



REPORT TO PLANNING COMMITTEE

10th June 2020

Application Reference	DC/19/63157
Application Received	24 th May 2019
Application Description	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 offsite parking.
Application Address	Gurdwara Guru Hargobind Sahib Car Park Upper Chapel Street, and Gurdwara Guru Hargobind Sahib Building Dudley Road West Tividale, Oldbury
Applicant	Mr Singh
Ward	Oldbury
Contribution towards Vision 2030:	 
Contact Officer(s)	William Stevens 0121 469 4897 William_stevens@sandwell.gov.uk

RECOMMENDATION

That planning permission is refused on grounds of: -

- 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.

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because the application has generated significant objections and upon the request of Councillor Downing.
- 1.2 The application site covers two locations and Members will recall they visited these two sites back in 2019. The application was deferred to clarify the internal arrangement of the building and for further discussions to take place with the Council's Highways Department.
- 1.3 In order to assist Members with the site context, a link to google maps covering both sites is provided below:

[Upper Chapel Street, Tividale](#)

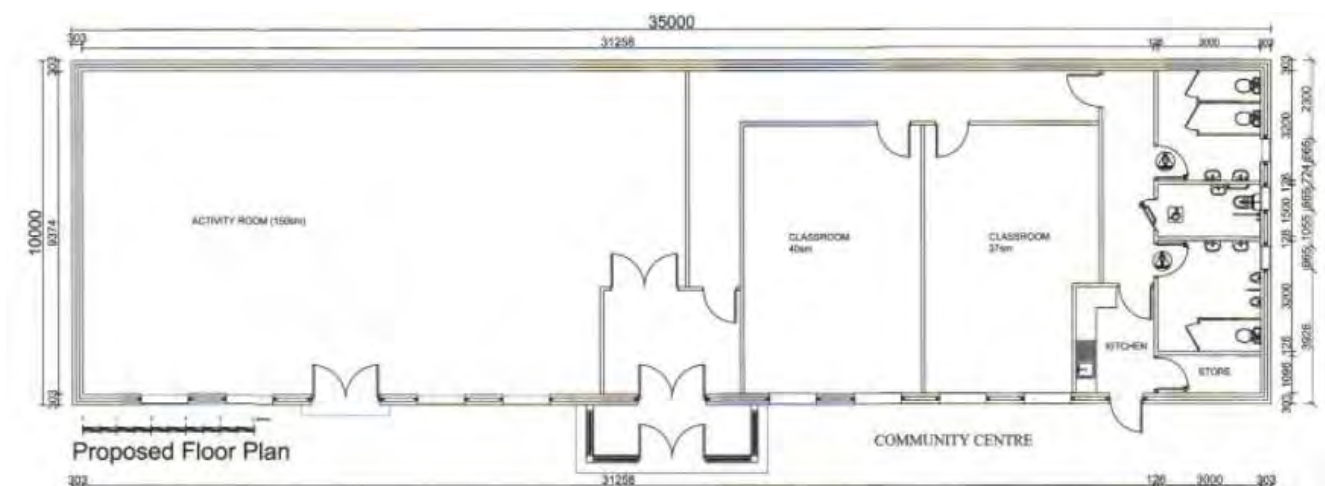
And

[Dudley Road West, Tividale](#)

1.4 ADDITIONAL INFORMATION

1.5 Building Layout

- 1.6 The applicant has provided details of the proposed layout (revised plan TW/182/501A) showing a 150m² activity room, and two classrooms 37m² and 40m², as well as a kitchen area, a store room and toilet facilities.



1.7 Number of users

- 1.8 The applicant wrote to the Council's Highways Team on 12th June 2019 confirming the number of occupants of the community centre to be 150. Following objections from the Highways Team over the lack of parking, this

figure has been reduced to 80. However, the Council could not control the number of people entering the site, as this is unenforceable. It is reasonable however though to suggest the applicant designed the building to accommodate 150 people, otherwise the building would have been smaller, where additional parking spaces could have been provided.

- 1.9 Furthermore, the applicant would have known the number of people visiting the site due to the existing centre on Dudley Road West.

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The 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.
- 2.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)
Proposals in the Local Plan
Planning history
Overlooking/loss of privacy
Loss of light and/or outlook (Amenity issues)
Traffic generation
Noise and disturbance from the scheme
Disturbance from smells

3. THE APPLICATION SITE

- 3.1 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 the gurdwara building on Dudley Road West. The area is a mixture of industrial units and residential properties.

4. PLANNING HISTORY

- 4.1 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.
- 4.2 A further application was submitted in 2012 (DC/12/54554) to alter the car park further by providing additional spaces.

- 4.3 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.

- 4.4 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.

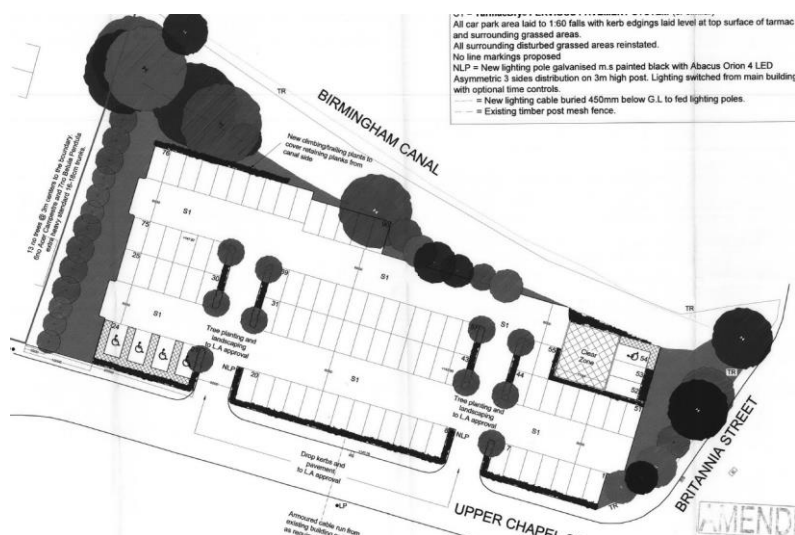
4.5 Parking Spaces History

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;

