



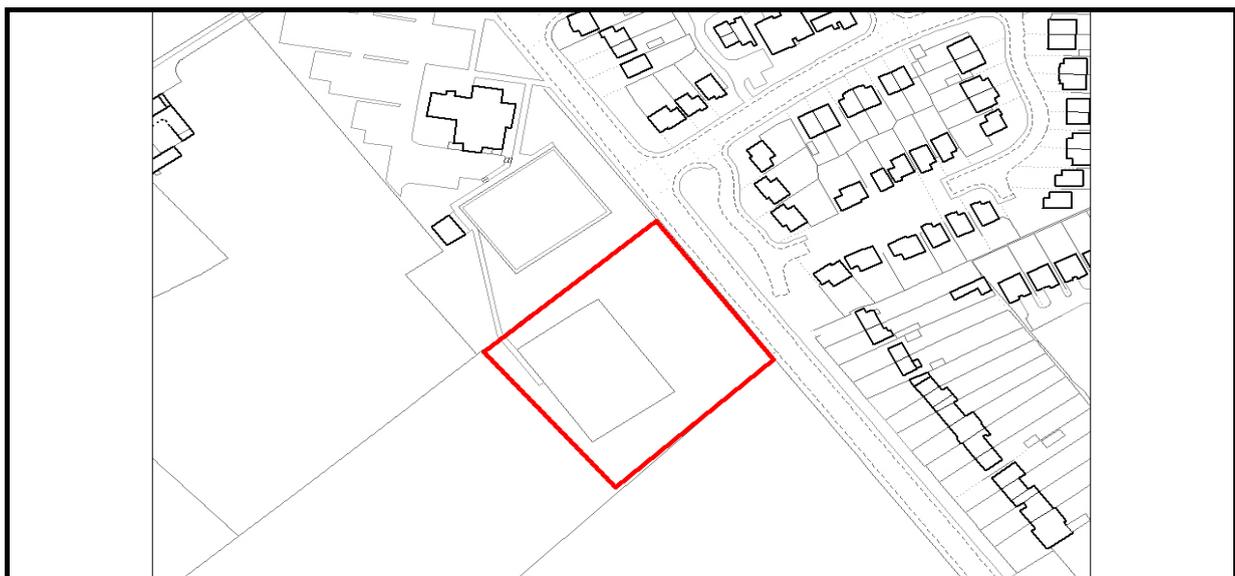
## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 26/04/2012*

### **Reason for bringing to committee: Departure from the Unitary Development Plan and Significant Community Interest**

<b>Application Number:</b> 12/0145/OL	<b>Case Officer:</b> Devinder Matharu
<b>Application Type:</b> Outline Application	<b>Telephone Number:</b> 01922 652487 <b>Email:</b> <a href="mailto:planningservices@walsall.gov.uk">planningservices@walsall.gov.uk</a>
<b>Applicant:</b> 3rd Streetly Scout Group	<b>Agent:</b> Richard Cobb Planning
<b>Proposal:</b> Outline Planning Application (all matters reserved for later approval). New single storey Scout Group Headquarters building, with two outdoor playing pitches, associated car parking and circulation with new vehicle access to Aldridge Road.	<b>Location:</b> FARMER JOHNS TENNIS CLUB, ALDRIDGE ROAD, STREETLY, WEST MIDLANDS, B74 2SX
<b>Ward:</b> Streetly	<b>Expired Date:</b> 03/04/2012

**Recommendation Summary: Grant conditional outline permission, subject to referral to the National Planning Unit.**



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## **Application and Site Details**

The site is located within the Green Belt and Great Barr Conservation Area to the south of Farmer Johns Public House, beyond the Bowling Green on the western side of Aldridge Road in Streetly. Along this part of the Aldridge Road there is limited built development. The site is partly screened from Aldridge Road to the east and the northern, southern and western boundaries by existing trees on the site. These trees are protected by tree preservation orders. The front of the site adjacent to Aldridge Road is grassed and has low level vegetation; towards the rear of the site are disused tennis courts which are screened by a row of conifer trees both to the front and rear of the courts. There is also a row of conifer trees in the middle of the site separating the front and rear part of the application site.

Surrounding the site is open countryside where the character of the area is defined by large parcels of agricultural land that are separated by hedgerows. The site is screened from long views from the countryside due to the existing trees around the perimeter of the site. On the opposite side of the road are detached and semi detached properties and to the north of the site the Farmer John's public house, which is a single storey building. Access to the tennis courts is from a footpath from the Farmer John's public house site.

The application is in outline form and seeks permission in principle for developing the site as a local scout's facility with all detailed design matters reserved (layout, scale, external appearance, means of access and landscaping).

An indicative layout plan has been submitted illustrating a proposed building towards the rear of the site with access off Aldridge Road plus a football, cricket and basketball pitches and a parking area in front of the building. Other illustrative material includes 2 halls, meeting room, a store room, a kitchen and two garages and that the building could be single storey single storey with mono pitch roofs.

