

PLANNING APPLICATION NUMBER: P09/0095

Type of approval sought	Full Planning Permission
Ward	LYE & WOLLESCOTE AMBLECOTE
Applicant	Director of Children's Services
Location:	THORNS COMMUNITY COLLEGE, STOCKWELL AVENUE, QUARRY BANK, BRIERLEY HILL, DY5 2NU
Proposal	ERECTION OF MULTI-USE GAMES AREA'S WITH ASSOCIATED FLOODLIGHTING AND FENCING. (RESUBMISSION OF P08/1214)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 This particular site is located on the southern side of Stockwell Avenue in Brierley Hill. The proposed are currently forms part of The existing complex of Thorns Community College and Primary School.
- 2 The main entrance to the school is made off Stockwell Avenue and is from a lay by. Vehicles may enter the site to use the dedicated tiered car park. The site slopes down from this point to the school/college complex. The school/college building is set on relatively flat land with only gently falls to the south across the site.
- 3 Another access point to the school can be made from the east . this is via a pedestrian route from the Thorns Road to the south of the Primary school. This path wraps around the periphery of the Primary the exits near the main car parks to the school.
- 4 To the west of the main school building is the playing field which form part of the school complex. This is presently grassed and laid out as two football pitches and one rugby pitch The field is outlined by banked land. Much of the area contain deciduous trees with a more substantial group on the south western side.
- 5 The site has surrounded on three sides by residential properties. The houses along Stockwell Avenue are higher than the site with rear garden facing the

sports pitches, as the levels fall this leaves the land higher than the houses along Grosvenor Way, Mousehall Farm Road and Tuner Drive. Here many of the houses here are set at right angles to the road. The site is located within predominately a residential area.

PROPOSAL

- 6 This particular proposal is for the construction of a new multi use games area or MUGA. This is to be provided by two discrete areas with associated floodlighting and fencing around the area.
- 7 The main MUGA extends 106m X 70m with a secondary MUGA (located on the southern part of the main MUGA) extending 17m X 33m. The large MUGA can be utilised as a full size football pitch or divided into smaller 5 a side pitches or other sports. The mini MUGA will be used by Old Park Special School for 5 a side, netball and wheel chair sports
- 8 Around the two MUGA's a 5m protective fence is proposed at the periphery of the pitches.
- 9 It is proposed to floodlight the main MUGA. This is to be delivered via 8 floodlight columns. These columns are a maximum of 15m in height. This allows the pitches to be used out of the main school hours and for wider community use.
- 10 The application has also been supported by the following documents:
 - Design and Access Statement*
 - Sport pitch report supporting info for PPG17 and Sport England*
 - Ecological Report*
 - Background/information for footpath in the location*
 - Background/additional info for land stability*

HISTORY

- 11 In this section if there is any relevant history it should be presented in the form of a table (see below) and any additional comments should be included after.

APPLICATION No.	PROPOSAL	DECISION	DATE
P08/1214	Erection of Multi Games Area's with associated floodlighting and fencing	WITHDRAWN	29.7.08

Application P08/1214 was Withdrawn undetermined as there were a number of unresolved issues relating the site. Namely an unresolved objection from Sport England in regard to more information required with regards to the replacement facilities and the requirement to consider the impacts on wildlife with regard to the floodlighting and the stability of the bank. These issues have now been addressed and are detailed in the report.

Other history of the site relates to the development of the two existing schools and previous works/extensions.

PUBLIC CONSULTATION

12 Application advertised as follows:

13 Site Notice posted 5.2.09 Expires 26.2.09

Press notice posted 7.2.09 Expires 28.2.09

197 Direct Neighbouring letters sent

1 objection received – Children coming into the garden at lunch time. Ongoing issues with litter and cars parking during school drop off and pick up times. With this development this problem will worsen and bring more noise, bright lighting and people to events, with the new school will bring even more vehicles. Having lived in the area for 25 years concerned about the disruption this development would bring. Road is residential but is being used as a cut through. We hope the Council will not give approval for the proposal.

