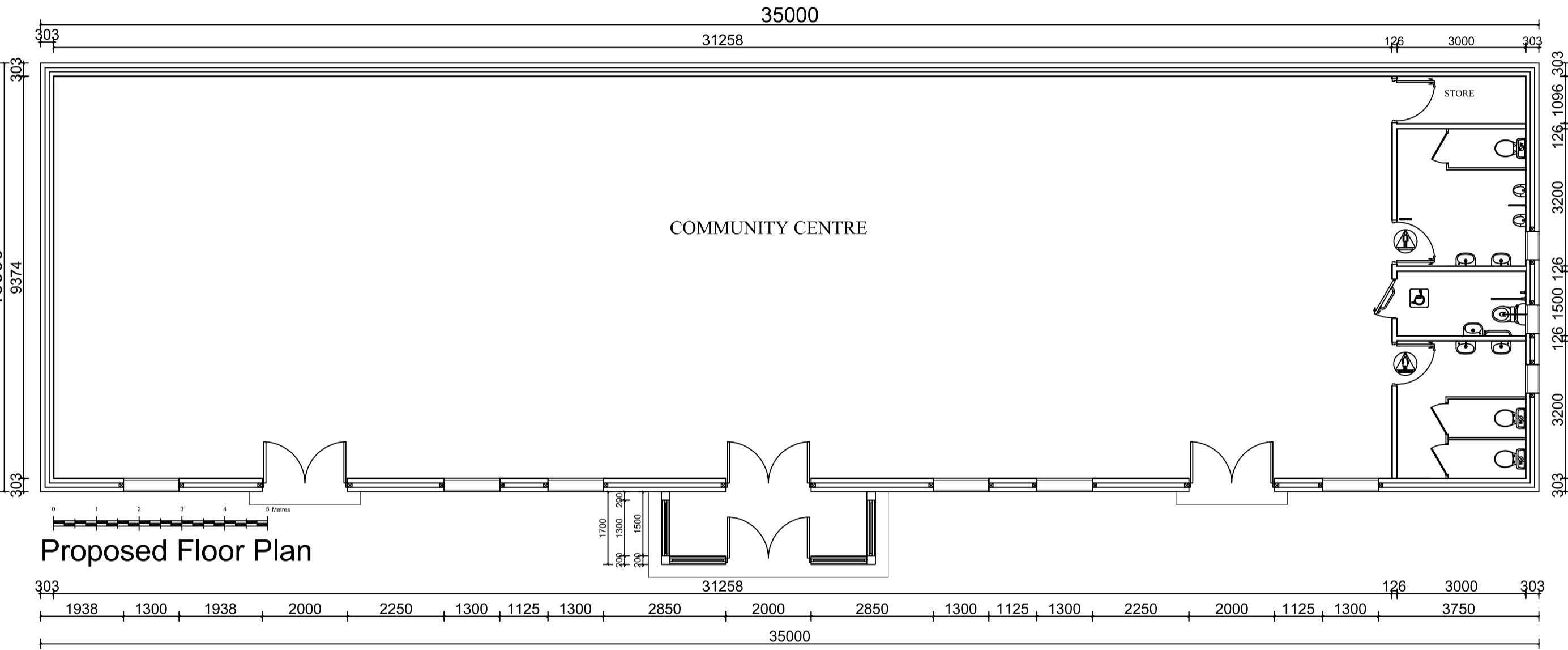
Original Parking Spaces 89
 Proposed Parking Spaces 78