The following documents in support of the application have been submitted:

Design and Access Statement, whilst this document provides the background to the proposal it also states:

- The building would have a floor area of 570 square metres with a maximum height of 6m over the whole area but generally around 4.5m around the other sections.
- The proposal is targeted at the needs of the housing estate opposite
- Tennis courts previous car park to factory.
- No formal consultation carried out, door to door petition signing only.
- Minimum requirements of proposal include a building, storage areas, two meeting halls and off road parking.
- Mature trees on site are to remain, poplar trees to the northern and southern boundaries will be prone to damage and the proposal offers to replace those trees. (the arboricultural report provides further clarification to the effect the trees can be retained).
- Older members will walk to site with cubs and beaver members being driven to the site.
- Mondays to Saturdays through the hundred acre site, some 400m of the site.
- hours:

Wednesday night

17:45 - 18:45pm - Beaver Scouts - 30 young people and 5 Leaders

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19:00 - 20:15pm - Cub Scouts - 30 young people and 8 Leaders

20:30 - 21:30pm - Band practice - 35 young people and 8 Leaders

Friday night

19:30 - 21:30pm Scouts and Explorer Scouts - 50 young people and 12 Leaders

Occasional use by Marching Band, Scouts, Beavers and Cubs over weekends. Other groups will wish to use the facilities on other nights, particularly Brownies and Guides for girls. The venue will be made available to be used by other community groups on other evenings.

### **Planning statement:**

- Tennis courts disused and not aware of any interest in reusing tennis courts and outlines 12 other sites in the wider area where tennis facilities are available.
- Site to contain a single storey timber clad building
- Scouting attributes is about fun, friendship, learning through doing, developing respect, valuing the community you live in and making a positive contribution to society.
- Scouts Association is a non profit organisation that provides a range of activities whilst supporting children from all back grounds and those with physical, learning and behavioural problems.
- 1<sup>st</sup> Streetly Scouts group serves Streetly Village, Four Oaks and Little Aston and based at Streetly Methodist Church. 7 adult leaders and 39 children.
- 2<sup>nd</sup> Streetly Scouts group meets at a small hut at Blackwood Road and serves the Blackwood Estate. 20 adult leaders and 83 children.
- 3<sup>rd</sup> Streetly Scouts Group serves Hundred Acre site and has an attendance of 100 to 120 children plus 30 leaders.
- Previously based at Lindens School and since then meetings take place at Streetly School or Streetly Community Centre.
- Taken 7 years to look at alternative sites, a number away from the catchment area, sites within Streetly school discounted due to ecological issues.
- Classed as a D2 leisure use
- Very special circumstances have been addressed by siting the building within the landscape setting sympathetic to the Green Belt setting.
- Limited visual impact screened by retained trees.

Arboricultural Impact Assessment which outlines the trees to be removed and retained and how they will be protected during construction works.

### **Sequential Test Assessment:**

- a scout group is a community activity for young people that is normally located within or close by the community that it serves.
- Proposed use is not a town centre use that needs not be located within an established centre.
- bingo site only property in Aldridge District Centre but that is too large for the scout group and has no external facilities.
- 47 Portland Road is in a residential area and the proposal would impact on residential amenity.
- Anchor Meadow protected under policy LC1 of the UDP.

- Sites outside of catchment area unsustainable and involve travelling to and from the site.
- Streetly School identified ecology issues.
- Within Hundred Acre Estate off Royal Meadow Drive and Enterprise Drive all remaining industrial premises.

### **Transport Statement**

- Identified bus services 56 and 56A Brownhills via Aldridge 30 mins daytime and 60 minutes evenings Monday to Saturday, 78 – Sutton Coldfield via Mere Green 60 minutes daytime Monday to Saturday and 935 Birmingham to Walsall 30 minutes daytime Mondays to Saturdays.
- New 5m wide pedestrian and vehicular access point
- Gated access – set back 8m back of footway
- Parking for 19 vehicles proposed with a separate drop off area
- Provide 6 secure cycle spaces.
- Site accessible by cycling, walking and bus services
- Use of the site unlikely to have significant impact on peak hour operation of local highway network.

### **Relevant Planning History**

BC22309P, erection of pub and recreational facilities approved subject to conditions 1988.

BC25310P, erection of pub and recreational facilities (amendments to BC22309P) approved subject to conditions 1989.

BC45147P, conversion of former bowling green to tennis courts, 6 x 10m floodlights, fencing and landscaping, approved subject to conditions 1996. (Not implemented)

BC49449P/C, use of bowling green area as play area containing play equipment and seating, approved subject to conditions 1997. (Not implemented)

### **Relevant Planning Policy Summary Black Country Core Strategy & UDP Policies**

*(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)*

*The current version of the Black Country Core Strategy and associated appendices can be accessed at;*

[http://www.walsall.gov.uk/index/environment/planning/local\\_development\\_framework/ldf\\_core\\_strategy.htm](http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm)

[www.walsall.gov.uk/index/environment/planning/unitary\\_development\\_plan.htm](http://www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm)

### **The Black Country Core Strategy**

The Black Country Core Strategy was adopted by the Council on 3<sup>rd</sup> February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP. It sets out how the Black Country should look in 2026 and establishes clear directions for change in order to achieve this transformation. The recently-published National Planning

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Policy Framework (NPPF – see below re national policy) provides that in respect of the Core Strategy *“For 12 months from the day of publication [of the NPPF, 27<sup>th</sup> March 2012], decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework.”*

ENV2: Development to protect and promote the special qualities, historic character and local distinctiveness to maintain its cultural identity and strong sense of place.