OTHER CONSULTATION

14 Group Engineer (Development): Consulted – No objection 11.2.09

Lighting Engineers – Consulted 4.2.09 – Would prefer to see low lighting impact solutions. Lanterns specified need to be horizontally mounted to reduce visibility of light source to adjacent household and louvers spill shield and back plates shall be employed – 24.2.09

Head of Environmental Health and Trading Standards: No objection subject to conditions in regard to the lighting columns (angle of light source) and hours of use of MUGA's

Sport England: Consulted – Satisfied that development meets exception E5 of PPG17 therefore Sport England raise no objection subject to conditions – 2.3.09

Policy/Ecology – Consulted – Comments awaited.

RELEVANT PLANNING POLICY

- 15 Dudley Unitary Development Plan – 2005
- S2 – Creating a More Sustainable Borough
 - S14 – Community Development
 - S16 – Access and Movement
 - DD1 – Urban Design
 - DD4 – Development in Residential Areas
 - DD10 – Nature Conservation and Development
 - UR10 – Unstable Land
 - AM14 – Parking
 - CS4 – Educational provision
 - LR4 – Young Persons Informal Recreation
 - LR5 – Playing Fields
 - LR6 – Protection of Sport and Recreation Facilities
 - NC1 – Biodiversity
 - NC6 – Wildlife Species
 - NC9 – Mature Trees
 - EP6 – Light Pollution

Supplementary Planning Document(s)

Parking Standards and Travel plans

Nature Conservation

- 16 PPS1 – Delivering Sustainable Development (2005)
 PPS9 – Biodiversity and Geological Conservation
 PPG13 Transport
 PPPG17 – Sport and Recreation
- 17 Regional Spatial Strategy for the West Midlands - RSS
- UR4
 PA1
 QE1
 QE4
 QE7
 T1

ASSESSMENT

- 18 The Key Issues for this site are as follows:

- Principle
- Visual Appearance
- Residential Amenity
- Ecological Impacts/Impact on trees
- Highway
- Other issues

Principle

- 19 The site falls within a well established wider residential area and within the grounds of an existing school campus. In that respect the proposal would be considered in line with the current uses.
- 20 One of the main issues relates to the loss of the existing playing fields for the development. It is acknowledged that the loss of such playing field requires a full assessment. The applicant has provided a report on the loss of the existing facilities and the replacement on part of these by the MUGA's.
- 21 PG17 identifies 5 exceptions to the loss of playing fields. In this instance Sport England have indicated that exception policy E5 would be met by the development as it provides facilities beneficial to sport.
- 22 The proposed MUGA's would be sited within an established sports field. The sports field currently provides facilities for field sports like rugby and football however the MUGA's have provided facilities to encourage the increased use of the field, which is presently under utilised due to poor drainage. It is considered the proposed area would encourage/diversify the use of the area for different sports in accordance with Policy S2 and DD4 of the Dudley UDP and that the a development of this nature in a residential area and its associated siting within this field is an appropriate for this development and the proposed development would cater for the needs of the existing schools other groups within the area in accordance with policy LR5 .
- 23 Therefore the general principle of development of the nature as described by the application is considered acceptable.

Visual Appearance

- 24 The proposed MUGA would have an artificial surface appropriate to its intended use. The surface will be a hard surface similar to others in the Borough. The siting of the MUGA west of the main buildings towards the southern side of the site. Whilst the MUGA's will not involve enclosure within a building they will nevertheless be clearly visible when viewed from the school and surrounding houses primarily towards the

North. Whilst the pitches would be seen it is not considered unreasonable from a visual point of view given there are currently pitches on the site. The new MUGA's would be sited next to the existing football pitches ensuring it is compatible with the surrounding area. In this regard the MUGA is considered as an acceptable addition to the existing pitches and in accordance with the requirements of Policies DD4 Development in Residential Areas.

- 25 The MUGA's will be lit to provide extended use for the schools and the areas will be clearly defined and visible when lit. Concerns have been raised with regard to the illumination and extended use of the pitches. In order to ensure the any visual intrusion is minimised the Council lighting engineers and environmental health officers have suggested that the lighting source is protected with louvers and are angled accordingly. Hours of use conditions have also been suggested to control the usage of the new MUGA's. It is considered that the imposition of suitable conditions to control the design of the louvers and restriction of hours will ensure the development complies the requirements of Policies DD4 Development in Residential Areas of the adopted UDP (October 2005).

