

# PLANNING APPLICATION NUMBER:P10/0199

Type of approval sought	Outline Planning Permission
Ward	Belle Vale
Applicant	Halesowen/Dudley Yemeni Community Assoc.
Location:	<b>HALESOWEN YEMENI COMMUNITY CENTRE, HIGHFIELD LANE, HALESOWEN, B63 4SG</b>
Proposal	<b>FOLLOWING DEMOLITION OF EXISTING COMMUNITY CENTRE OUTLINE APPLICATION FOR THE ERECTION OF TWO STOREY COMMUNITY CENTRE WITH ASSOCIATED PARKING (ACCESS, APPEARANCE, LAYOUT AND SCALE TO BE CONSIDERED) (RESUBMISSION OF WITHDRAWN APPLICATION P09/0478)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

## SITE AND SURROUNDINGS

1. The application site is the existing Yemeni Community Centre, located on Highfield Lane, some 750m to the east of Halesowen Town Centre. The site comprises the existing single storey community centre building, a car park and grassed area to the rear which rises to a higher level. The site also incorporates a pedestrian access to the youth centre to the north of the site.
2. To the north is an outdoor games area (tennis courts/football etc) and the youth centre. To the east of the site are the rear gardens of residential properties on Cavalier Drive. On the opposite side of Highfield Road to the south is a residential property and the rear gardens/garages of properties in Well Road (accessed via Highfield Lane). To the west is a health centre with residential properties beyond.
3. To the north east of the site and some 200m away, is the Our Lady and St. Kenelm RC Primary School. The school has pedestrian access via a footpath from Highfield Lane that has a link through this site via a public right of way, such that parents use the existing community centre car park as a drop off and collection point.

4. There is a steep rise in levels of some 3-4 metres through the site to the north and the embankment to the rear where the sports area is located.

## PROPOSAL

5. The application seeks outline approval for a new community centre and car park with matters of access, appearance, layout and scale to be considered. Landscaping would be reserved for future approval.
6. The existing single storey community centre that has a gross internal floorspace of 145 sq m would be replaced by a new, generally two storey community centre building with a total gross internal floorspace of 601m<sup>2</sup>. The building has been designed to take account of the presence of the houses on Cavalier Drive by having a predominantly single storey structure to this side with a pitched roof sloping up to the main two storey structure. The exception to this is the lift shaft and stairwell to give access to the first floor level. The existing parking area would be revised and new parking areas added throughout the site to provide 42 spaces (57 when occasional event spaces are added)
7. The Design & Access Statement submitted with the application informs that the Halesowen/Dudley Yemeni Community Association (the applicants) was first established as a registered charity in March 1994 and seeks to represent and meet the particular needs of the Yemeni Community in Halesowen/Dudley.
8. The Design & Access Statement states that:

The Yemeni Centre is currently open 7 days a week with approximately 300-400 people walking through the door each week. The services that are provided are:-

- Adult education (Basic Skills)
- Children Education (Mother-Tongue School & Homework Club)
- Elderly Luncheon Club

- Advice and Information Service
- Social and Recreational gatherings
- Advice on employment, training and education
- Health awareness sessions
- Training sessions, e.g. First Aid, Food Hygiene and Health & Safety
- Stay & Play for children age 0-5
- Exercise for men and women
- Stop smoking advice
- Youth Club
- IT Club
- Arabic translation service
- ESOL Classes (Teaching English as a second language)

The floor space of the centre is laid out to accommodate these activities via a ramped access to a front entrance where a hall leads to an activity hall, two classrooms, an IT room, crèche, a small kitchen, staff office, coat room, toilets and plant room. At the first floor is a larger activity hall, ancillary room, classroom, small library, landing and toilets.

## HISTORY

9.

<b>APPLICATION No.</b>	<b>PROPOSAL</b>	<b>DECISION</b>	<b>DATE</b>
P09/0478	Outline application for the erection of a two storey community centre with associated parking (access, appearance, layout and scale to be considered)	Withdrawn	03/07/09

10. The previous application P09/0478 was withdrawn due to the concerns regarding potential overlooking and visual impact, siting and parking issues.