ENV3: implement the principles of By Design to ensure the provision of high quality buildings.

TRAN1: Developments to address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN4: Cycle parking facilities should be provided at all new developments and should be located in a convenient location with good natural surveillance

CEN6: New small-scale local facilities outside defined centres of up to 200 square metres gross, or extensions to existing facilities which would create a unit of up to 200 square metres gross will be permitted if it can be shown that all of the following requirements are met:

- The proposal is of an appropriate scale and nature to meet a specific day-to-day need of a population within convenient, safe walking distance for new or improved facilities;
- Local provision could not be better met by investment in a nearby centre;
- Existing facilities that meet day-to-day needs will not be undermined.
- Access to facilities by means other than by car would be improved and, in particular, will be within convenient, safe walking distance of the community it is intended to serve.

CEN7: Clear presumption in favour of focusing development of town centre uses in centres. Proposals for out-of-centre development will have to demonstrate that development cannot be provided in-centre or at edge-of-centre locations of existing centres appropriate to the hierarchy. For main town centre uses other than shopping (and including D2 leisure uses) a location that is well connected and within easy walking distance (i.e. up to 300 metres) of the centre boundary of Strategic and Town Centres will be regarded as edge-of centre, unless otherwise defined in relevant saved UDP policies.

For District and Local Centres in the Black Country, town centre uses adjoining the centre will be defined as edge-of-centre. Any proposal for a town centre use in an out of centre location, whether brought forward through a planning application, will only be considered favourably if the impact assessments contained in the most recent national guidance are satisfied, or the requirements of Policy CEN6 are satisfied. Any out-of-centre proposal which is considered to fall within the catchment area of a relevant centre will be required to include that centre in any sequential test. It will be important to ensure developments are accessible

by a choice of means of transport, in particular public transport, walking and cycling, and support both social inclusion and the need to sustain strategic transport links. It will be important to acknowledge the issues raised by particular proposals. However, the strategy is to accommodate investment (except where justified in terms of Policy CEN6) in centres and to expand centres where necessary. In this context, it will be important to recognise strong justification would be required for out-of-centre schemes that could otherwise be contrary to the strategy for the regeneration of the Black Country.

### **Saved Policies of the Unitary Development Plan**

In respect of policies such as these the NPPF says “... *due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*”

3.3 and ENV1 define the role and extent of the Green Belt. Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances. The countryside is defined as Green belt and the reasoned justification (paragraph 3.22) says it serves 4 of the 5 strategic purposes defined in national policy:

- to check the unrestricted sprawl of the Borough’s built up areas
- to prevent neighbouring settlements from merging into one another
- to assist in safeguarding the countryside from encroachment
- to assist urban regeneration.

The UDP sets the overall context for the control of development in the Green Belt by specifying the types of development that would, in principle, be acceptable. All other forms of development are, by implication, considered inappropriate and applications for such development will normally be refused.

3.6, 3.7, & GP2: Seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

ENV2: Highlights considerations of proposals within or adjacent to the Green Belt and states development is inappropriate if it conflicts with the openness and purposes of the green belt and that there is a presumption against the construction of new buildings. The details need to be considered in light of the NPPF (below).

ENV3 and ENV32: Where development is acceptable in the Green Belt consideration should be given to design, scale, height, colour, suitability of buildings, landscaping, significant view points and layout and development being considered in relation to its setting and should create high quality of built and landscape design. Designing out crime’ through design, layout, landscaping and boundary treatments is encouraged.

ENV7: The enhancement and conservation of the countryside character will be supported.

ENV14: Encourages the development of previously developed land.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: All development to take account of potential enhancement of the environment through habitat creation , all development to take account of existing features for wildlife and geology and require development to create creation, enhancement of wildlife.

ENV29: Conservation Areas – should preserve or enhance the character and appearance of conservation areas.

(a) determine whether a development preserves or enhances the character and appearance of a Conservation Area in terms of:-

I. The degree of loss or alteration to property which makes a positive contribution to the character of the area.

II. The impact of any new buildings on the special townscape and landscape features within the area.

III. The scale, massing, siting, layout, design or choice of materials used in any new building or structure.

IV. The nature of its use and the anticipated levels of traffic, parking and other activity that will result.

5.4; the sequential approach should be applied for community facilities will apply to within established centres, edge of established centres and out of centre locations.

S1; identifies leisure use as a town centre use.

S6(c); states that out of centre development may be appropriate to meet local need in areas that are poorly served by existing local provision.

S7; proposals for other town centre uses in out-of-centre or edge of-centre locations will only be permitted provided they can meet the following tests:

- there being no more centrally located sites, buildings or opportunities which could be used to serve the catchment area of the use proposed.
- have an adverse economic impact upon the vitality and viability of any existing Town, District or Local Centre
- have an adverse economic impact on existing or planned provision to meet local needs
- offer genuine and realistic safe and easy access by public transport, walking and cycling for all sections of the community, and from a wide catchment area,
- should not be designed and located so as to be reliant primarily on access by car

T4: District Distributors, which are important routes connecting the main residential and employment areas of the Borough and street parking and direct frontage access, will be strictly regulated.

T7: all development should satisfy the car parking requirements as set out in Policy T13.