Residential Amenity

- 26 The proposed MUGA's are located on the western elevation of school. Sections have been provided through the site. These clearly show the differences in levels and the terraced nature of the surrounding area. The main MUGA is over 45m metres away from the gable/end wall of number 27 Grosvenor Way, set at a lower level and 85m from number 68 Stockwell Avenue. The separation distances would provide adequate amenity to these properties although, as previously stated the MUGA will be clearly visible from the properties in Stockwell Avenue. This impact will vary at different times of the year when the trees are in leaf.
- 27 As previously commented on the MUGA's are lit however the imposition of suitable conditions to which is at a higher level. due to their central location within this established park and separation distance of 70m as a minimum from the nearest residential property would not be considered to have a detrimental effect on the residential amenity of the surrounding occupiers of the park. It is accepted that this type of development, particularly the state park, would generate noise. This however is not considered to be any worse, on balance, than that of the existing recreational facilities already in situ.
- 28 The letter of objection indicates a number of issues. Issues of parking and use of private gardens and associated problems of littering. Whilst it is appreciated that this

appears to be an issue, it is clearly not directly caused by this application but an ongoing management issue of the school. Cars travelling and using Stockwell Avenue is outside the control of the school and may be controlled through separate legislation and not the planning acts.

Impact on Wildlife/Trees

- 29 The proposed MUGA development would involve the loss of a number of trees on the southern side of the site. There are 20 young saplings affected and these will be removed and replanted along the southern boundary to improve the visual buffer on this boundary. This may be adequately controlled by the imposition of suitable conditions to ensure the retention and replacement of trees on site.
- 30 The application has been supported by an ecological report and this has indicated that as the current sports pitches are highly managed severely limits any diversity of species and potential for flora and fauna. This also discourages any roosting for bats and other nocturnal creatures. The new development could potentially have an impact on wildlife but it is noted that the floodlights can impact on nocturnal species. The report goes on to note that the lights will be commonly utilised for longer/extended period during the winter months and this would have a negligible impact on bats as they would be in hibernation. Mitigations have been suggested and again these may be controlled with conditions. It is considered that the application complies with the requirements of Policy DD10, NC1 NC6 and NC9 of the adopted UDP (October 2005).

Highways/Footpaths

- 31 No alteration to the exiting access is proposed to the development. The MUGA's will be served by the present car parks and access arrangements. Your Highways engineers have no objections to the proposed arrangements and therefore the scheme will accord with the provisions of the policy AM14 of the adopted UDP.
- 32 Previously comments had been received regarding the existence of footpaths across the site and the impact of the development on them. It is known that the public have over years used the playing fields from points around the school, however these are not recorded as public rights of way.

Other Issues

- 33 Land stability was queried on the previous application and the applicant has provided additional information in support of the proposal. It has been found that the slope is not too steep and is planted with trees and shrubs. A toe berm (or French drain) is located at the toe of the slope and these enhance land stability. It is considered that there will be no additional load to the slope caused by the development and therefore the imposition of a condition to ensure adequate drainage works are undertaken is suggested. The development accords with policy UR10 of the UDP.

CONCLUSION

- 34 The proposed MUGA would be sited within an established sports pitch and would provide facilities to encourage the increased use of the existing grounds and facilities for the school and wider community. The development is served by the existing access and parking and is suitably located to ensure that the amenities of neighbouring properties are not adversely affected with conditions suggested to ensure a satisfactory appearance to the development. The development complies with the adopted UDP and is considered acceptable in this location.

RECOMMENDATION

- 35 It is recommended that the application be approved subject to the following conditions:

Reason for approval

The proposed MUGA would be sited within an established sports pitch and would provide facilities to encourage the increased use of the existing grounds and facilities for the school and wider community. The development is served by the existing access and parking and is suitably located to ensure that the amenities of neighbouring properties are not adversely affected with conditions suggested to ensure a satisfactory appearance to the development. The development complies with the adopted UDP and is considered acceptable in this location.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (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 detail on the decision please see the application report.

The development hereby permitted shall be built in accordance with the approved plans numbered **[A150, A151, A152, A153, E100M, P100 (Location plan)]** unless otherwise agreed in writing by the Local Planning Authority.

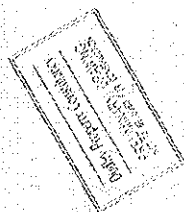
These amendments might be either minor amendments agreed through correspondence, or an application to vary the consent, the conditions or a whole new application for the site or part of it.