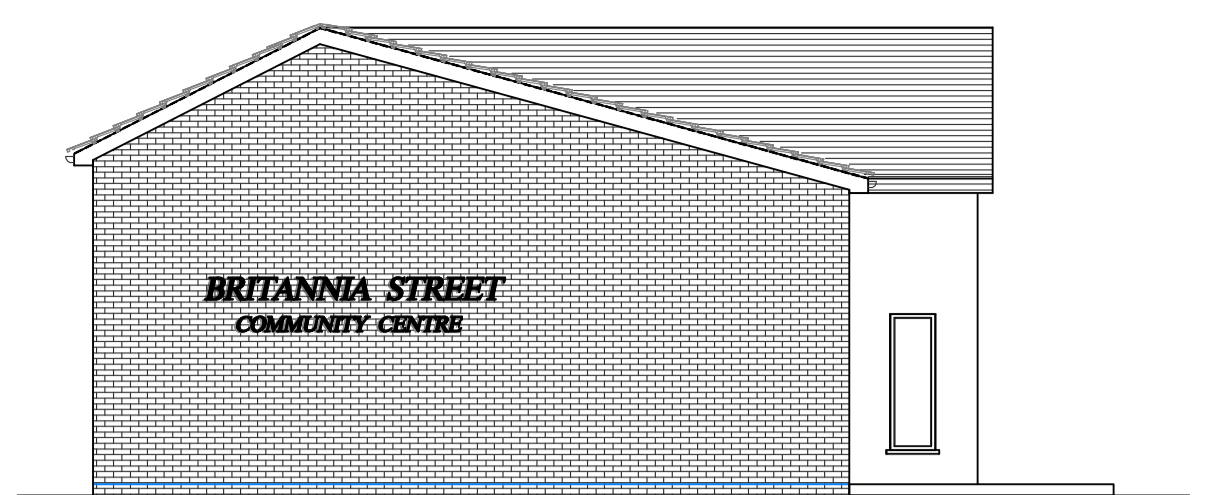
Proposed Front Elevation 1:100



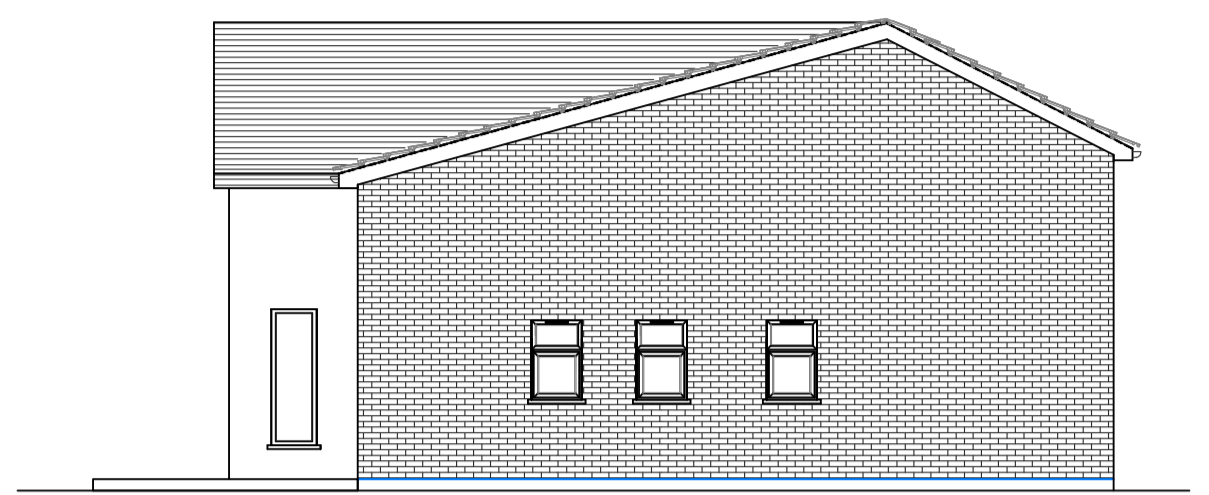
Proposed Rear Elevation