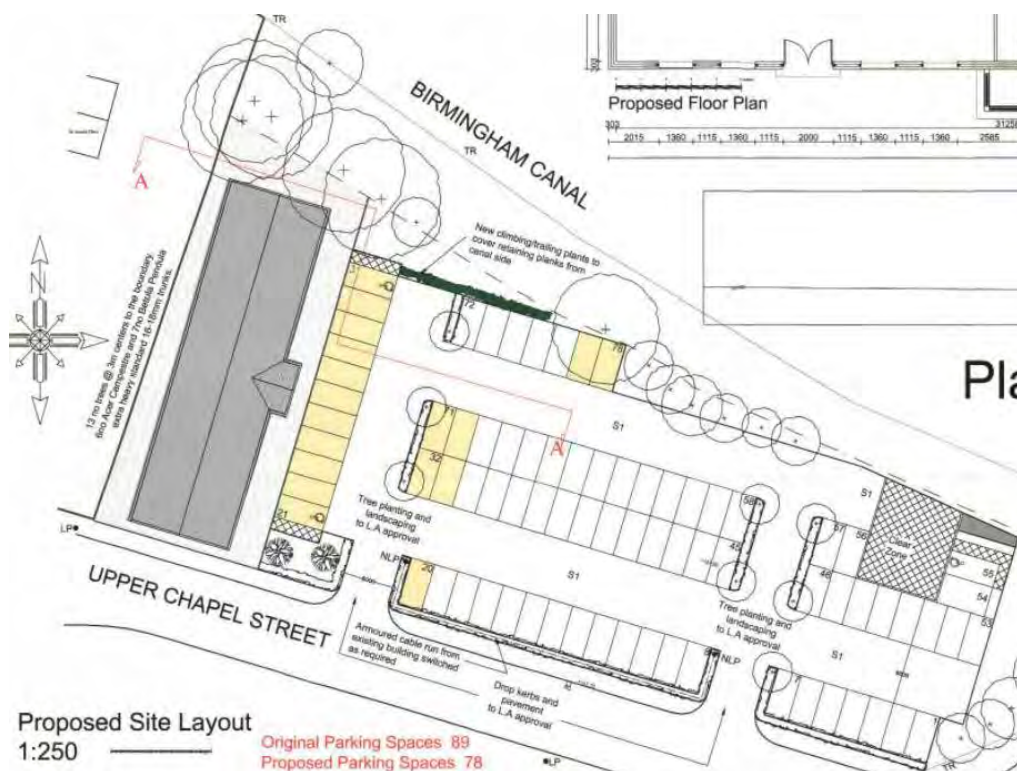


- iii) In 2018 Planning Committee (DC/17/61185) refused a similar proposal before you now based on **68** spaces;



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.





4.2 Relevant planning applications are as follows: -

DC/10/52857	Alterations and change of use to place of worship with associated car parking.	Approved subject to conditions. 11/02/2011
DC/12/54554	Revised car park layout in association with place of worship (former Britannic House - DC/10/52857).	Approved subject to conditions. 26/06/2012
DC/17/61185	Proposed community centre and associated works.	Refused 14/08/2018

5. APPLICATION DETAILS

- 5.1 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 4.3m. The proposal also includes the demolition of the existing gurdwara building on Dudley Road West to provide additional off-site parking.

5.2 The proposed community centre would hold up to 150 people (point 1.8); and the opening hours would be 09:00 to 18:00 hours Monday to Saturday with no opening on Sundays.

5.3 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

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

6. PUBLICITY

6.1 The application has been publicised by neighbour notification letters, site and press notices. Twenty 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:

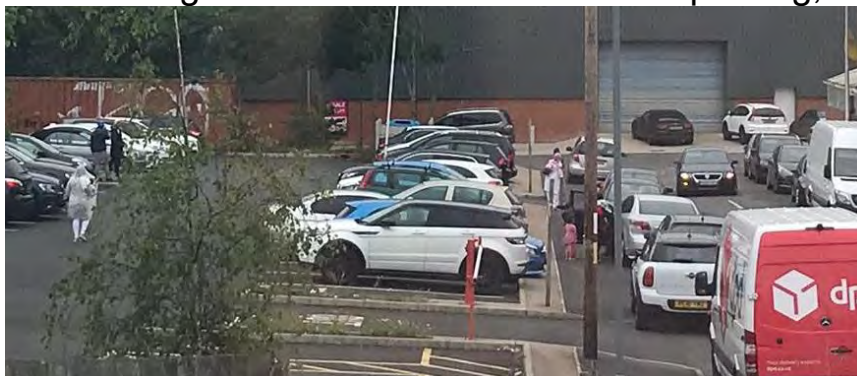
6.2 Objections

Objections have been received on the following grounds: -

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.

6.3 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 13m 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, to reduce the alleyway , but this would reduce further 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.

6.4 Support

6.5 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...”.

7. STATUTORY CONSULTATION

7.1 Public 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.

7.2 Public 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.

7.3 Public Heath (Air Pollution and Noise)

There are no objections regarding noise from the use given that there are no windows on the rear elevation and the limited hours of use would not impact on the nearby residents. However; if approved, conditions regarding extraction equipment details (included plant equipment) and construction/deliveries times should be conditioned.