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. 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 MUGA 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.
3. Prior to the commencement of development, details of the works for the disposal of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details prior to the occupation of the dwellings hereby permitted.
4. Prior to the commencement of development, details of the floodlights shall be submitted to and approved in writing by the Local Planning Authority. These details shall include mounting and louvers proposed and the main beam angles *(shall be below 70 degrees). The development shall be carried out in complete accordance with the approved details and shall be maintained for the life of the development.
5. The MUGA's shall not be open to the public before the hours of 0900 nor after 2100 Monday to Friday, before 0900 or after 1700 on Saturdays, Sundays and Public Holidays.
6. No development shall take place until there has been submitted to, and approved in writing by the local planning authority details of the tree protection measures on site. The details shall include:

- a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected is to be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 'Trees in Relation to Construction – Recommendations'.
 - d. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 – 2005 'Trees in Relation to Construction – Recommendations'.
7. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:
- Implementation, supervision and monitoring of the approved Tree Protection Plan.
 - Implementation, supervision and monitoring of the approved Treework Specification.
 - Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.
 - Timing and phasing of arboricultural works in relation to the approved development.
8. All the existing trees and hedges indicated on the approved drawings to be retained shall be protected by suitable fencing and at a suitable distance as outlined in BS:5837 – 2005 - 'Trees in Relation to Construction', or such alternatives as may be agreed in writing by the Local Planning Authority. Such fences shall be erected before any materials are brought onto site or development commences. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence(s), nor shall any changes in ground level be made within the fence(s) unless previously agreed in writing by the Local Planning Authority.
9. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction

period of the development without the prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the local planning authority.



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Dixie Power Company

Printed from the "Star" 1900, page 11.

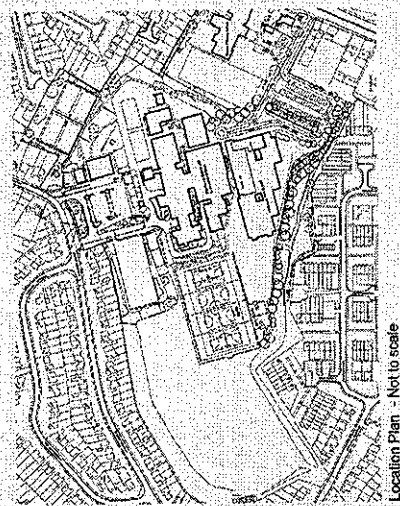
Therons Community Learning Village

Location Plant

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Dudley
 PROPERTY CONSULTANCY
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 04/08
 AMPH1235
 A151

NOTES



Location Plan - Not to scale

Refer to site plan for details of
 proposed layout and
 landscaping

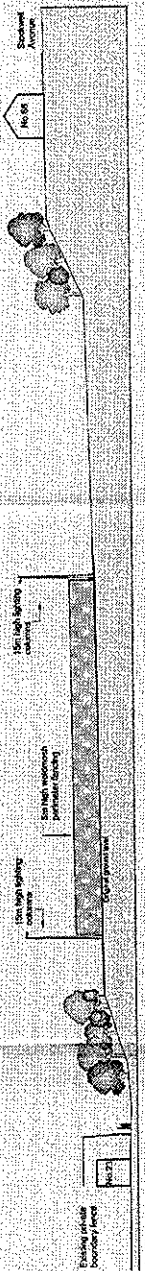
REGION	RECOMMENDATION	DATE

Dudley Property Consultancy
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 04/08
 AMPH1235
 A151