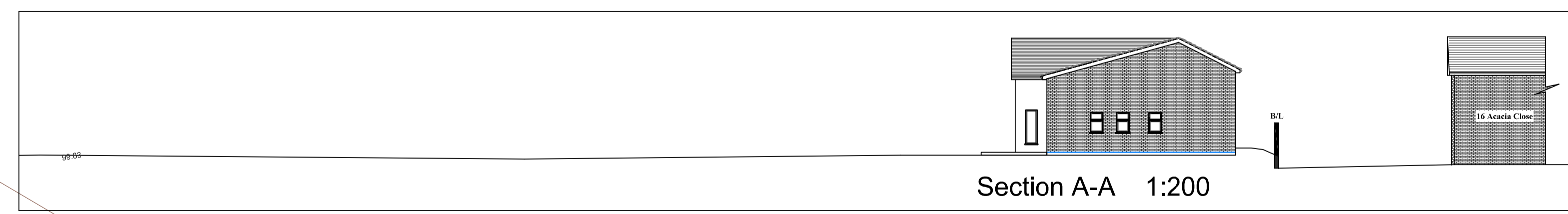
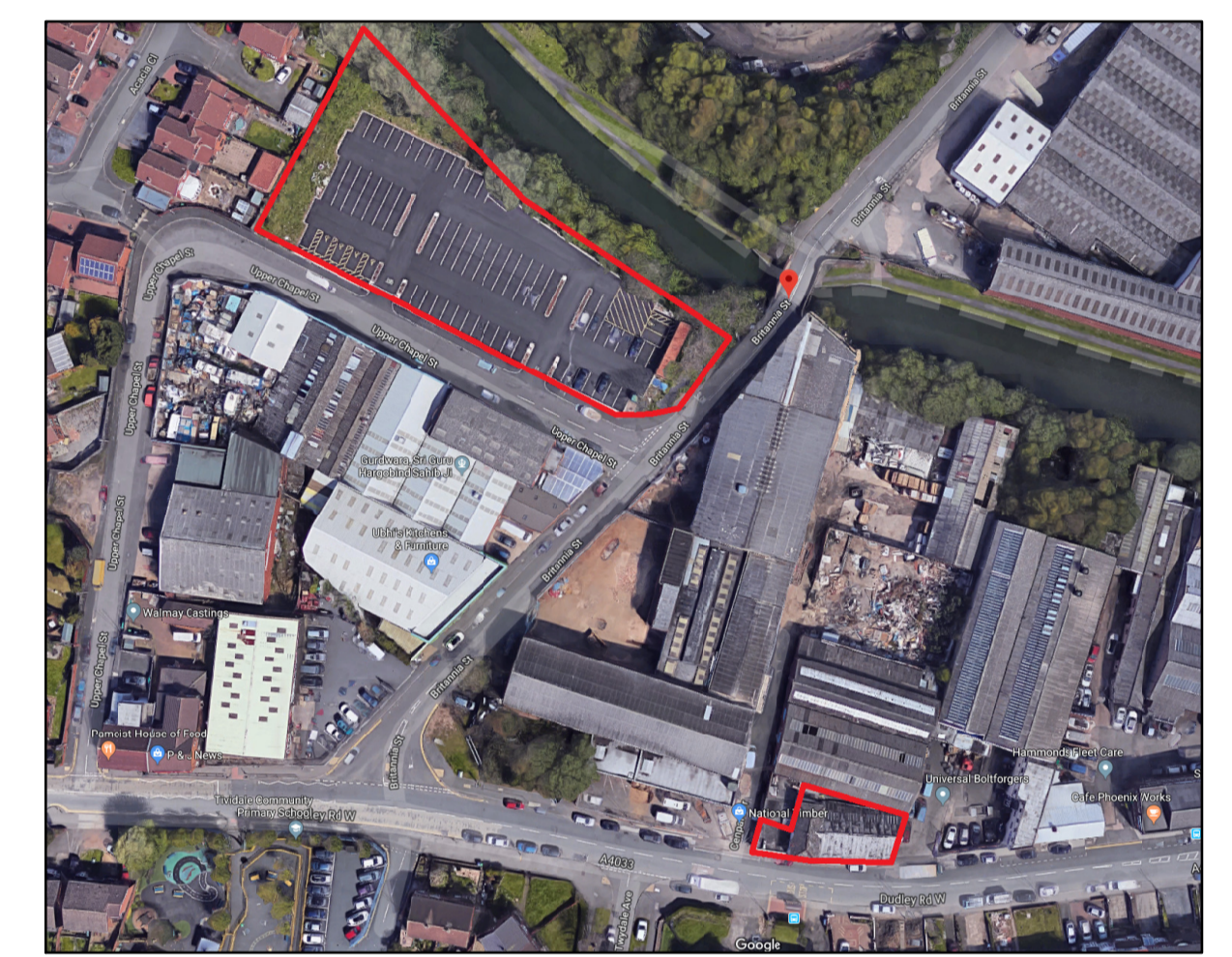
Proposed Floor Plan



Side Elevation (facing Upper Chapel Street)