T10: accessibility standards would apply to all developments with the exception of leisure and entertainment, other town centre uses within or on the edge of a centre in accordance with policies in Chapter 5.

T12(c): Access by public transport for Health and Commercial Leisure Facilities

I. The walking distance from the entrance of the building to a bus stop should be no more than 400 metres and the bus stop should be as conveniently located as possible to the entrance of the building.

II. Bus services should operate during working hours from all parts of the catchment area directly to the facility, and there should be pickup/drop-off points within 400 metres of all housing within the catchment area

III. Bus services should be at the level of frequency set out in (b) with additional services for staff outside these hours if necessary.

T13: car parking standards

Community facilities 1 space per 22 square metres of gross floor space, 1 bike stand for every parking space.

LC6: Sports with the aim of maintaining the current level of sports pitch provision proposals resulting in the loss or reduction of sports pitches, public or private, will only be permitted if it can be demonstrated that:

I. A carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of sports provision and the site is not of good quality or importance to the development of sport; or

II. At least equal compensatory provision will be made in respect of quality, quantity, suitability of location, and subject to equivalent or better management arrangements prior to the commencement of development.

Policy LC7(a) encourage the widest range of indoor sport and recreation, through improvement to existing facilities and provision of new ones. First preference will be given to enhancing and expanding existing sport and recreation centres which are accessible to the whole community. New major facilities will be directed towards the Town and District Centres in accordance with the “sequential approach” and the other policies set out in Chapter 5.

These policies will also be applied to smaller facilities, which should also, wherever possible, be in centres and, otherwise, in places which are easily accessible by a choice of means of transport.

(b) Proposals for development that would result in the loss or reduction of existing facilities will be considered favourably only where it is demonstrated

that:-

I. There is no need for the facility and a shortage of similar facilities for indoor sport and recreation would not result; or

II. Adequate compensatory sport and recreation provision will be provided to offset the loss of the existing facility in accordance with the identified need in the locality.

### **Designing Walsall SPD**

DW1 - Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2 - Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character -design to respect and enhance local identity;

DW4 - Continuity -attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;

DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;

DW 10 – new development should make a positive contribution to creating a sustainable environment.

### **Natural Environment SPD**

Policies N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

### **Regional Spatial Strategy (RSS)**

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Bill and will take time) should be a material consideration in decisions. That position was itself subject to a legal challenge.

On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration.

**Officer's advice is that the RSS remains part of the statutory development plan for the Borough** (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

However, the Government's proposal to abolish the RSS at some point in the future can be a material consideration. The weight to be given to this is for the local planning authority to judge, based upon such things as, for example, the extent to which a planning decision rests on the RSS and whether the implications of the decision might be felt before the RSS might be abolished. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

## **National Planning Policy Framework**

Published on Tuesday 27<sup>th</sup> March 2012 the NPPF sets out the Government's position on sustainable development and the role of the planning system.

In the NPPF, the Government sets out its consideration of Sustainable Development as meeting economic, environmental and social needs and it emphasises a "presumption in favour of sustainable development". What this means is to be judged on the basis of a range of principles and policies.

- Enhance and improve the places in which people live their lives;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Support town centres and a town centre first approach for retail, leisure, commercial, office, tourism, cultural, and community uses;
- Always require high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Plan positively for community facilities, including meeting places and sport and recreational facilities;

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- Protecting the Green Belts, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping it permanently open; the essential characteristics of the Green Belts are their openness and permanence. The Green Belt serves to encourage recycling of derelict land. Local Planning Authorities should look at providing opportunities for outdoor sport and recreation, retain and enhance landscapes, visual amenity and improve derelict land. Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances, and Local Planning Authorities should ensure substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Construction of new buildings are inappropriate, exceptions include appropriate facilities for outdoor sport and recreation, as long as they preserve the openness of the Green Belt, and limited infilling or the partial or

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complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it..

- Contribute to conserving and enhancing the natural environment and reducing pollution.

- Conservation and enjoyment of the historic environment whilst taking into account the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; the desirability of new development making a positive contribution to local character and distinctiveness; and opportunities to draw on the contribution made by the historic environment to the character of a place. Heritage assets can include significant landscapes which have heritage interests such as those included in conservation areas.

## **Consultations**

**Transportation** – No objections.

**Pollution Control (Scientific Team)** – No objection

**Pollution Control (Contaminated Land)** – No objection

**Public Rights of Way** – No objection

**Fire Officer** – No objection

**Arboricultural Officer** - No objection.

**Conservation Officer** - Objection.

This site falls within Great Barr Conservation Area. Outline applications should not be accepted for sites within conservation areas, in particular given that the application site currently has no buildings on it the construction of new buildings with associated landscaping and access will have a very significant impact on the character and appearance of the conservation area.

**Environmental Health** – No objection

**Ecology** – No objection

**Sport England** – No objection

The development would lead to a loss of an area that was formally used as tennis courts. The application provides some information on the use of the tennis courts and it appears that formal use of the site for sport ceased about 18 years ago. The courts have not been maintained, although their need of significant investment should not be taken as an absence of need for such provision in the local area. It is recognised that alternative tennis facilities are available locally and the Lawn Tennis Association has indicated that this is not a site they consider necessary to protect.