7.4 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.

7.5 Highways

Objections received. A total of 113 off-street parking spaces are required. 89 usable 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, has since reduced the anticipated congregation number from 150 to 80 to meet the parking demands (point 1.8).

7.6 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.

7.7 Healthy Urban Development Officer

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

7.8 Access Alliance

Issues raised are covered by other legislation.

7.9 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.

7.10 Cadent

Cadent are a utility company who are responsible for high pressure gas pipe lines. Cadent comment 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.

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

- 8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.
- 8.2 Paragraph 109 of the adopted NPPF 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.

- 8.3 The Council's Highways Department raises major concerns and recommends the application is refused in accordance with national planning policy.

9. LOCAL PLANNING POLICY

- 9.1 The following policies of the Council's Local Plan are relevant:-

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

- 9.2 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 meaning the Council is not limited to the previous reasons for refusal.
- 9.3 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.

- 9.5 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.
- 9.6 With regard to ENV8, Air quality mitigation measures have been recommended in the form of electric vehicle charging points, which could be conditioned.
- 9.7 TRAN2 refers to considering the impacts of new development on the current highway network and states that proposals should introduce measures to provide sustainable modes of transport such as walking, cycling, car sharing and public transport. The applicant has indicated that the majority of users of the existing facilities travel by foot (70%) given that they are local residents with others using public transport (20%) and the minority using a private car (10%), but there is no imperial evidence to support this and the photographs provided by residents and surveys undertaken by Highways would indicate that significantly more than 10% of journeys are carried out by private car. Furthermore, no information has been forthcoming as to how increased travel to the site by more sustainable means could be encouraged.

10. MATERIAL CONSIDERATIONS

- 10.1 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."

- 10.2 No appeal has been lodged subsequent to this decision.

10.3 Proposals in the Local Plan

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.

10.4 Planning history

This planning committee refused planning permission for a similar scheme in 2018 on the grounds of lack of parking provision. The applicant has amended the parking layout and introduced a further parking area albeit some 300m away from the proposed building, creating an additional 22 spaces totalling 90 spaces (see point 7.5 regarding useable spaces).

However, in 2012 (DC/12/54554) a planning application was approved for a revised parking layout of 93 spaces. The applicant's own reason for this application was that there was a need.

10.5 The 2012 Design and Access Statement

The following is a statement is from the 2012 Design and Access Statement accompanying application DC/12/54554 and the justification for the increase in parking demand.

“The parking area is somewhat larger than approved, to meet the Gurdwara’s needs.... The application drawings show the proposed layout of the car park, which has been chosen as being the most cost-effective way to create adequate parking facilities for the increasing congregation belonging to the Gurdwara Guru Hargobind Sahib Ji.”

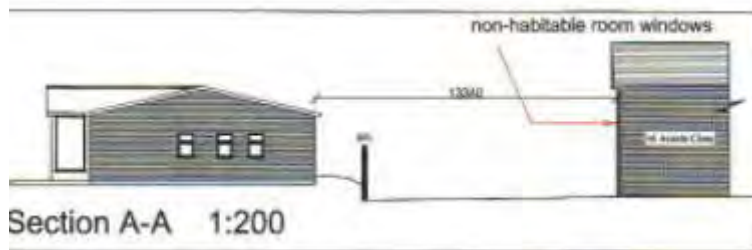
Therefore, the applicant had already acknowledged that they had outgrown the spaces provided for the existing car park.

10.6 **Overlooking/loss of privacy (Amenity issues)**

The applicant proposes no windows on the rear elevation of the building, therefore I have no concerns in relation to overlooking or privacy issues.

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.

The Council's adopted Revised Residential Design Guide requires at least 14m separation distance between window elevations and blank walls. When submitted the proposal would create a little over 12m.



The applicant has amended this plan stating the separation distance is now at least 13m.



Given the changes in levels and that the development is contrary to the Council's Revised Residential Design Guide when viewing the proposal from the gardens of Acacia Close, then the proposal would create an overbearing impact on the occupiers of those dwellings.

10.7 Traffic generation

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.

10.8 Noise and disturbance from the scheme

The applicant is proposing limited hours (point 5.2) which could be controlled by way of condition, reducing noise and disturbance to residents at unsociable hours.

10.9 Disturbance from smells

A small kitchen area is proposed; however, this layout could change. Whilst based on the submitted plans I do not foresee any disturbance from smells any approval should include a condition requiring the layout of the building as shown to be retained and details of odour mitigation provided.

11. IMPLICATIONS FOR SANDWELL'S VISION

- 11.1 The proposal supports Ambitions 8 and 10 of the Sandwell Vision 2030: -
- 11.2 Ambition 8 – Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.
- 11.3 Ambition 10 – Sandwell has a national reputation for getting things done, where all local partners are focussed on what really matters in people's lives and communities.

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 The Gurdwara by their own admission in their 2012 application (ref: DC/12/54554) acknowledged that further parking was required rather than less. This proposal would result in the removal of the existing spaces within Gurdwara carpark which would result in insufficient car parking being available for both the existing temple users and the proposed community centre. This would have a detrimental impact on the users of the highway and would compromise highway safety, contrary to the provisions of BCCS policy TRAN2 and the NPPF.
- 12.2 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.

13. STRATEGIC RESOURCE IMPLICATIONS

- 13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

- 14.1 This application is submitted under the Town and Country Planning Act 1990.

15. EQUALITY IMPACT ASSESSMENT

- 15.1 There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.

16. DATA PROTECTION IMPACT ASSESSMENT

- 16.1 The planning application and accompanying documentation is a public document.

17. CRIME AND DISORDER AND RISK ASSESSMENT

- 17.1 There are no crime and disorder issues with this application.

