

## **PLANNING APPLICATION NUMBER:P05/2423**

Type of approval sought	Full Planning Permission
Ward	Amblecote
Applicant	Primary Asset LLP
Location:	<b>LAND ADJACENT TO, SQUIRES COURT, WITHYMOOR, BRIERLEY HILL, WEST MIDLANDS</b>
Proposal	<b>NEW TWO STOREY MEDICAL CENTRE TOGETHER WITH ACCESS, CAR PARKING AND CAR PARKING LIGHTING, FENCING WITH A1 PHARMACY USE</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### **SITE AND SURROUNDINGS**

1. The application site is an area of open land bounded by Turners Lane to the south and east and Squires Court to the west. Immediately to the north of the site is a disused changing rooms building and playing fields beyond. To the south of the site, on the opposite side of Turners Lane, is a Sainsbury's supermarket. Squires Court is a small residential cul-de-sac of 6 houses.

### **PROPOSAL**

2. Permission is sought to erect an L-shaped part single/part two storey medical centre at the site with ancillary pharmacy. The centre will replace existing facilities on Turners Lane. The submitted plans show 26 car parking spaces and cycle stands for the use of staff and members of the public. The site is to be enclosed by 1.8m high vertical bar steel railings. The site currently slopes down to the changing rooms building from Turners Lane – it is proposed to raise the ground level by up to 1m so that levels across the site are approximately the same, and to erect a new 1m high retaining wall on the boundary with the changing rooms

building upon which the proposed fencing is to be erected. Access to the site is via Squires Court.

## HISTORY

3. None.

## PUBLIC CONSULTATION

4. 5 letters of objection have been received, raising the following concerns over the proposal:
  - access to the site should be from Turners Lane, not Squires Court;
  - increased traffic congestion and on-street parking in Squires Court from users of the medical centre;
  - an existing car park nearby the site should be used to provide parking facilities for the development instead of providing parking on-site;
  - the proposed railings would be unsightly;
5. A 23-signature petition against the use of Squires Court as the access point to the proposed development has also been submitted.

## OTHER CONSULTATION

6. The HTRS has made the following comments on the proposal:
  - The development will be an expansion of the existing medical facilities on Turners Lane, and there is no indication that the size of the patient list will increase. The proposed pharmacy is ancillary to the main use of the site and is not considered to be a significant traffic generator in its own right;

- Squires Court is an adopted highway, however the existing turning facility ( from which access to the site is to be gained ) was not included in the highway adoption agreement and is believed to be in the ownership of the Council;
- The local highway network is capable of accommodating the volume of traffic generated by the development;
- Based on survey information provided by the applicant, it is considered that the level of parking within the development is acceptable;
- The site provides adequate turning space for service traffic;
- There is concern that the development does not have and can not provide vehicular access for traffic travelling along Turners Lane ( the length of Turners Lane in the immediate vicinity of the site is restricted to use only by buses and taxis, travelling eastwards away from the site ). Access to the site in this direction can only be gained via Sainsbury's car park, which may cause a danger to their customers. It could be contended however that due to the present surgery location this traffic movement already occurs but in reverse. The situation could be avoided by visitors to the centre using the existing car park on Turners Lane;
- There are existing bus stops immediately outside the site on Turners Lane which are considered suitable to meet the needs of the development;
- The proposed cycle stand area is remote with limited overlooking from the car park and building;
- Pedestrian access to the development to include wheel chairs and push chairs is required to be provided and improved;
- The pedestrian footway on the eastern side of Squires Court between the development access and Turners Lane is only 1.1m in width which is considered inadequate for pedestrian use. This footway should be upgraded to a width of 2m;
- There is no pedestrian footway on the western side of Turners Lane. The existing highway verge should be converted to footway

which would then provide a continuous link between the recreation car park and the development;

- To the north of the development, there is a definitive tarmac footpath maintained to a high standard. A link should be provided between this footpath and the development. The developer should be encouraged through negotiations with the local residents to erect and maintain signs to discourage pedestrians and cars from entering the private residential area;
  - A Travel Plan should be submitted prior to occupation of the development.
7. The HEP is concerned that noise from vehicle movements at the site may adversely affect the amenities of residents of Squires Court. The proposed parking areas should therefore be sited further away from residential properties and vehicular access to be gained from Turners Lane only. Alternatively a 2m high acoustic barrier should be erected on the site's boundary with Squires Court.

## RELEVANT PLANNING POLICY

8. Policies CS2 ( Health and Social Care Facilities ), DD1 ( Urban Design ), AM14 ( Parking ) and Policy LR1 ( Open Space ) of the UDP.

## ASSESSMENT

9. The site is located on an area of open space. Policy LR1 of the UDP aims to protect open space for its diverse amenity value and its positive contribution towards regeneration and enhancement of the urban environment. The policy seeks to resist development if it would result in the loss of open space unless it is of little value in terms of recreation, visual amenity, local distinctiveness or conservation. This particular site is within an area which is not deficient in open space, is not a particularly attractive piece of land, and does not have any value in

regards to conservation. The loss of this piece of land would not therefore be significant in terms of open space protection.