## **PUBLIC CONSULTATION**

11. The application has been advertised by way of press notice, site notice and neighbour notification. Public consultation expired 14 April 2008. Fourteen letters of objection have been received, raising the following issues:

- Loss of privacy
- Existing noise and disturbance
- Size and scale of proposed building
- Application is at a higher level than Cavalier Drive
- Loss of sunlight
- Visual Impact
- Increase in congestion and lack of parking
- Families of children attending Our Lady and St. Kenelm School who use this car park to drop off and collect children. Restricted access would force parents to park on the road.
- Increase in capacity of building
- Existing hours of operation



- Location next to established residential areas
- Increase in on road parking

12. There is also an objection from a Ward Councillor regarding overshadowing, loss of light and that the area is residential and not suitable for expansion.

## OTHER CONSULTATION

13. Head of Environmental Health & Trading Standards:

The community centre would be located in close vicinity to existing residential properties. In addition, it is noted that a small kitchen would be included in the development with a possibility that cooking odour would be produced as a result.

In terms of noise, there is the potential for noise from activities at the centre to impact on the neighbouring residents. Although the proposals do not show external plant, it is possible that as the application is for outline approval such plant could be included in the development, with the potential for noise disturbance to nearby residents. Noise from the car park also needs to be taken into account, as this has previously been the subject of complaints from residents along Cavalier Drive. The proposed barrier system should assist in controlling out of hours use of the car park. There is also an existing close boarded fence separating the car park from the neighbouring residential properties.

It is noted that previous approvals have been granted with conditions attached to control opening hours and also prevention of the installation of external loudspeakers. I recommend that those conditions are duplicated in this approval to maintain protection to nearby residents against noise disturbance.

In order to protect the local residents from noise and odour impacts the following conditions are recommended:

- Hours of operation
- No external loudspeakers

- Installation of extraction equipment
- Noise not to exceed set levels

14. Group Engineer (Development):

The initial correspondence with the applicant indicated that the existing community centre would be expanded to provide additional community facilities.

The applicant has provided a transport statement which indicates the level of trips that could be expected. However, some of these trips appear low and the Highway Authority has applied more appropriate figures.

The applicants indicated in a pre-application letter of June 2009, the services that are currently available at the community centre. Use as a place of worship was not listed amongst them. An e-mail from the applicant of August 2009 confirmed that the proposal would not be for a mosque and the current lease agreement with Dudley MBC is for a community centre not a religious centre.

However, there is a Friday afternoon prayer time which takes place for one hour and the August 2009 e-mail confirmed that a maximum of 45 people would attend for such prayer. Furthermore, the applicant advised that visitors take advice before prayer and the prayer facility was for the people already in attendance at the community facility.

However, site visits undertaken by officers appear to indicate that the site is being used as a place of worship. A survey of Friday 11 September 2009 indicated that 120 people attended for what appeared to be for the purpose of worship and generated 61 cars, 43 of which were parked on the Highway.

Of greater concern was the lack of regard to road safety observed. Drivers parked close to junctions, grass verges, damaging the verges, footways and one driver was observed driving on the wrong side of the road on Highfield Lane. Elderly pedestrians were observed having difficulty in seeing adequately to cross the road

and drivers from side roads could not see a safe distance before emerging onto Highfield Lane. It was noted that a police liaison officer also issued warnings to some drivers. The unauthorised existing use of the building is prejudicial to the safe and efficient operation of the Highway.

It has been noted that a number of residents have raised similar concerns.

We have serious concerns about the development if it were to be used as a place of worship as the potential for traffic generation this could result in would be unacceptable in this location, unless additional parking in the region of 180 spaces could be provided.

The on site observations make it essential that if the application is approved, a traffic regulation order is provided that would prohibit waiting at any time on the Highway.

## **Car Parking**

### **Community Function Room**

1 space is required per 3.25 sq m of public area. The community function rooms measures 150 sq m on the upper floor and 72 sq m on the lower floor therefore this gives a requirement of 68 spaces.

42 formal independently accessible spaces have been provided, however, the parking has been designed to allow up to 57 parked vehicles within the site. These spaces would have to be managed on occasions for large meetings, however, given the community use and visitors may arrive and leave at the same time this is acceptable.

