

Planning Committee

Report of Head of Planning and Building Control on 07 April 2022

Plans List Item Number: 1

Reason for bringing to committee

Significant Community Interest

Application Details

Location: STREETLY COMMUNITY CENTRE, STREETLY SPORTS AND COMMUNITY ASSOCIATION, FOLEY ROAD EAST, STREETLY, WALSALL, 74 3HR

Proposal: PROPOSAL TO EXTEND THE EXISTING CAR PARKING AREA BY CONVERTING GRASSED AREAS INTO CAR PARKING SPACES TO PROVIDE 49 ADDITIONAL SPACES, INCLUDING; EXTERNAL LIGHTING, ALTERATIONS TO EXISTING FOOTWAY AND RESURFACING OF ACCESS ROUTE INTO SITE.

Application Number: 20/0721

Case Officer: Sally Wagstaff

Applicant: Mark Mason

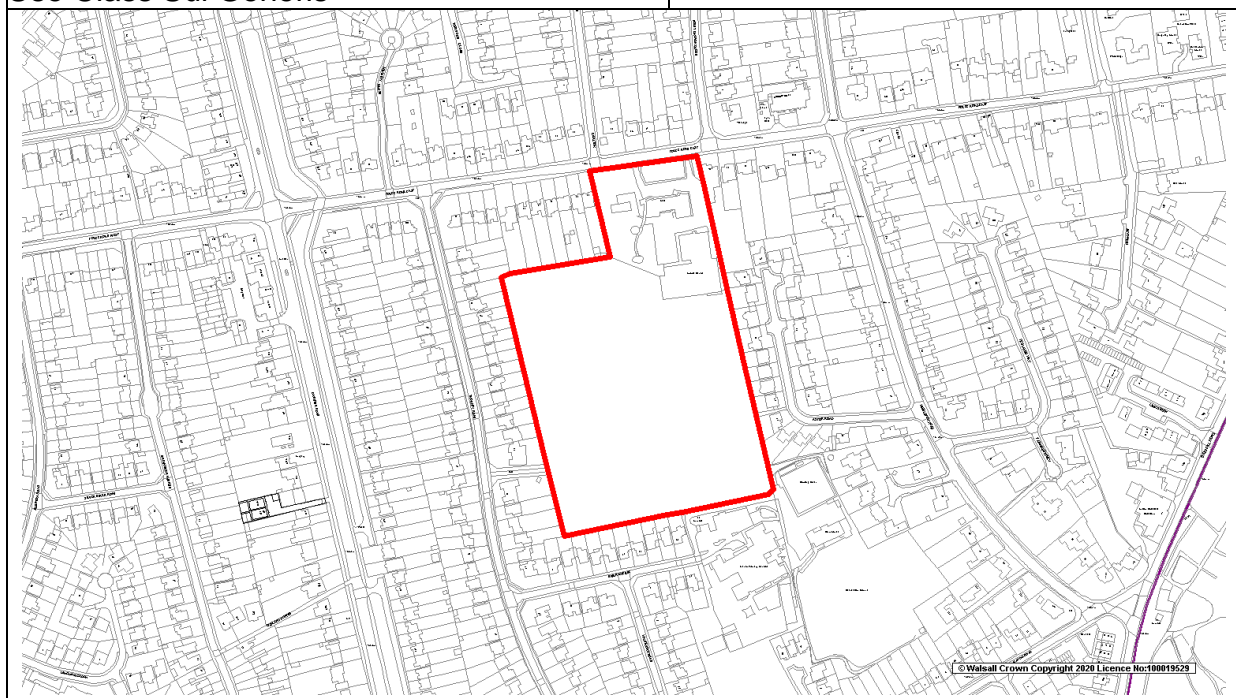
Ward: Streetly

Agent:

Expired Date: 04-Dec-2020

Application Type: Full Application: Major Use Class Sui Generis

Time Extension Expiry: 29-Jan-2021



Crown Copyright and database rights 2021 Ordnance Survey 100019529

Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions subject to
 - No new material considerations being received within the consultation period;
 - The amendment and finalising of conditions;

Proposal

Proposal to extend the existing car parking area by converting grassed areas into car parking spaces to create a minimum of 49 additional spaces. New external lighting, alterations to existing footway and resurfacing of access route into site.

Site and Surroundings

Streetly Community Centre is situated in a residential area off Foley Road and between numbers 43a and 63 Foley Road East. It is 1514 sq m and has its boundaries with the rear gardens of Foley Road East, Middleton Road, Briar Avenue and Thorney Road. The existing car park is located to the east and south north of the community centre.