18. SUSTAINABILITY OF PROPOSALS

- 18.1 Refer to the National Planning Policy Framework (8), Local Plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 19.1 Refer to the summary of the report (12).

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

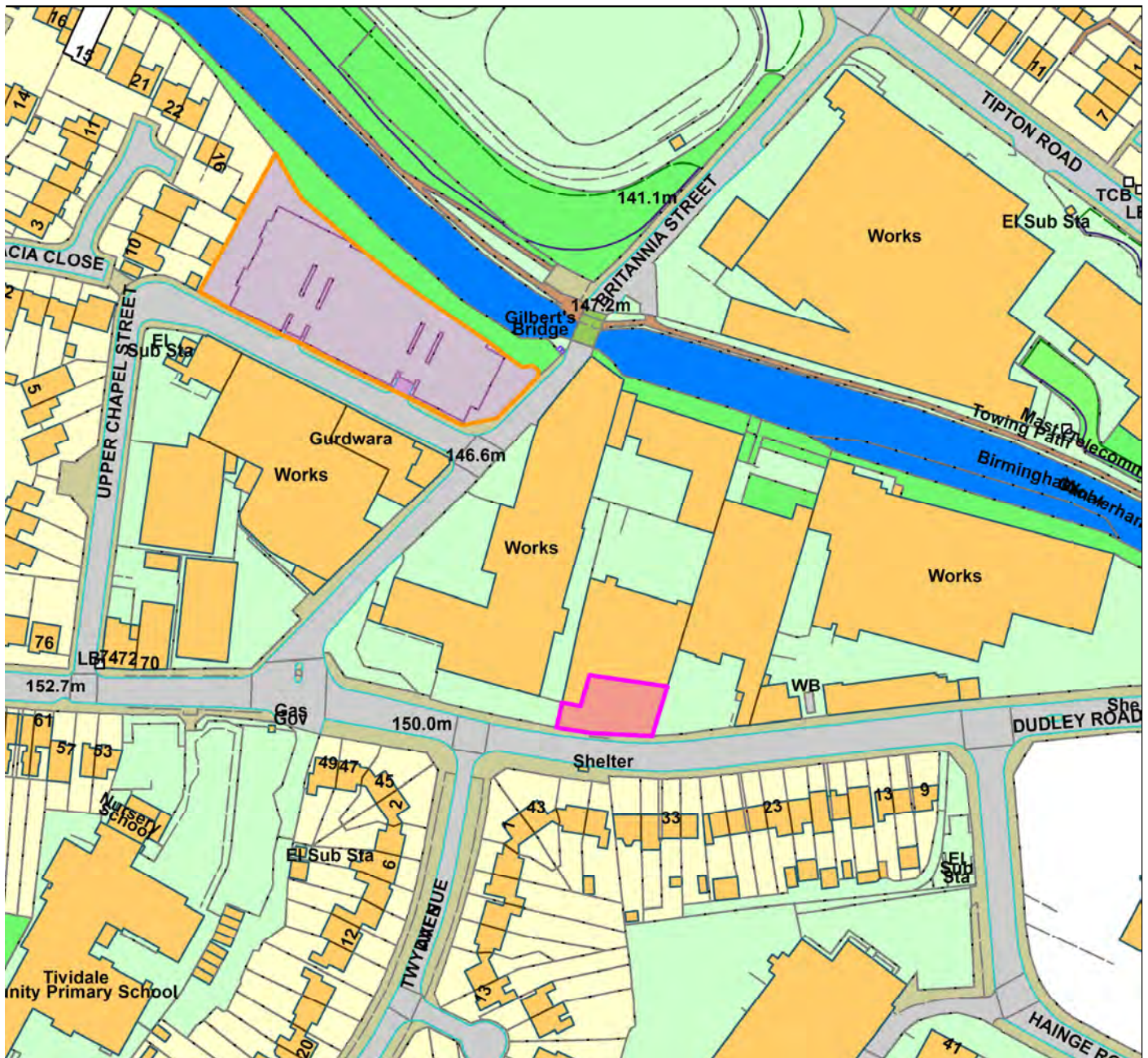
- 20.1 There will be no impact.