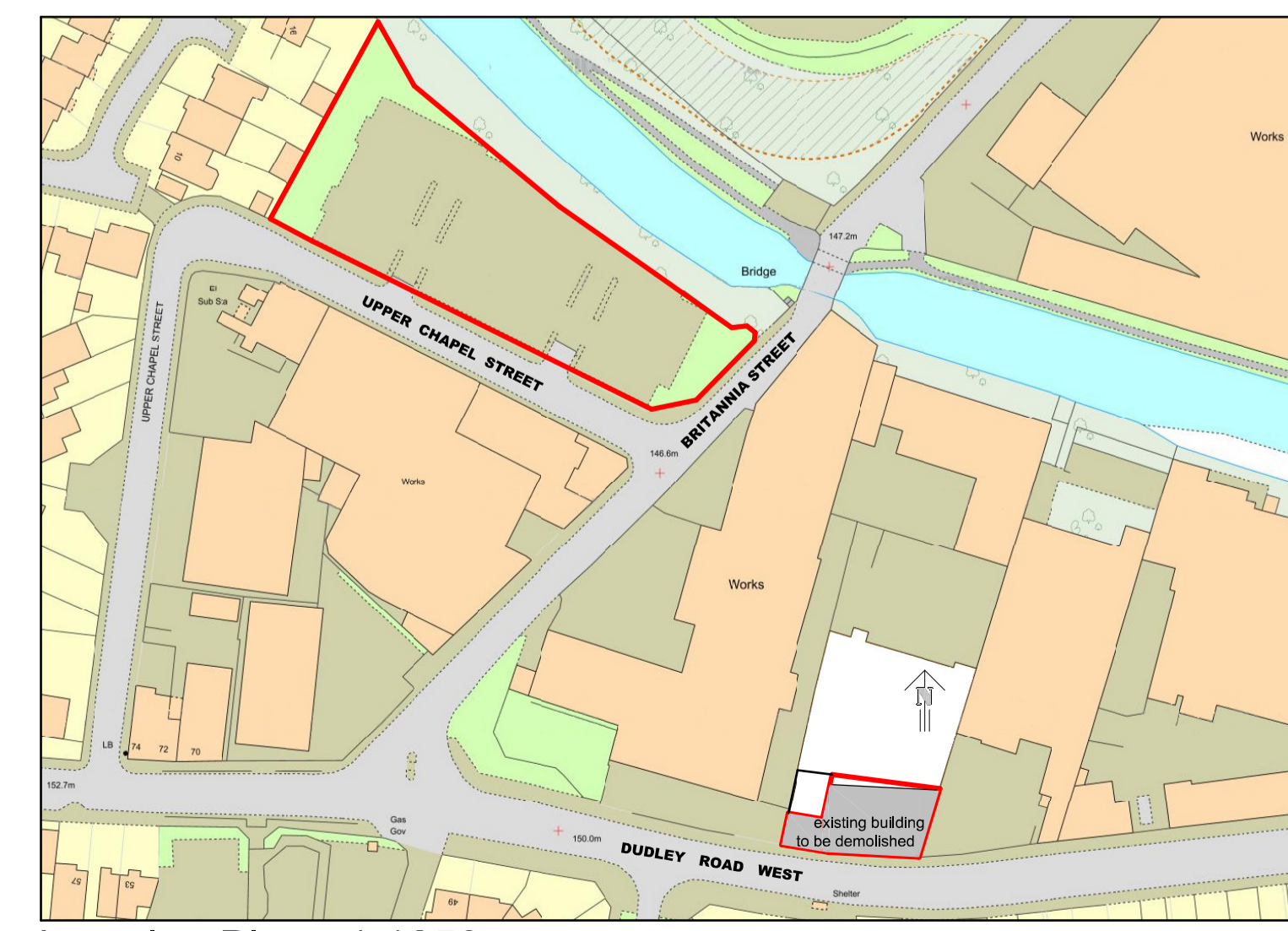


Side Elevation (facing the canal)

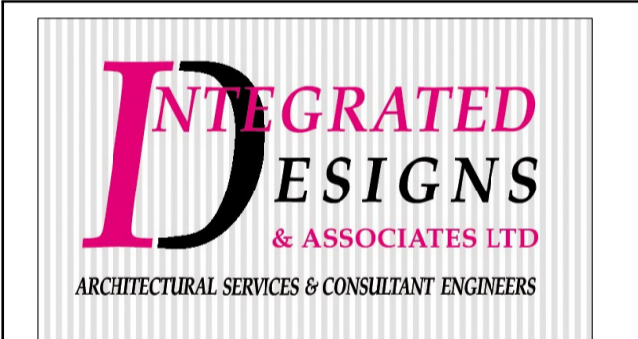


Section A-A 1:200

Planning Refusal DC/17/61185



Location Plan 1:1250



38 Old Walsall Road,
 Great Barr,
 Birmingham, B42 1NP
 Tel: 0121 358 2233
 Fax: 0121 357 7492
 Email: contact@integratedesigns.co.uk

Party Wall Act 1996 - The client is the building owner, and as such should take necessary steps to comply with the act where applicable.
 CDM - It is the client's responsibility to take all necessary steps to fully comply with the CDM regulations 2007. The designer has taken necessary action to avoid injury or incident within the specifications and reasonable & practicable steps in the design of the building.
 These drawings are for Planning and Building Regulations approval only. Figured dimensions must be taken in preference to scaled. All dimensions must be checked on site by the contractor. Advice of any discrepancies before commencing work no liability is taken for any deviation or any unreported variations found on site prior to doing work is in progress.
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Project:
 Britannia Street Community Centre
 Planning Re-submission
 Location:
 Britannia Street
 Tipton
 Oldbury B69 2PG
 Client:

Scale:
 1:100 / 1:250 / 1:500 @ A1
 Drawing No. TW/182/501 Date 22 May 2019 Checked