Lighting Proposal:

- 17 columns with single luminaries (2 of the lights along the eastern boundary will be low level directional bollards to prevent any disturbance to bats in this area)
- 4 columns with twin luminaires
- All luminaries fitted with miniature 35/18 lux photocell with preset dimming profile – 100% output operating hours (10 lux & 0.25 uniformity) & 50% output for non-operating hours (5 lux & 0.25 uniformity)
- Community Centre – Operating hours
- Mon – Fri 9am to 11pm
- Sat & Sun 9am to 9:30pm

Relevant Planning History

07/2676/FL/E15 Cladding to Existing Roof and Walls of Squash Courts. GSC 17-Mar-2008

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the '2010 Act ') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty “PSED” on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV11: Light Pollution
- ENV12: Hazardous Installations
- ENV32: Design and Development Proposals
- LC6: Sports Pitches
- LC8: Local Community Facilities
- T7 - Car Parking

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- EN3: Flood Risk

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW3 Character

Consultation Replies

Ecology Officer:

No Comments.

Fire Officer:

No objections

Flood Risk Manager:

Concerns Raised (Awaiting further comments).

Local Highways Authority

Support subject to conditions

Natural England

No Comment

Pollution Control

Concerns Raised:

Pollution control recommends conditions to require the installation of electric vehicle charging points and low NOx boilers into the development and for the lighting scheme to be in accordance with current appropriate guidance. A condition to prevent or minimise impact during the course of building works is also recommended.

Public Health:

No objection

Public Lighting:

Concerns were raised, a revised lighting option has been submitted and Public Lighting have no objections to this proposal.

Severn Trent Water:

Support

West Midlands Police:

No objection

Representations

12 Objections have been received from 5 addresses. Residents' concerns relate to

(Officer's comments in italics):

- Noise and Anti-social behaviour
- The area between the current parking spaces and our boundary fencing is used continuously everyday by very young children from Manor Primary School and at weekends from neighbouring residents.
- Don't believe adding further car spaces is a good return on investment for anyone; residents, the council or for the community Centre. The addition of more disabled spaces at the rear also seems superfluous.
- Concern for the very young children and immediate residents who use the local outside facilities on a daily basis.
- Increased volume of traffic, CO2 pollution and an increased risk of harm/accidents to children is just not acceptable.
- What if any provisions have been set aside for potential compensation/loss claims against future property sales? *(This is not a material planning consideration)*
- Will the lighting not be on all evening and encourage lettings on the field late at night and cause light pollution to residents?
- Will there be a fence between the play area and extended car park to protect children from running into the car park as currently there are bushes that do this and it appears these will be removed to make way for the car park extension?
- Proposal will negatively impact how the neighbourhood looks.
- The current boundary hedge offers us little protection, as it is full of gaps and holes.
- This proposed external lighting will shine directly on to our homes and cause extreme light pollution.
- The current proposal destroys the natural habitat (grass, trees, flowers) and an existing memorial. *(The memorial is a tree on the front grassed area, confirmation has been received that the intentions of the applicant is to replant the tree to an area to the left, if this is not possible then a new tree will be*

purchased as a direct replacement).

Determining Issues

- Principle of Development
- Design and Character of the Area
- Impact upon the amenity of neighbouring residents
- Impact of lighting on wildlife including Protected Species
- Access and Parking
- Flood Risk / Drainage

Assessment of the Proposal

Principle of Development

The application states that due to the extensive use of the Community and Sport centre it has resulted in problems parking within the site and users of the centre have had to resort to parking vehicles on the surrounding residential roads Foley Road East and Thorney Road. The proposal relates to extend the existing car parking area by converting grassed areas which are to the north (front) and south-west towards the rear within the site to provide a minimum of 49 additional spaces and incorporating associated SUDS drainage using soak aways. In addition the improvement works will provide replacement and additional new external lighting, renew all line markings including creating designated disabled parking space, and the alteration of the existing footway and resurfacing of main the access route due to the failing of the existing surfacing.

Design and Character of the Area

The current access to the centre is a poor state or repair, the proposal would result in an improvement to the aesthetics and usability of the car park.

Whilst it is recognised that the grass to the front of the site will be replaced with the parking area, the application has confirmed that the hedgerow with the public highway (Foley Road East) is to be retained to soften the removal of the front grasses area and secure the boundary of the site. Flower beds, trees, shrubs and are also to be maintained.