10. Policy CS2 advises that the Council will assist health service providers in identifying suitable sites for new health care facilities, and that proposals for such facilities will be favourably considered so long as such developments do not have any demonstrable adverse effect on residential character and amenity and are easily accessible by a range of modes of transport. The site is readily accessible by foot, cycle, and by bus. Whilst the development of a medical centre at the site would not have any detrimental impact on the character of this residential area ( given the existence of a large supermarket with ancillary petrol filling station in such close proximity ), the development will impact on the amenity of occupants of nearby dwellings from general activity at the site. However any such impacts would not be to any significant extent which may warrant refusal of this application on the grounds that it contravenes Policy CS2. With regard to the comments of the HEP, the erection of an acoustic barrier at the site to minimise noise impacts would not be desirable because of potential adverse visual impacts from the erection of 2m high continuous solid fencing. It is recommended that a condition be imposed should permission be granted to restrict opening times and to prohibit opening on weekends to safeguard residential amenity. A condition should also be imposed which seeks to minimise the spillage of light outside the site.
11. In design terms the proposed building would make a positive contribution to the character and appearance of the area with regard to its massing, height and materials, and as such it is considered that its character and appearance are appropriate to its use and recognisable as such. The proposal is therefore consistent with the aims of Policy DD1.
12. With regard to the concerns of objectors to the proposed scheme, the HTRS has not raised any objection to the use of Squires Court as the access point to the site. Access to the site cannot be gained from

Turners Lane as it is currently a bus and taxi lane only. The proposed amount of on-site parking in itself is sufficient to serve the development, and is of a level which is consistent with the aims of Policy AM14 which seeks to reduce reliance on car usage and encourage the use of other travel modes. The fencing on the site's boundaries is of a type which has been recommended to the applicant by the police to be used to secure the site, in order for the development to achieve 'Secured By Design' status.

13. Amended plans have been submitted which address the concerns of the HTRS in respect of the layout of the site ( the amendments relate to the widening of Squires Court and the location of cycle stands ). Although the applicant's Highways consultants dispute the need for the other works suggested by the HTRS ( external to the site ) to be carried out, the amended plans do show both a new link from Squires Court to the existing footpath to the north of the site and a new footpath on Turners Lane which links to the recreation ground car park. The HTRS has recommended that the existing car park on Turners Lane be used in connection with this development ( to avoid vehicles having to 'rat run' through Sainsburys car park to reach the site ) - this land is within third party ownership and therefore the applicant cannot legally be required to secure its use as part of this planning application ( this applies equally to the other measures requires to be carried out by the HTRS which are external to the site ). However the applicant has indicated that, as part of the land purchase contract from the Council, additional monies will in any case be paid to enable the Council to carry out the works recommended by the HTRS which are external to the site whilst allowing for construction works to progress on the medical centre.

## CONCLUSION

14. The proposal is in accordance with Policies CS2, DD1 ( Urban Design ), AM14 and Policy LR1 ( Open Space ) of the UDP.

## RECOMMENDATION

15. It is recommended that planning permission be granted subject to the following conditions

### Informative

This development is approved as it is considered to conform with the requirements of policies CS2, DD1, AM14 and LR1 of the adopted Unitary Development Plan.

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. This permission relates to plan drawing no.s 04-766/08G, 04-766/19C, 04-766/07U, 04-766/20A, NTS/016/100 Rev.T1, B3538-E-04 Rev I (external lighting details only).
3. The building hereby approved shall not be occupied until the parking spaces at the site have been surfaced and marked out. The spaces shall thereafter be retained in perpetuity and shall be used for no other purpose than the parking of vehicles.
4. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations have been submitted to and approved by the local planning authority. The development shall thereafter be constructed in accordance with such details.
5. No development shall commence until details of the proposed boundary treatment of the site have been submitted to and approved in writing by the local planning authority. Such treatment shall be provided prior to first occupation of the building and shall be retained for the life of the development.
6. The development hereby approved shall not be in operation between the hours of 19.00 and 0.730 Monday to Friday, and shall not be in operation at all on weekends and Bank Holidays
7. Noise resulting from the use of plant, machinery or equipment shall not cause background noise levels to be increased by more than 5dB(A) as assessed in accordance with BS 4142 1997
8. All external lighting shall be installed so as to minimise the spillage of light from the site and shall thereafter be maintained or adjusted as required by the Local Planning Authority.
9. Within 3 months of the date of the first occupation of the medical centre a Travel Plan shall be submitted to and approved by the local planning authority. Items to be incorporated into the Travel Plan shall include Travel Wise, a dedicated travel plan co-ordinator, travel to work

survey, new recruits, visitor travel and cycle storage, showering and changing facilities

10. The details of the emergency exit ramp to Turners Lane shall be submitted to and approved by the Local Planning Authority and thereafter implemented and retained for the life of the development in accordance with the approved details, prior to the first occupation of the building hereby approved.