21. APPENDICES:

Site Plan
Context Plan
Plan No.
TW/182/501A
TW/182/502

DC/19/63157

Gurdwara Guru Harogbind Sahib



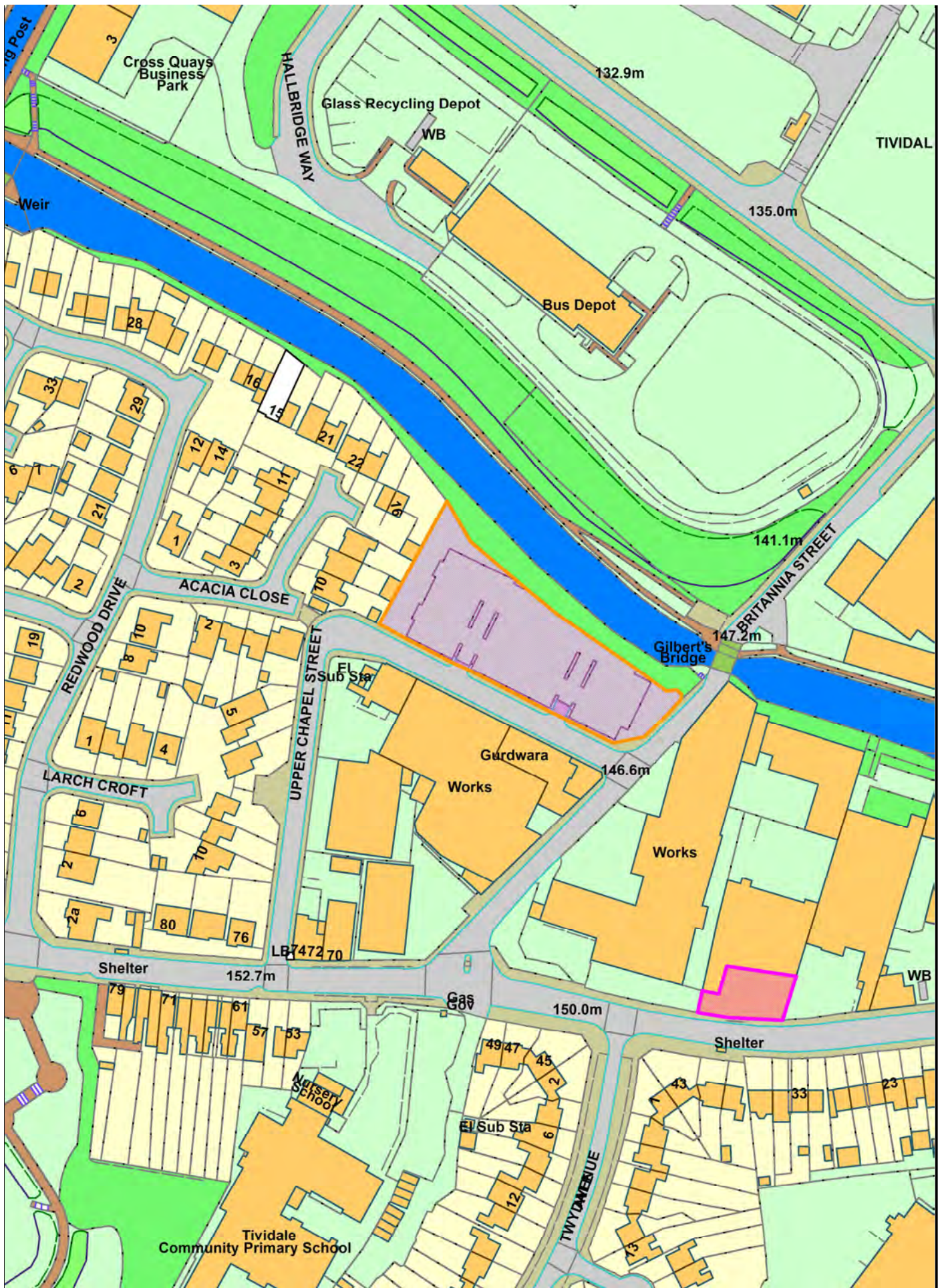
Legend

Scale 1:1802

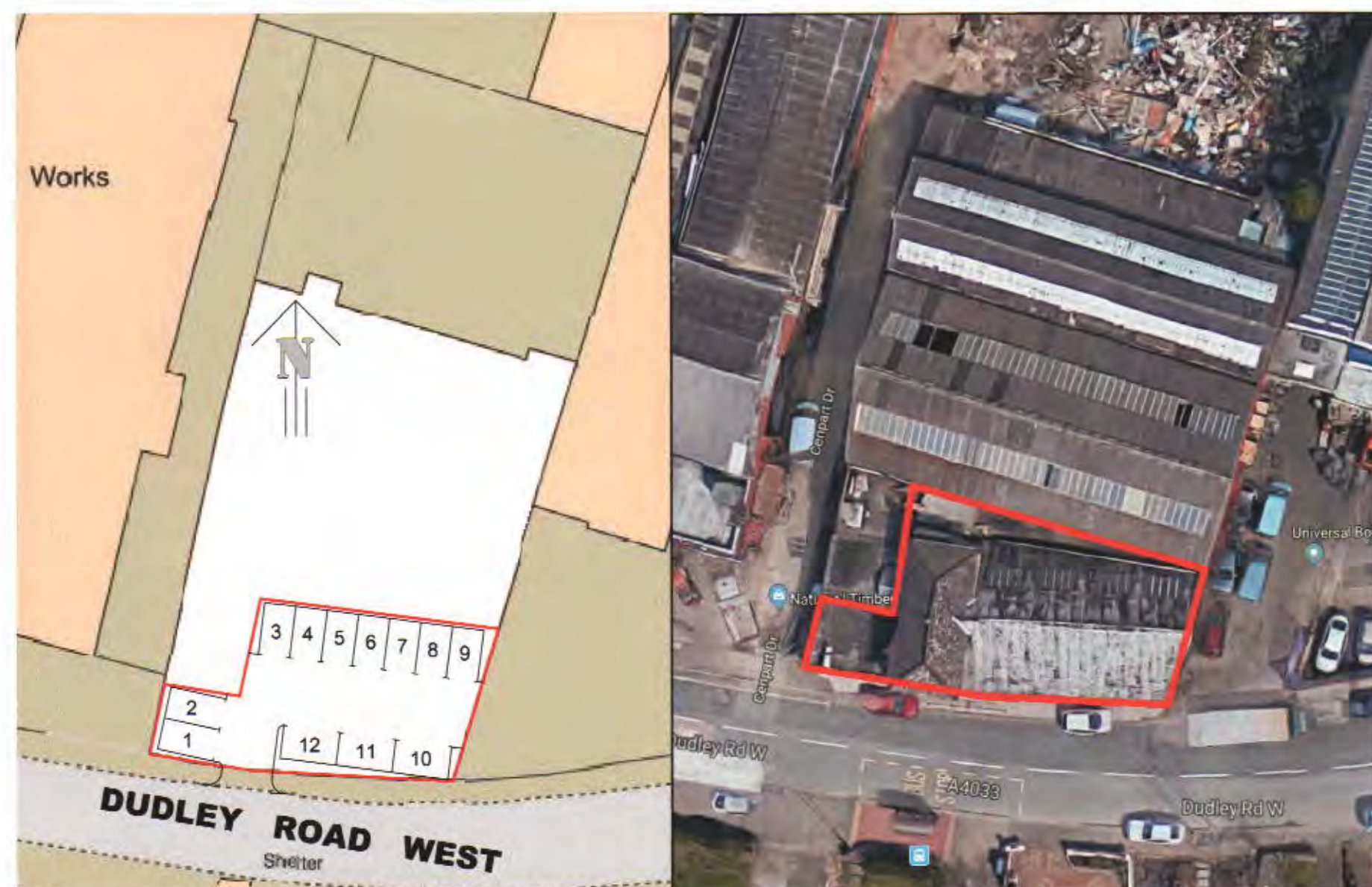
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	28 May 2020
OS Licence No	