For larger functions there may be some overspill parking, however, this would not be unreasonable, given the introduction of a Traffic Regulation Order.

Therefore this level of car parking provision is acceptable.

## **Education Use**

Looking at the classroom use

Classroom 1 – 20 students

Classroom 2 – 20 students

Classroom 3 – 5 students

Ancillary Room – 20 students

IT Room – 14 students

Potential number of students and staff 90 at 0.53 cars per person = 48 spaces required.

Therefore this is acceptable

## **Place of Worship**

120 people were observed by Highways officers entering the building on 11<sup>th</sup> September 2009 for the apparent purpose of worship. 18 cars were on the car park and 43 on the Highway, a total of 61 cars (0.50 vehicles per person) which compares well with surveys at Dudley and Lye Mosques which showed a vehicle to person ratio of 0.5623.

Given the area available for prayer is currently 72 sq m, 120 people gives a rate of 1.66 worshippers per sq m.

The new areas available for worship are 150 sq m on the upper floor and 72 sq m on the lower floor total of 222 sq m @ 1.66 worshippers per sq m = 368 worshippers.

At 0.5 vehicles per worshipper = 184 vehicles

This, supported by observations made onsite by officers would cause mass overspill parking on the adjacent streets, would create a potential road safety hazard and would affect the residential amenity. This clearly is unacceptable.

Unless the parking area can be expanded to 180 vehicles a condition to prevent the use of the building as a place of worship is required, as this would have a severe detrimental on residential amenity and the safe and efficient operation of the Public Highway.

### **Car Park Access/Barrier/Public Right of Way**

There is currently a pedestrian link through the site which enables pedestrians to access the nearby school. This can be legally defined as permissive way and therefore must remain open for public use.

The proposed barrier appears to seal off the site and the Group Engineer would require a pedestrian entrance way to remain open.

The parking area currently allows pedestrians to park on the car park whilst collecting children, this is safer than parking on the Highway. This should remain a function of the site and a sign should be erected close to the entrance that indicates the parking area is for community use, not just the sole use of those attending the community centre.

### **Highway Improvement Works**

Because of the overspill parking concerns, a Traffic Regulation Order will be required. The cost of implementation is £5,000.

### **Planning Obligation**

Net increase in gfa  $601 \text{ sq m} - 171 \text{ sq m} = 430 \text{ sq m}$   $\times 0.284 \text{ trips per sq m} \times £61.74$   
cost per trip = £5734.41.

### **Travel Plan**

A travel plan would be required which will be required to be submitted and approved prior to commencement of development.

### **Sustainable Transport**

Secure and undercover cycle storage with male and female shower facilities must be provided. The level of cycle storage will be determined by the outcomes of the travel plan.

#### **15. Conclusion**

No objections subject to conditions as outlined above.

### **RELEVANT PLANNING POLICY**

#### **16. Dudley Unitary Development Plan**

- DD1 – Urban Design
- DD4 – Development in Residential Areas
- DD6 – Access & Transport Infrastructure
- DD7 – Planning Obligations
- CS3 – Community Facilities
- AM14 – Parking
- EP6 – Light Pollution
- EP7 – Noise Pollution

#### **17. Supplementary Planning Document**

Planning Obligations

Parking Standards

## ASSESSMENT

18. The key issues for consideration in the application are as follows:

- Impact upon Residential Amenity
- Design
- Parking/Access
- Planning Obligations

### Impact upon Residential Amenity/Street Scene

19. The community centre proposed in the previously withdrawn application comprised a full two storey development with the east elevation facing towards the rear elevations and rear gardens of houses on Cavalier Drive. The building would also have been sited only 13.5m from no. 1 Cavalier Drive and 23m from no. 3 Cavalier Drive.
20. For this new application the plans have been revised with a mono-pitch roof to the east elevation and the eaves reduced to 3.1m along the majority of this elevation facing properties in Cavalier Drive. The reduction in eaves height removes the first floor element from this elevation, apart from the dormer type structure that accommodates the lift and stairwell which has windows that would be obscure glazed.
21. With regard to siting, the new community centre would be set further away from residential properties in Cavalier Drive than in the withdrawn scheme. The proposed