Consideration given to an appropriate condition which requires the scope of wider community access arrangements to be set out in a written document in order to secure the potential wider community benefits of the scheme.

**Police Architectural Officer** – No objection. The site is located in a high crime area and with the number of trees and shrubs there is no natural surveillance of the site, outdoor sport can attract unofficial gatherings of youths and result in anti social behaviour, damage and graffiti and due to this the following measures are considered appropriate:

- Perimeter of the site to be secured by a fence no less than 2.4m high and painted green to blend in with the environment.
- Positioning of fence needs to be considered, so that trees on site cannot be used as a climbing aid.
- Gated access
- CCTV installed around the site
- The building should be alarmed
- All doors and windows meet secure by design standards
- Fogging system installed in the vehicle storage area
- Lighting kept to a minimum to avoid interference with CCTV.

### **Public Participation Responses**

Councillor Eddie Hughes has called the application in to committee on the grounds of significant public interest.

Thirty eight letters have been submitted supporting the application on the following points:

- Waste parcel of land unused for 20 years
- Streetly scouts have been without a home for a long time
- Streetly Scouts been operating for 40 years
- Streetly scouts provides boys and girls of all abilities, social and ethnic background with a range of facilities
- Would bring the community together and provide community facilities
- Help young children develop into good citizens
- Existing anti social behaviour in Streetly
- Track record of enhancing lives of youngsters with increasing membership
- Streetly lacks facilities for local children and as a result more facilities required
- Easily accessible by walking
- Attract people from hundred acre site
- Good access
- Building set back without causing overlooking and noise issues for residents opposite.

Two letters of support has been received from two scout leaders from the 3<sup>rd</sup> Streetly Scout Group and states:

- Rely on hiring our venues to hold meetings for beavers, cubs, scouts and explorers
- Successful group with increasing membership
- Wide range of activities offered
- Lost subsidies for hall rent and require a permanent headquarters
- Farmer John's ideal location to draw people from hundred acre estate
- Proposed site disused for 20 years
- New building set back with no overlooking to residential properties opposite.
- Away from residential properties so wont impact on neighbours in terms of noise

- Cannot support young people with no headquarters.
- Support from local schools

Eight letters have been received stating they have general comments on the application and generally support the proposal.

Two letters have been received raising the following concerns with the proposal:  
traffic problem

- Unsuitable access
- Building too high for single storey
- No floodlighting should be allowed
- Noise pollution
- Restrict use for Scouts only.

Streetly Academy supports the application on the grounds that it will provide young people in the Streetly area with meaningful and productive activities to undertake in their leisure time.

Birmingham City Council North Birmingham Youth Offending Team support the application on the grounds that many of the children from the north Birmingham area attend the scout group, as it diverts them from anti social behaviour and involvement in the criminal justice system.

Manor Primary School supports the proposal on the grounds that children benefit and enjoy their involvement with the scout group.

Streetly Association supports the proposal on the grounds that the group have met at Streetly Youth Centre in Foley Road for the last 8 years.

A petition with 1263 signatures has been submitted in support of the new scout headquarters.

Wildlife Trust have stated that no ecological assessment have been undertaken to date and one needs to be undertaken.

Aldridge and Streetly Neighbourhood Policing Manager supports the proposal on the grounds that it is an asset to the area providing diversion from criminality and anti social behaviour for local youth. It also states that the key member of staff leading this group will be PC Mark Welch.

All letters of representation are available for inspection upon publication of this committee report.

### **Determining Issues**

- Is this inappropriate development in the Green Belt
- Harm on the openness of the Green Belt
- Are there any very special circumstances to outweigh harm to the green belt?
- Impact on Great Barr Conservation Area
- Loss of existing facilities
- Could the proposal be located in a more central location

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- Impact on landscape and Ecology
- Impact on the amenities of the neighbouring properties
- Highway issues

## **Observations**

### **Is this inappropriate development in the Green Belt**

The site lies within the West Midlands Greenbelt and under the National Planning Policy Framework, development within the Green Belt can be considered appropriate if it is for outdoor sport and recreation. Whilst scout activities may be linked to such outdoor uses this proposal includes a building which would be inappropriate development in this location.

The proposal to erect a scout's facility and to create a car park does not fall in to the categories of development considered to be appropriate in the green belt. The degree of harm it would cause needs to be weighed against any very special circumstances that exist to support the development.

### **Harm on the openness of the Green Belt**

The Green Belt in this location is characterised by parcels of open fields separated by hedgerows. There is limited built development on this side of Aldridge Road.

The derelict tennis courts are screened on three sides by mature protected trees, which would limit immediate and long distance views into the site from across the surrounding open countryside. This screening limits the impact of the dereliction. Whilst the proposed building would have a more significant impact it is located towards the rear of the site. The general dimensions of the building are known and this impact from the scale and mass should be mitigated through high quality design and sensitive siting. The existing trees would if retained screen and minimise any direct views of the proposed building and as a result the proposal would reduce the wider harm on the openness of the Green Belt.

Appropriate boundary fencing to provide security and be compatible with the openness of the Green Belt and amenity of the Conservation Area could be controlled by planning condition.