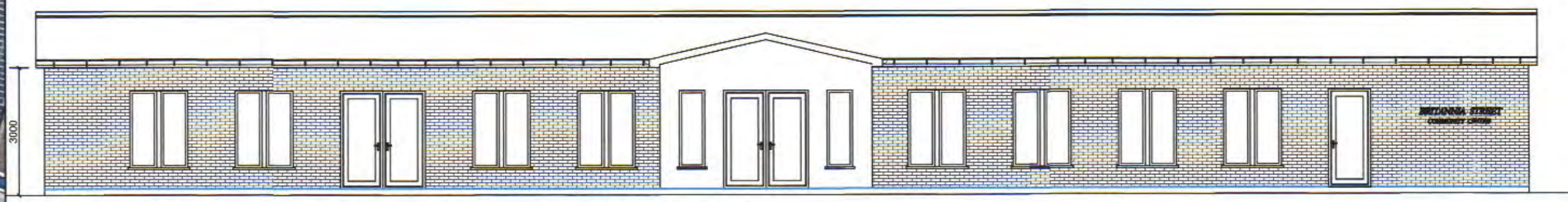


AMENDED PLAN
RECEIVED
27/11/19
DC/19/63157

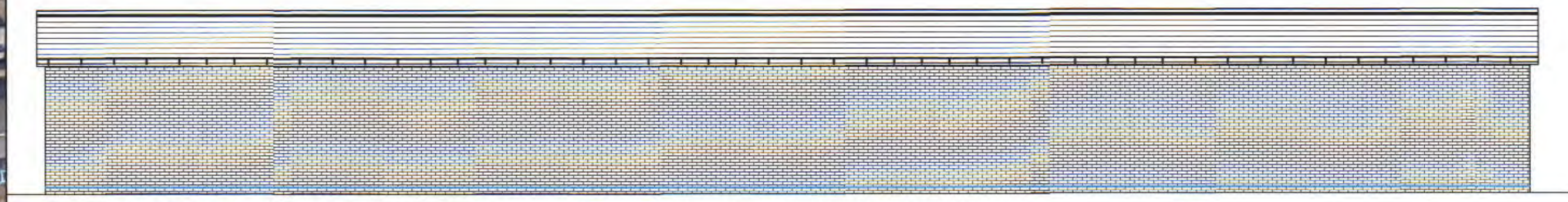


Additional Parking Layout 1:500

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 Front Elevation 1:100