community centre would now be sited a minimum of 14m from the rear fence and 17m from the rear elevation of no. 1 Cavalier Drive (an increase of 3.5m) and 1.5m from the rear fence and 26m from the rear elevation of no. 3 Cavalier Drive (an increase of 3.5m). When viewed from properties in Cavalier Drive it is noticeable that the application site is set at a higher level and that the proposed community centre would be seen from rear gardens. It is, however, considered that the lowering of the eaves level, removing the vast majority of the first floor elevation from facing Cavalier Drive and siting the development further away from the residential properties would not result in an overbearing relationship of detriment to the amenities of residents.

22. When viewed from Highfield Lane the proposed centre would be seen as two storeys high and would be a larger visual presence, in terms of height, width and general mass than the existing single storey community centre to be demolished. The proposed building would, however, be set back between 13.6m and 18m from the highway, be separated from the rear gardens in Cavalier Drive by the parking area and would be sited adjacent to the parking area for the neighbouring health centre. As such the two storey nature of the building would not appear out of context in the street scene.
23. The residential property at 79a on the opposite side of Highfield Lane is adjoined by the rear gardens of properties in Well Lane and is 29m away from the development building. To the north of the site is an outside games area and to the west an existing health clinic and associated parking. It is not considered that the character or amenity of the area would be adversely affected by this proposal.
24. At present the existing parking at the site is fairly informal and used predominately by users of the existing Yemeni Community Centre, Halesowen Youth Centre (whose site is accessed via the application site), the Walton Allotments and Our Lady and St. Kenelm RC Primary School (families of children attending the school, use this car park to drop off and collect children).



25. The car park therefore serves a number of purposes and users. The application proposes a barrier across the front entrance of the car park, which is unacceptable as the barrier would remove the opportunity for community access to remain. If the car park were for the users of the community centre only, this would certainly restrict off street parking opportunities for existing users of the car park.
26. The application form states that there are currently 13 no. parking spaces and 57 no. spaces are proposed. 42 no. of the spaces would be formal and independently accessible spaces, with a further 15 no. occasional spaces located at the rear of the new building. To enable such an increase in off street parking, the existing footpath adjoining the rear boundaries of properties in Cavalier Drive, giving access to the Youth Centre and P.R.O.W. to the primary school, would be relocated. New gates and steps would be introduced from Highfield Lane and there would be a shared vehicular and pedestrian access to the Youth Centre and P.R.O.W. An area of the existing rear embankment would also be removed and levelled to allow for parking spaces. The remaining raised grassed areas would be retained by new walls. Whilst the removal of the footpath would mean parking spaces are close to rear boundaries in Cavalier Drive it is considered that, on balance, the revised parking area would not adversely impact upon residential amenity to an extent that could justify refusing planning permission.

### Design

27. In comparison to the previous application the proposed new building has been moved in a north westerly direction away from the rear of residential properties in Cavalier Drive. The building is now asymmetrically designed being predominantly single storey to the east, rising to two storey height in the west. The building would be brick built with tiled roofing. With the main front entrance dividing the single and two storey elements, giving visual relief to the building. The design as a whole appears satisfactory and is considered to be appropriate to the context of the street scene.

### Parking/Access

28. There are no highway objections subject to the following considerations:

- The centre is for a D2 community use only
- The provision of a traffic regulation order that would prohibit waiting at any time on the highway
- No barrier shall be installed at the entrance thereby preventing community parking
- Parking and access areas to be provided before first occupation of the new building
- Payment of the transport infrastructure contribution

### Planning Obligations

29. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following contributions.

#### Offsite Contributions:

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure which has been agreed by the applicants:

- Traffic Regulation Order - £5000.00
- Transport Infrastructure Improvements - £5734.41
- Nature Conservation - £1000.00
- Management & Monitoring Charge - £1000.00

Total Offsite Contributions equates to £12,734.41

## CONCLUSION

30. It is considered that the proposed development is acceptable in terms of scale and appearance, parking provision and would not have a detrimental impact on residential amenity and the street scene. Policies DD1, DD4, DD6, CS3, AM14 and EP7 of the adopted UDP (2005) are not considered to be detrimentally affected and the scheme is in compliance with adopted Unitary Development Plan Policies.