### **Very special circumstances**

The applicant accepts that the construction of the scout building would be inappropriate development and therefore they have put forward reasons as to why very special circumstances exist. The applicant's main argument for very special circumstances is based on the stated need for provision for scouting activities to serve the local area. It relates to the catchment of the users of the proposed scout building, the lack of suitable alternative sites / premises within the Streetly area and unsuitable premises on edge of Aldridge District Centre for this community facility to be delivered in Streetly, in particular the Hundred Ace Estate. The applicant has stated that a facility outside of the catchment area would be unsustainable.

Whether these circumstances and others raised by this case are sufficient to outweigh the harm needs to be addressed by also giving consideration to the following determining issues.

### **Impact on Great Barr Conservation Area**

Whilst this side of Aldridge Road has limited built development, on the opposite side of the road are modest 1950's and recent semi detached and detached residential properties and to the north of the site a 1980's style single storey public house. The Conservation Officer has objected to the proposal on the grounds that insufficient information has been submitted to fully assess the construction of a new building and access and as such impacting on the Great Barr Conservation Area.

The submitted application is an outline application with all matters reserved; a high quality design of a modest building would protect the character of Great Barr Conservation Area.

### **Loss of existing facilities**

Tennis courts are an appropriate use in the Green Belt. It is recognised that they have not been used for many years and currently in a derelict state. Careful consideration has to be given to the permanent loss of the tennis courts should the new inappropriate development proceed. The agent has identified 12 sites in the wider area of Walsall and surrounding authority of Birmingham where outdoor sports and other tennis facilities are available. Sport England has no objection to the loss of the tennis facilities as they recognise that alternative tennis facilities are available locally. The proposal would provide 2 outdoor sports pitches which would be utilised by the young people within this scout group. The provision of this new sports facility can be considered as part of the very special circumstances.

### **Could the proposal be located in a more central location?**

The supporting information states the development could accommodate additional community uses. This could have implications in terms of the 'catchment' for users of the facility and the degree to which the proposed facility would be accessible to those it is intended to serve. Birmingham City Council Youth Offending Team are supporting the proposal as Streetly Scouts intake young people from across the north Birmingham catchment area, which suggests a larger catchment than just the Hundred acre site. It is considered that the proposal would not just serve the Hundred Acre Estate but potentially attract members from further afield, in particular children from the North Birmingham area. The supporting information confirms that the children using the site are likely to be brought by car.

The NPPF, like local policies, recognises the importance of centres as focal points for community life. BCCS Policies CEN6 and CEN7, and policies 5.4 and S7 of the UDP state a sequential approach, which aims to use vacant sites within established centres first then edge of centre and further afield if need be. Policy S6(c) states that out of centre development may be appropriate to meet local need in areas that are poorly served by existing local provision. The sequential test submitted states that 5 sites have been discounted on the grounds of outside catchment area, unsuitable premises, protected existing playing facilities and sites within industrial areas. On the other hand, the proposed

building appears likely to attract users from a wider area than the Hundred Acre Estate and it may be questionable whether it has been conclusively demonstrated that there are no possible alternative sites and / or premises across the whole of the potential catchment area. However, there are strong expressions of support for improved community facilities in this locality and in respect of provision for scouts in particular. The evidence available does not provide a basis to dispute there is a need for the proposed facility arising in this area and furthermore it does not show that this need could be better accommodated elsewhere. Thus it is considered that this particular proposal is acceptable for this area on the basis that it is (at least in large part) meeting a local need. To reflect this it is proposed that the use of the site should be the subject of a condition to limit it to use as a scout facility and as a community and sports centre (and not for leisure uses in Class D2, such as a nightclub and / or a cinema). Such a condition, together with controls on the hours of use would also help to control impacts on the Green Belt and on nearby residents.

The proposal appears likely to attract children from an area extending beyond the immediate locality and including North Birmingham. The applicant states that there are local bus services that serve the hundred acre site and bus stops within walking distance from the site. The bus services that serve the hundred acre site, are 56, 56A, 993 and 994 and out of these services, only the 56 operates during peak times week days and early Saturday mornings along Aldridge Road, which means that children would have to walk to the site from the Hundred Acre Estate. The other services, whilst providing a service to the Hundred Acre Estate, do not operate past the application site. Policy T12(c) states the walking distance from the entrance of the building to a bus stop should be no more than 400 metres, the nearest bus stops on Aldridge Road are outside the Farmer John's public house, which is within 400m. The limits on accessibility by public transport should be set against the likelihood that if the proposed facility was not provided children and other users from Streetly might well have to travel farther afield.

Residential properties are located on the other side of the road where there are no pedestrian crossing points; this would raise concerns over how young children would cross a main busy road to access the site. A condition could be imposed to improve pedestrian accessibility by securing a dedicated crossing point.

### **Impact on Landscape and Ecology**

The Ecology Officer and Arboricultural Officer have no objections to the proposal, subject to conditions to secure bat boxes on site and to ensure only the works outlined in the submitted arboricultural works are undertaken which to retain the majority of the trees on site. Should any detail scheme brought forward at the reserved matters stage propose the felling of trees at the site appropriate compensatory planting to address this loss will be sought. This may include a higher level of planting.