Impact upon the amenity of neighbouring residents

It is considered there are two parts in the assessment of impact upon residential amenity:

Lighting:

The proposed lighting scheme will incorporate 17 single luminaries, 15 of which will be 5 metre high and 2 low level directional bollards (along the eastern boundary) and 4 columns with twin luminaries the lighting. All luminaries fitted with miniature 35/18

lux photocell with pre-set dimming profile – 100% output operating hours (10 lux & 0.25 uniformity) & 50% output for non-operating hours (5 lux & 0.25 uniformity). The operating hours are 09.00hrs to 23.00hrs Monday-Friday and 09.00hrs to 09.00hrs to 21.30hrs Saturday and Sunday.

Since the community centre is located within a residential area and the car park is only used when the centre is open. The Public Lighting team recommended for the lights to be dimmed when the centre is not in use, and the lighting to be 10 lux during the hours of operation in line with the British Standards BS5489:-2020. The revised lighting scheme has incorporated these requirements into the proposal.

The Public Lighting team advises that the lighting scheme is appropriate for the site whilst taking into consideration residential amenity. In response to concerns raised by local residents in relation to the impact the floodlighting will have on their quality of life, the Public Lighting team is satisfied that the proposal is in line with the recommendations of BS Standards and would not result in a level of light pollution that would have an undue impact upon their amenity and health as to warrant refusal of the application.

Pollution Control have recommended a condition with regard to the lighting to further protect the amenity of the surrounding properties.

Noise and disturbance:

The application relates only to the changes to additional car parking spaces, external lighting and resurfacing of access route into the site and does not include any additional uses or buildings.

In regards to residents' concerns in relation to the increased volume of traffic. The Community Centre have identified that at busy periods the onsite parking is over capacity and this has resulted in centre users resorting to parking on the surrounding residential roads. Whilst the proposal includes increasing the parking spaces on site to the centre the facilities will remain as existing and whilst the additional spaces are unlikely to produce additional traffic to and from the centre, it will however reduce the need for users parking on the surrounding residential streets having failed to find a space on the existing carpark.

The operating hours are 09.00hrs to 23.00hrs Monday-Friday and 09.00hrs to 09.00hrs to 21.30hrs Saturday and Sunday. In the event the applicant wishes to operate outside of the conditioned hours of use, further consent would be required which would be assessed on its own merits at that time.

Pollution Control have not raised concerns relating to noise generation at the site.

Impact of lighting on wildlife including Protected Species

Local Authorities have a duty to ensure impacts on legally protected species are avoided. In addition planning proposals are assessed against their potential impact upon flora and fauna. The assessment recognises lighting will be designed to meet current ILE guidance nevertheless an evaluation on the potential impacts on bats is required.

A Bat assessment was undertaken by Middlemarch Environmental 03/2021 to assess the area for bat roosting and/ or bat foraging potential.

Whilst buildings within the site were assessed as having high bat roosting potential. None of these structures will be directly impacted by the proposed car park extension. Although the report highlighted that the lighting of the proposal could increase the potential to disturb roosting bats should any be present within these buildings.

Whilst two trees will be removed to facilitate the proposed development, these trees had no features suitable for use by roosting bats. Trees identified as having bat roosting potential were all located in the south-west corner of the site. However, it is considered that these trees are sufficiently distant from the proposed development area to not be impacted by any proposed lighting.

The trees, shrubs and hedgerows along the site boundaries as well as the adjacent residential gardens were considered to provide good foraging and commuting habitat for bats with links to suitable foraging, commuting and roosting habitat in the wider landscape.

Following recommendations by the ecologist a revised lighting proposal was submitted. Whilst the revised lux levels proposed are acceptable for the majority of the site, it was highlighted that the two lights along the eastern boundary would result in the illumination of vegetation/ trees which could disrupt foraging and commuting routes for bats. To prevent any disturbance in this area low level directional bollards are to be installed instead of column lighting which will prevent any disturbance to the foraging and commuting bats.

It is therefore considered the proposal would not result in harm to protected species.

Access and Parking

In regards to residents' concerns in relation to the increased volume of traffic. The Community Centre have identified that at busy periods the onsite parking is over capacity and this has resulted in centre users resorting to parking on the surrounding residential roads. Whilst the proposal includes increasing the parking spaces on site to the centre the facilities will remain as existing and this is unlikely to increase additional traffic, however will remove the need to park on the surrounding residential streets.