## RECOMMENDATION

31. It is recommended that the application be approved subject to:
- a) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the sum of £12,734.41 for the traffic regulation order, nature conservation, transport improvements and management and monitoring charge has been submitted to and agreed in writing by the Local Planning Authority.
  - b) The scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
  - c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary.

## **REASON FOR APPROVAL**

It is considered that the proposed development is acceptable in terms of scale and appearance, parking provision and would not have a detrimental impact on residential amenity and the street scene. Policies DD1, DD4, DD6, CS3, AM14 and

EP7 of the adopted UDP (2005) are not considered to be detrimentally affected and the scheme is in compliance with such adopted Unitary Development Plan Policies.

The decision to grant planning permission has been taken with regard to the policies and the proposals in the adopted Dudley Unitary Development Plan (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further details on the decision please see the application report.

### **INFORMATIVE**

The development hereby permitted shall be built in accordance with drawing nos. 1785/1, 17895/2, 1785/BP200 and the 1:1250 location plan, unless otherwise agreed in writing by the Local Planning Authority.

### **NOTE TO APPLICANT**

The grant of planning permission does not confirm the structural integrity of the proposed development. Local Planning Authorities do not have a duty of care to individual landowners when granting application for planning permission and are not liable for loss caused to an adjoining landowner for permitting development. Sections 77 and 78 of the Building Act 1984, provides Local Authorities with powers to take action with respect to dangerous buildings/structures. Therefore, should the development raise concerns in the future with respect to its structural stability there are powers under separate legislation to planning that would enable the situation to be rectified.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall not begin until a scheme for the provision of:
  - Transport Infrastructure Improvements
  - Traffic Regulation Order
  - Nature Conservation Enhancements
  - Management and Monitoringhas been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.
3. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
4. The premises shall be used for a community centre only (Use Class D2) and for no other purpose, including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.
5. No barrier shall be installed, at any time, at the entrance to the parking area or any other area within the car park.
6. The premises shall not be open to the public before the hours of 1000 nor after 2130 Monday to Saturday, or before the hours 1600 nor after 2000 on Sundays and Public Holidays.
7. There shall be no external loudspeakers installed or operated at the premises throughout the life of the permission.
8. Prior to the commencement of development, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority.
9. The Rating level of noise from equipment or machinery installed or used in connection with the development, when measured or assessed as a 60 minute LAeq (between 07:00 and 23:00 hours), shall not exceed the background level (LA90) by more than 5 dB on any day at any residential property.

The Rating level shall also not exceed the background LA90 level (between 23:00 and 07:00 hours) on any day when measured or assessed as a 5 minute

L<sub>A</sub>eq, at any residential property in the locality.

The L<sub>A</sub>90 background level referred to above is the background noise level representative of the local area, measured when the plant to which this approval applies is not in operation.

All measurements and assessments are to be made in accordance with the main procedural requirements of BS4142:1997 "Method of rating industrial noise affecting mixed residential and industrial areas". Noise levels, including background (L<sub>A</sub>90) levels, shall be measured or assessed at residential premises in the locality.