### **Impact on the amenities of the neighbouring properties**

The proposal seeks to create 2 pitches to the southern part of the site. The use of these pitches would not unduly impact on the amenities of the occupiers of the nearest residential properties on the opposite side of the road, as the properties are set back and the road noise would drown out any noise from the outdoor playing area. The use of amplified music,

tannoy systems and lighting both inside and outside the premises could be conditioned to protect the amenity of neighbouring residential occupiers.

## **Highway Issues**

The Highway Officer has no objection to the principle of development, however, has stated that access and parking would be considered at the reserved matters stage and that the application must come forward with improvements to the pedestrian links across Aldridge Road to serve the site.

## **Conclusion**

On balance, it is considered that very special circumstances exist to outweigh the harm that would be caused by this inappropriate development in the Green Belt. The derelict nature of the site which the development would address is a factor that adds to the special justification, as does the screening effect of the existing trees around the site which could be retained. This would contain any impacts of the building outside of the site on the openness of the wider Green Belt. It also presents the opportunity to provide a high quality designed building which could contribute to the conservation character. It is a finely balanced case. If a high quality design of a modest scale can be secured, the use of which is limited to activities associated with the scout movement, officers consider that the development could proceed without any undue impact on the Green Belt whilst protecting the amenity of the conservation area. The application will have to be referred to the National Planning Unit as a departure case.

## **Summary of reasons for granting planning permission**

The proposal to erect a scout's facility and to create a car park does not fall in to the categories of development considered to be appropriate in the green belt. The degree of harm it would cause needs to be weighed against any very special circumstances that exist to support the development. This existing tree screening limits the impact of the derelict tennis courts. The existing trees could if retained screen and minimise any direct views of the proposed building and as a result the proposal would reduce the wider harm on the openness of the Green Belt. The applicant's main argument for very special circumstances centres on the catchment of the users of the proposed scout building, the lack of suitable alternative sites / premises within the Streetly area and unsuitable premises on edge of Aldridge District Centre for this community facility to be delivered in Streetly, in particular the Hundred Ace Estate. The applicant has stated that a facility outside of the catchment area would be unsustainable. It is recognised that they have not been used for many years and currently in a derelict state. The provision of this new sports facility can be considered as part of the very special circumstances.

The sequential test submitted states that 5 sites have been discounted on the grounds of outside catchment area, unsuitable premises, protected existing playing facilities and sites within industrial areas. Whilst it is recognised the scout building could support community facilities in the wider Streetly area.

In order to avoid any undue impact on the Green Belt from high levels of activity conditions could be imposed to limit the hours of operation and ensure all functions are linked to the

primary use as a scout facility. The proposal would be attracting children from the North Birmingham Area. Residential properties are located on the other side of the road where there are no pedestrian crossing points; this would raise concerns over how young children would cross a main busy road to access the site. A condition could be imposed to improve pedestrian accessibility by securing a dedicated crossing point.

Only the 56 bus service operates during peak times week days and early Saturday mornings along Aldridge Road, which means that children would have to walk to the site from the Hundred Acre Estate. There are bus stops within 400m of the application site.

Conditions have been imposed to secure bat boxes on site and to ensure only the works outlined in the submitted arboricultural works are undertaken which to retain the majority of the trees on site. Replacement planting would be sought for any trees to be felled.

The use of the site would not unduly impact on the amenities of the occupiers of the properties on the opposite side of the road. The use of amplified music, tannoy systems and lighting both inside and outside the premises could be conditioned to protect the amenity of neighbouring residential occupiers.

Parking, access and pedestrian links can be sought at reserved matters stage.

The proposal complies with policies ENV2, ENV3, TRAN1, TRAN4, CEN6 and CEN7 of the Black Country Core Strategy, saved policies 3.21, 3.3, 3.22, ENV1, 3.29, 3.6, 3.7, GP2, ENV2, ENV3, 3.113, 3.114, 3.115, 3.116, ENV32, ENV7, ENV14, ENV18, ENV23, 3.104, ENV29, 8.2, 8.5, 5.4, S1, S6, S7, T4, T7, T13, T10, T12, 8.30, LC6 and LC7 of the Walsall Unitary Development Plan, policies DW1, DW2, DW3, DW4, DW9 and DW10 of the Designing Walsall SPD, Policies NE8, NE9 and NE10 of Conserving Walsall's Natural Environment SPD and the National Planning Policy Framework.

**Recommendation: Grant conditional outline permission, subject to referral to the National Planning Unit.**

1. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

*Reason:* Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

2. The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters application, or the last reserved matters approval.

*Reason:* Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

3. This development shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-

a) Access

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: [www.walsall.gov.uk/planning](http://www.walsall.gov.uk/planning), Email [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk), Telephone (01922) 652452,

Textphone 0845 111 2910, Fax (01922) 623234

- b) Appearance
- c) Landscaping
- d) Layout
- e) Scale

*Reason:* Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

4a. Prior to the commencement of development:

- samples of all facing and roofing materials, including any external finishes
  - window and door types
  - hard surfacing materials
  - details of all boundary treatments
  - details of a gated access way to the site, to be set back a minimum of 8 metres from the highway edge
- shall be submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be completed with the approved details and retained thereafter.

*Reason:* To ensure the satisfactory appearance of the development and to protect the character of Great Barr Conservation Area and the Green Belt.