Whilst a concern has been raised that the amount of disabled parking spaces at the rear is superfluous. The accessible parking bays are located near to the access ramps of the facilities. Parking policy T13 states that 10 percent of all parking should be reserved for disabled people and should be as near as possible to the most appropriate entrance to the building and the proposal includes a minimum of 7 spaces and which is not considered to include an excessive amount of accessible parking spaces. The local Highway Authority support the application with conditions to ensure the safety and satisfactory operation of the car park.

Flood Risk / Drainage

Due to the additional hardstanding there is risk of additional surface flooding. The applicant has been working with the local lead flood authority to provide an appropriate drainage scheme, and the conditions regarding this will be finalised subject to resolving the LLFA concerns.

Conclusions and Reasons for Decision

The key material planning considerations, neighbour comments and consultee responses have been weighed in assessing the planning application and it is considered that the proposed development accords with the aims and objectives of the National Planning Policy Framework and the relevant policies of the development plan as a whole on balance is considered to be acceptable.

The proposal results in resurfacing and demarcating of the car park which is considered would not have an impact upon the neighbouring amenities compared to the existing car park in accordance with, in accordance with saved policies ENV2 and ENV3 of the UDP.

The applicant has been working with the LLFA and the conditions regarding this will be finalised subject to resolving the LLFA concerns.

There are no parking and highway issues.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding lighting and surface water, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions subject to
 - No new material considerations being received within the consultation period;
 - The amendment and finalising of conditions;

Conditions and Reasons

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Car Park Layout Drawing number IPD-20-506-100 received 29-06-2020
- External Lighting Option 2 drawing number 0002170635-E-R1-OPT2-16042021 received 08-06-2021
- Design and Access Statement received 17-08-2020
- Dimensions drawing number IPD-20-506-101 received 29-06-2020
- Existing Photographs received 29-06-2020
- Ground Investigation Report received 29-06-2020
- Luminaire Data received 29-06-2020
- Pavement General Layout drawing number IPD-20-506-104 received 29-06-2020
- Site Clearance drawing number IPD-20-506-102 received 29-06-2020
- Soil Infiltration Rate Calculations received 29-06-2020
- Utility Survey Project number 35584 received 29-06-2020
- Location Plan Rev 1 received 04-09-2020
- TS-001 TamLite Taurus Fitting received 14-10-2020
- TS-002 TamLite Explorer Fitting received 14-10-2020
- TS-003 5 Metre Rooted Column received 14-10-2020
- TS-004 Two Way Flood Bracket received 14-10-2020
- TS-005 One Way Flood Bracket received 14-10-2020
- Hedge Retention Confirmation received 23-10-2020
- Bat Survey received 06-04-2021
- Drainage Existing Layout drawing number IPD-20-506-105 received 06-04-2021
- Drainage Technical Note received 06-04-2021
- Proposed Impermeable Areas drawing number IPD-20-506-106 received 06-04-2021
- External Lighting Option 2 drawing number 0002170635-E-R1-OPT2-16042021 received 08-06-2021
- Isaro Pro Details received 08-06-2021
- Lighting Proposals received 08-06-2021

- Car Park Drainage Response received 30-07-2021
- Exceedance Route drawing number IPD-20-506-103-REV B received 30-07-2021
- Soakaway Test Analysis Rear received 30-07-2021
- Soakaway Test Analysis received 30-07-2021
- Drainage General Layout drawing number IPD-20-506-103 Rev B received 24-11-2021

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3: The lighting shall be installed as advised within the plan External Lighting Option 2 drawing number 0002170635-E-R1-OPT2-16042021 received 08-06-2021 to comply with The Institution of Lighting Professionals: Guidance Note for The Reduction of Obtrusive Light GN01:2020 and thereafter retained.

Reason: In order to protect the amenities of nearby residents and to comply with saved policy GP2 of the Walsall Unitary Development Plan.

4a: Prior to the development hereby permitted, all parking bays shall be clearly demarcated on the ground and the parking facilities shall be retained and used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the car park and in accordance with UDP policy GP2, T7 and T13.

5a: Prior to the first occupation of the development hereby permitted details of electric vehicle charging points shall be submitted in writing to the Local Planning Authority.

5b: Prior to first occupation of the development the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy.

6: No boilers shall be installed in any of the units hereby permitted, save for

- Gas and liquefied petroleum gas (LPG) boilers with maximum NOx emissions no greater than 56 mg/kWh.
- Oil-fired boilers with maximum NOx emissions no greater than 120 mg/kWh.

Reason: To conserve and enhance the natural environment in accordance with BCCS policies ENV8 and DEL1.

7: No construction, demolition, or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall otherwise only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours

(* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).

Reason: To safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

Notes for Applicant

None

END OF OFFICERS REPORT