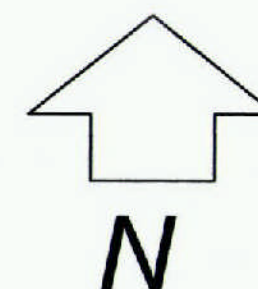
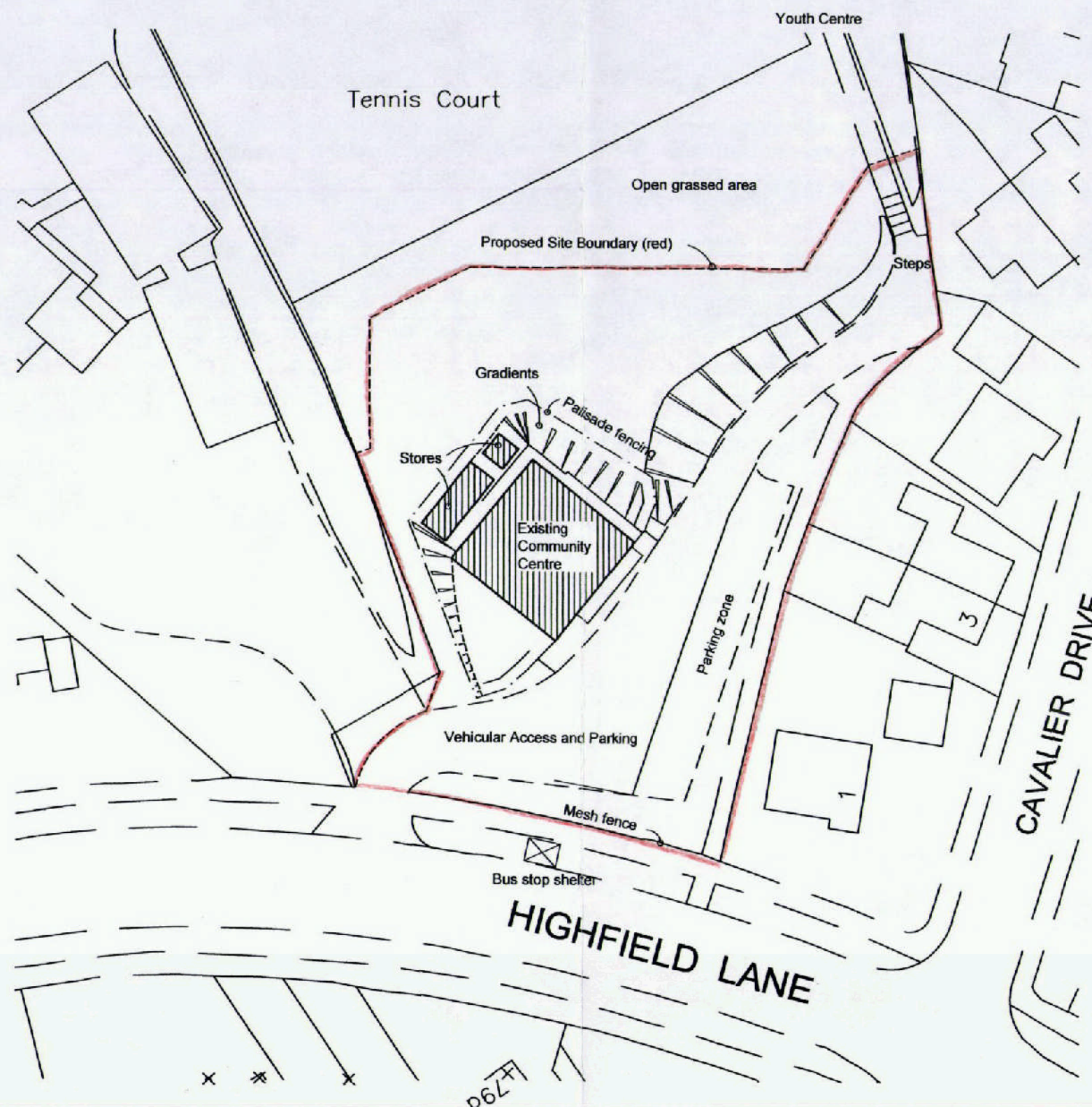
10. Prior to first use of the building hereby approved, the means of access and parking areas will be provided in accordance with the approved details and graded, levelled, surfaced, drained and marked out. These areas will be maintained for no other purpose for the life of the development.
11. Prior to the commencement of development, details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and thereafter retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
12. The development hereby approved shall not be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority, including details of a Travel Plan Co-ordinator, Staff Travel Survey, Car Parking Management, Walking and Cycling initiatives, Publicity and Marketing, Set targets and monitoring and to join Company Travel Wise in Dudley together with a timetable for the implementation of each such element. The Travel Plan shall be implemented in accordance with the details approved by the local planning authority and remain operational for the life of the development.



location plan (A3)

D10/0199

24 FEB 2010



notes

- See drawings 1785 / BP100 + BP200 + 1 + 2 + Existing Building Plan 1749/E1

SITE LAYOUT EXISTING

revisions  
A 02.10

michael a. chapman.

architect r.i.b.a.