5a. Prior to the commencement of this development full details of the design of the building shall be submitted to and approved in writing by the Local Planning Authority. The overall building shall not exceed 570 square metre footprint, the maximum dimensions of 6m to the highest point of the roof, maximum of 4.5m to the eaves of the roof, 28m x 17m for the main building, 8.4m x 7.7m and 4.5m high for the wing and be no more than a single storey building.

5b. The development shall be completed with the approved details and retained thereafter.

*Reason:* To ensure the satisfactory appearance of the development and to protect the character of Great Barr Conservation Area and the Green Belt.

6a. Prior to the commencement of this development details of drainage for the disposal of surface water and foul water sewerage shall be submitted to and approved in writing by the Local Planning Authority.

6b. The development shall be completed with the approved details and retained thereafter.

*Reason:* To ensure that the development is provided with a satisfactory means of drainage as well as reducing the risk of or exacerbating a flooding problem and to minimise the risk of pollution.

7a. Prior to the commencement of this development details of all parking areas – including the laying out of the car parking areas, vehicle access and improvements to pedestrian links across Aldridge Road shall be submitted to and approved in writing by the Local Planning Authority.

7b. The development shall be completed in accordance with the approved details and retained thereafter.

*Reason:* To ensure the site has adequate parking provision in the interests of highway safety.

8a. Prior to the commencement of this development full details of the proposed sports pitches, in terms of their construction shall be submitted to and approved in writing by the Local Planning Authority.

8b. The development shall be completed in accordance with the approved plans and retained thereafter.

*Reason:* In the visual amenities of the area.

9a. Prior to the commencement of the development a scheme to provide bat boxes, bat tubes and bat bricks incorporated into new buildings shall be submitted for approval in writing of the Local Planning Authority.

9b. The approved scheme shall be fully implemented and retained thereafter.

*Reason:* To ensure proper regard is taken to the impact of development on protected species.

10a. Prior to the commencement of the development a full landscaping scheme shall be submitted for approval. The landscaping shall incorporate:

- details of all trees proposed to be retained on site and how they will be protected during the construction period
- details of any trees to be felled on site
- native tree and shrub planting
- replacement planting for any approved tree felling.

10b. The approved landscaping scheme shall be implemented within 12 months of the development being completed. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs or plants which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

*Reason:* In order to safeguard the visual amenity of the Great Barr Conservation area and the Green Belt.

11a. Prior to the commencement of this development details of noise mitigation and noise control measures for the main scout hut building shall be submitted to and approved in writing by the Local Planning Authority.

11b. Approved noise mitigation and control measures shall be completed before the development is brought into use and retained thereafter in accordance with the approval.

*Reason:* To protect the amenity of the adjoining residential occupiers.

12a. No external lighting shall be installed outside the building or within the site without details first being submitted to and approved in writing by the Local Planning Authority. The details shall include manufacturer's details of the lighting, how the lights will be installed on the site and building and details of illumination levels and lamp shields.

12b. The development shall be completed in accordance with the approved details and retained thereafter.

*Reason:* In the visual amenities of the area.

13a. No permanent amplification equipment, public address (PA) facility, or any other loudspeaker system shall be installed or used in the scout hut building until details of the equipment and any necessary noise mitigation measures have been submitted to and approved in writing by the Local Planning Authority.

13b. Any agreed mitigation measures shall be carried out before the amplification equipment is brought into use and retained thereafter.

*Reason:* To protect the amenity of residential occupiers.

14. Windows and doors in external wall and roof elements that serve rooms and areas used for music, vocal and dance performances, and/or rehearsals, and/or recording, shall remain closed when in use for these purposes.

*Reason:* To protect the amenity of residential occupiers.

15. Public address (P.A.) and any other loudspeaker systems associated with any music, drama, dance, vocal or similar performance, recording activity and production or reproduction of music, vocal and other sounds, shall only be operated internally and between the hours 08.00 to 21.30 inclusive Mondays to Sundays.

*Reason:* To protect the amenity of residential occupiers.

16. The development shall be carried out in accordance with "The Arboricultural Implication Study by Higginson Associates Arboricultural Consultants dated January 2012".

*Reason:* To safeguard the protected trees on site.

17. The scout hut building shall only be used from 09:00 till 22:00 Mondays to Sundays.

*Reason:* To protect the amenity of residential occupiers.

18. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995, or succeeding orders, the premises known as Scout Group Building, Farmer John's Tennis Club, Aldridge Road shall not be used for any purpose other than for a Scout Hut and associated activities including a community and sports hall, as described by the applicant in their application supporting statement.

*Reason:* To reflect the basis on which the proposal has been justified for this out-of-centre location as an exception to the sequential approach, and to protect the amenity of residential occupiers and control the use of the site in the Green Belt.

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: [www.walsall.gov.uk/planning](http://www.walsall.gov.uk/planning), Email [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk), Telephone (01922) 652452,

Textphone 0845 111 2910, Fax (01922) 623234

Note to applicant

The Police Architectural Liaison Officer has advised:

- 1) All doors, windows and roller shutters shall meet secure by design standards
  - 2) Consideration given to using a fogging intruder system
  - 3) Lighting kept to a minimum
  - 4) Planting to be low level
  - 5) Gated entrance to the site
  - 6) Installation of CCTV.
  - 7) The building should be alarmed.
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