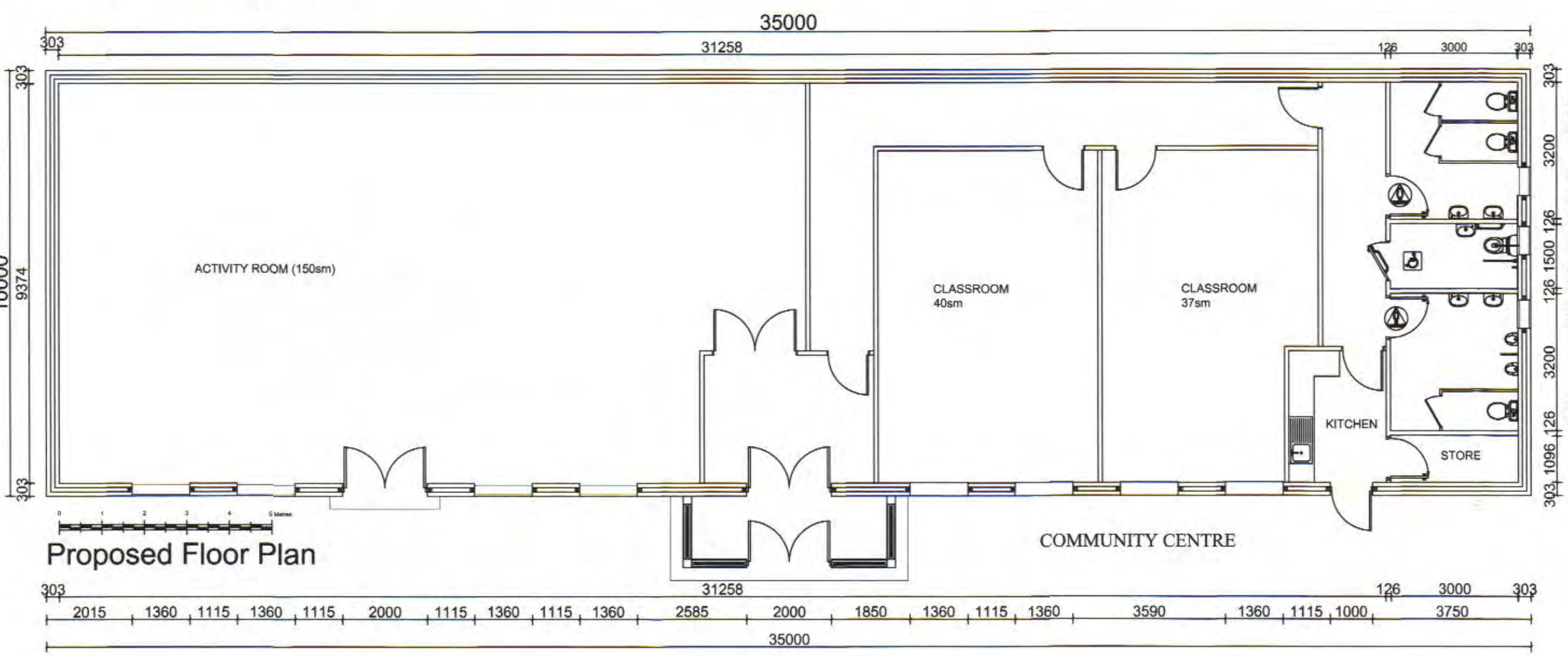
Proposed Rear Elevation



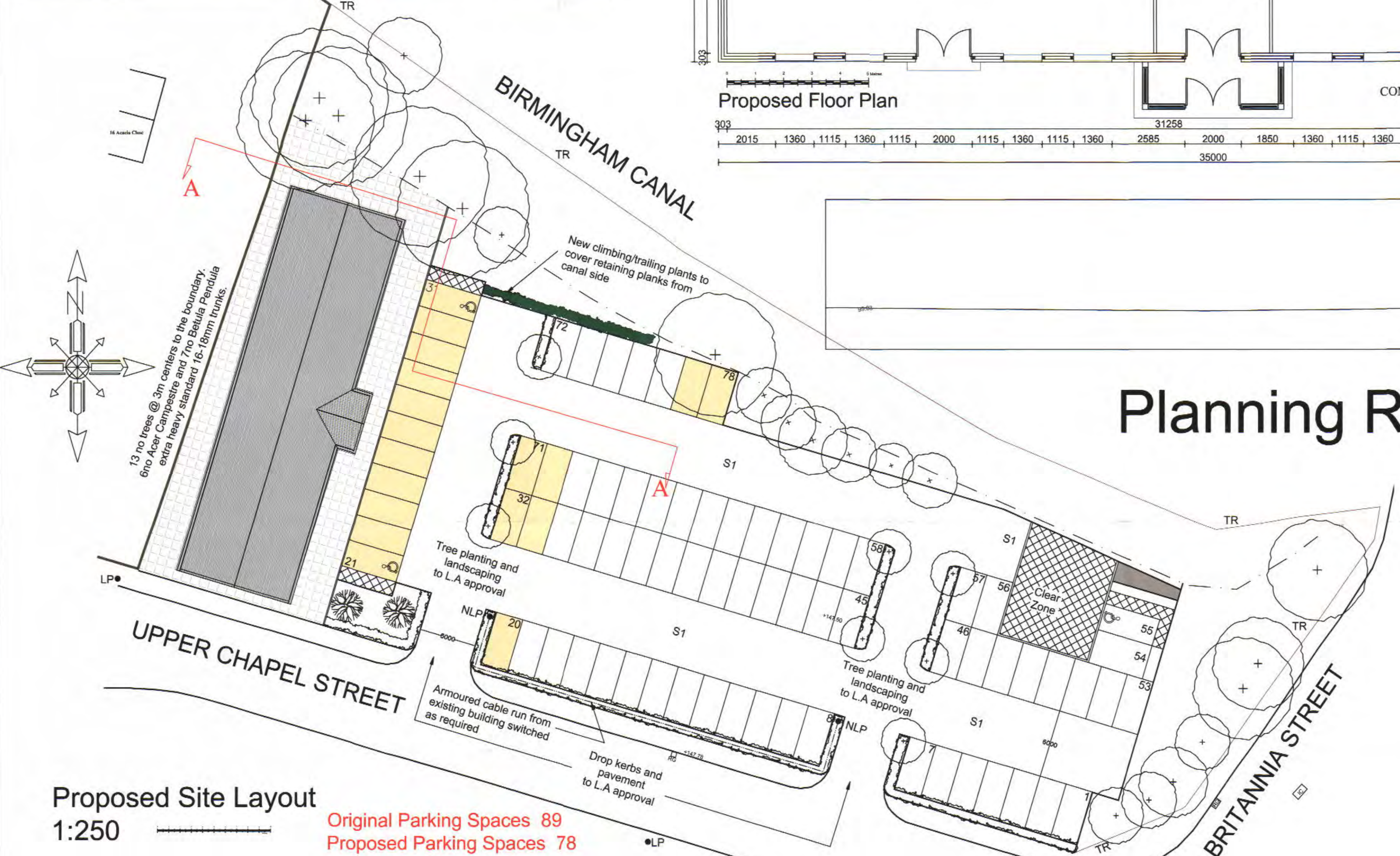
Side Elevation (facing Upper Chapel Street)



Side Elevation (facing the canal)