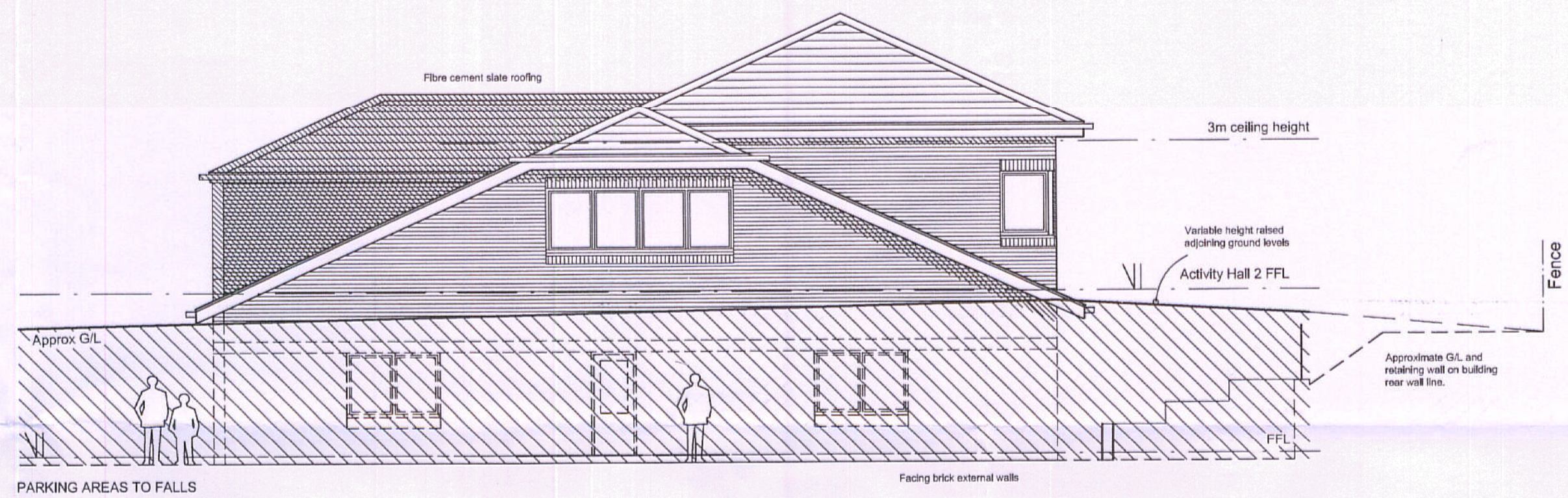
rumbow house, halesowen, west midlands. B63 3HU.

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JOB	NEW YEMENI COMMUNITY CENTRE		
CLIENT	THE HALESOWEN & DUDLEY YEMENI COMMUNITY ASSOC'N		
JOB NO.	1785	DWG. NO	SP1
DWN.	DATE. 01.10	SCALE.	1:500





REAR NORTH ELEVATION



SIDE WEST ELEVATION

notes

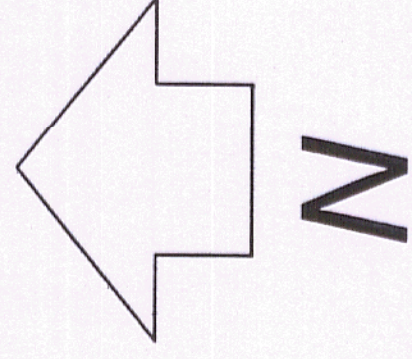
1. Ground levels approximate. A preliminary measured site survey only has taken place to date.
2. See drawings 1785 / SP1 + BP100 + BP200 + 1

revisions

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CLIENT	THE HALESOWEN & DUDLEY YEMENI COMMUNITY ASSOC'N		
JOB NO.	1785	DWG. NO	2
DWN.	DATE. 02.10	SCALE.	1/100



## Tennis Court



100.35 Denotes a proposed /estimated level

A 01.10 B 02.10 C 02.10

1:200