Proposed Floor Plan



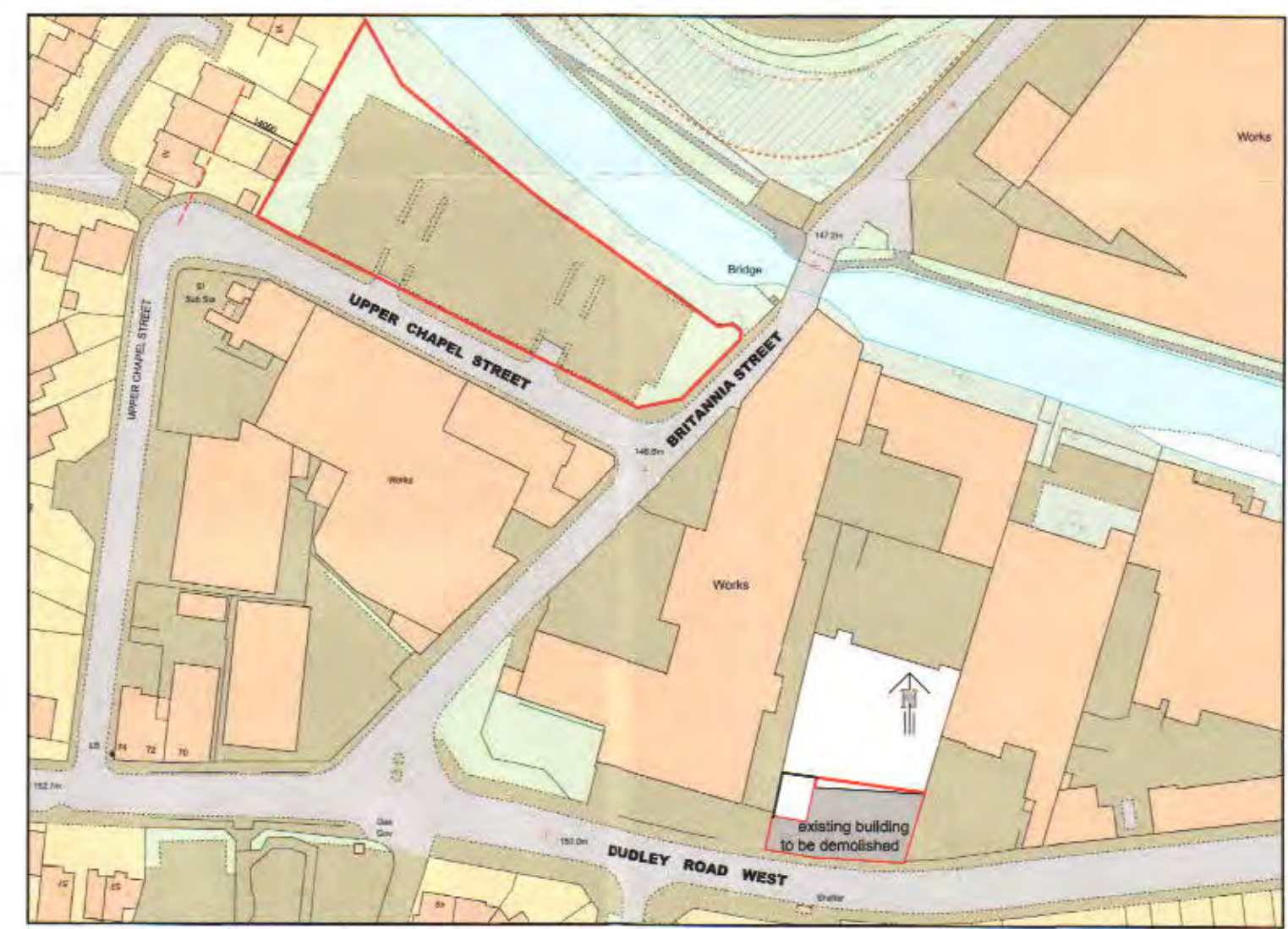
Proposed Site Layout
1:250

Original Parking Spaces 89
Proposed Parking Spaces 78



Section A-A 1:200

Planning Refusal DC/17/61185



Location Plan 1:1250



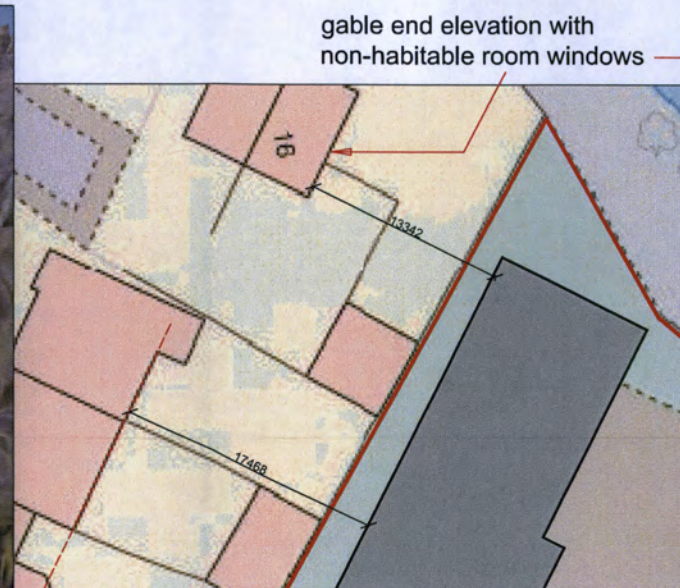
38 Old Walsall Road,
Great Barr,
Birmingham, B42 1NP
Tel: 0121 356 2233
Fax: 0121 357 7492
Email: contact@integratedesigns.co.uk

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 / incident within the specification and reasonable & practicable
steps in the design of the building.
These drawings are for Planning and Building Regulations approval only.
Partial dimensions may be taken in preference to notes.
All dimensions must be checked on site by the contractor.
Notes of any discrepancies before commencing work to building is taken
for any variation or any unapproved variations noted on site prior or during
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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/182/501A
Date	22 May 2019
Checked	
A	Floor plan revised
	25/11/19
	TW

DC/19/63157 RECEIVED: 27/11/19



INTEGRATED
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& ASSOCIATES LTD
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FAX: 0121 357 7492

PROPOSED:
Britannia Street Community Centre
Britannia Sreet, Tipton, Oldbury B69 2PG

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CLIENT: ---

DWG: TW/182/502

SCALE NTS @ A3

DATED: 25 Nov 2019

Revision -