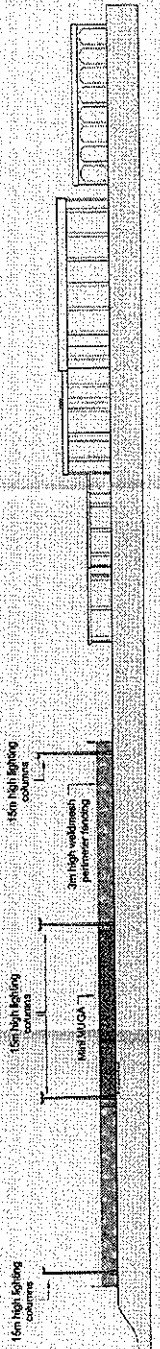
Thorns Community Learning Village

Multi Use Games Area
 Proposed Plan and Elevations

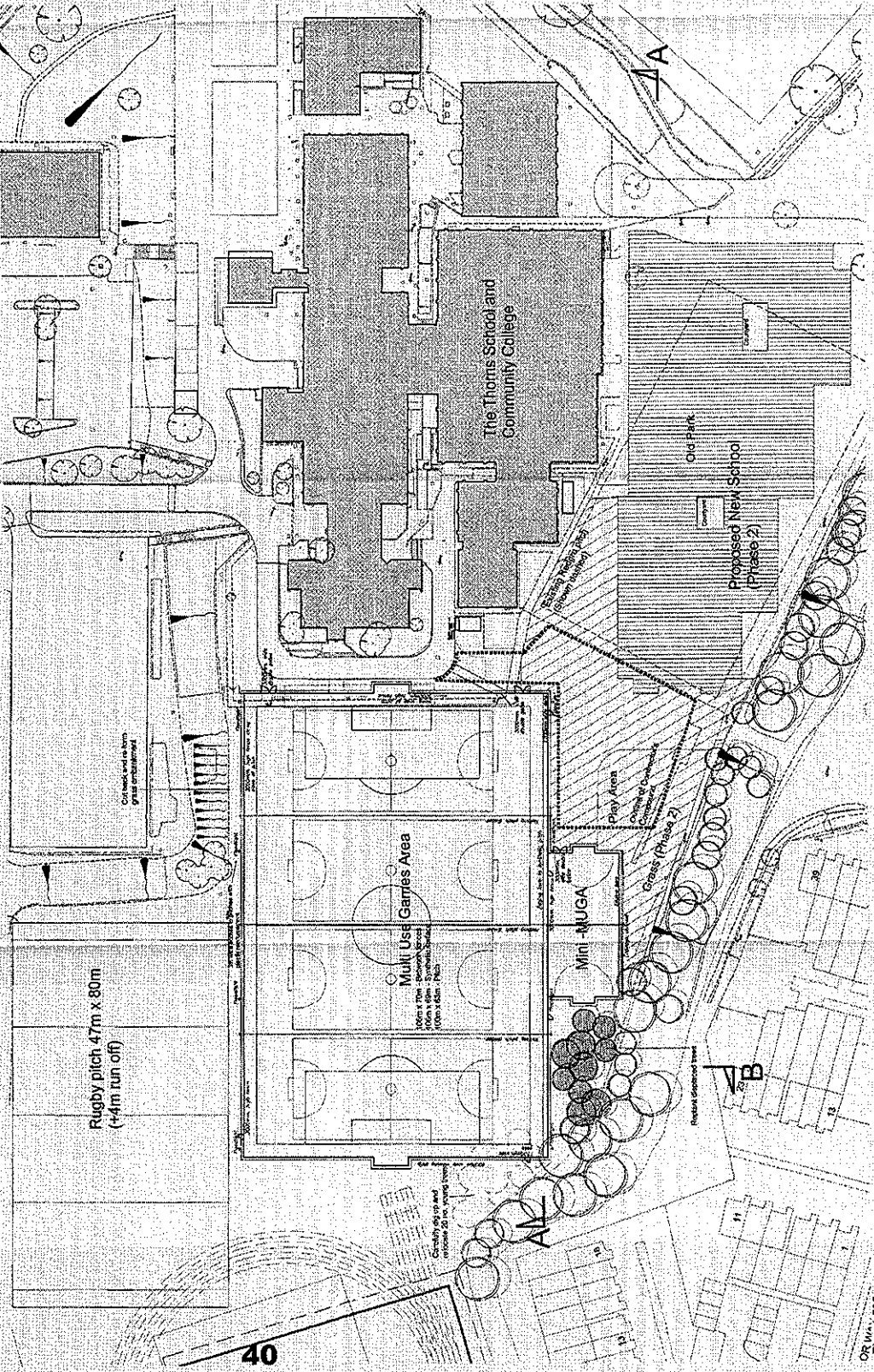
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 Revision: A151



SECTION A - A



SECTION B - B





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PRECEDENT

Dudley Property Consultancy

Directorate of Law and Property
Exley Metropolitan Borough
Director of Law and Property
Polytronika, L.B. Solicitor
Head of Exley Property Consultancy
Exley, B30 1AA

PROJECT
Thoms Community Learning Village:

PRAYAG Site Plan as Existing

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31,08

Source: *Journal of the American Medical Association*, 2000; 284: 1365-1370.

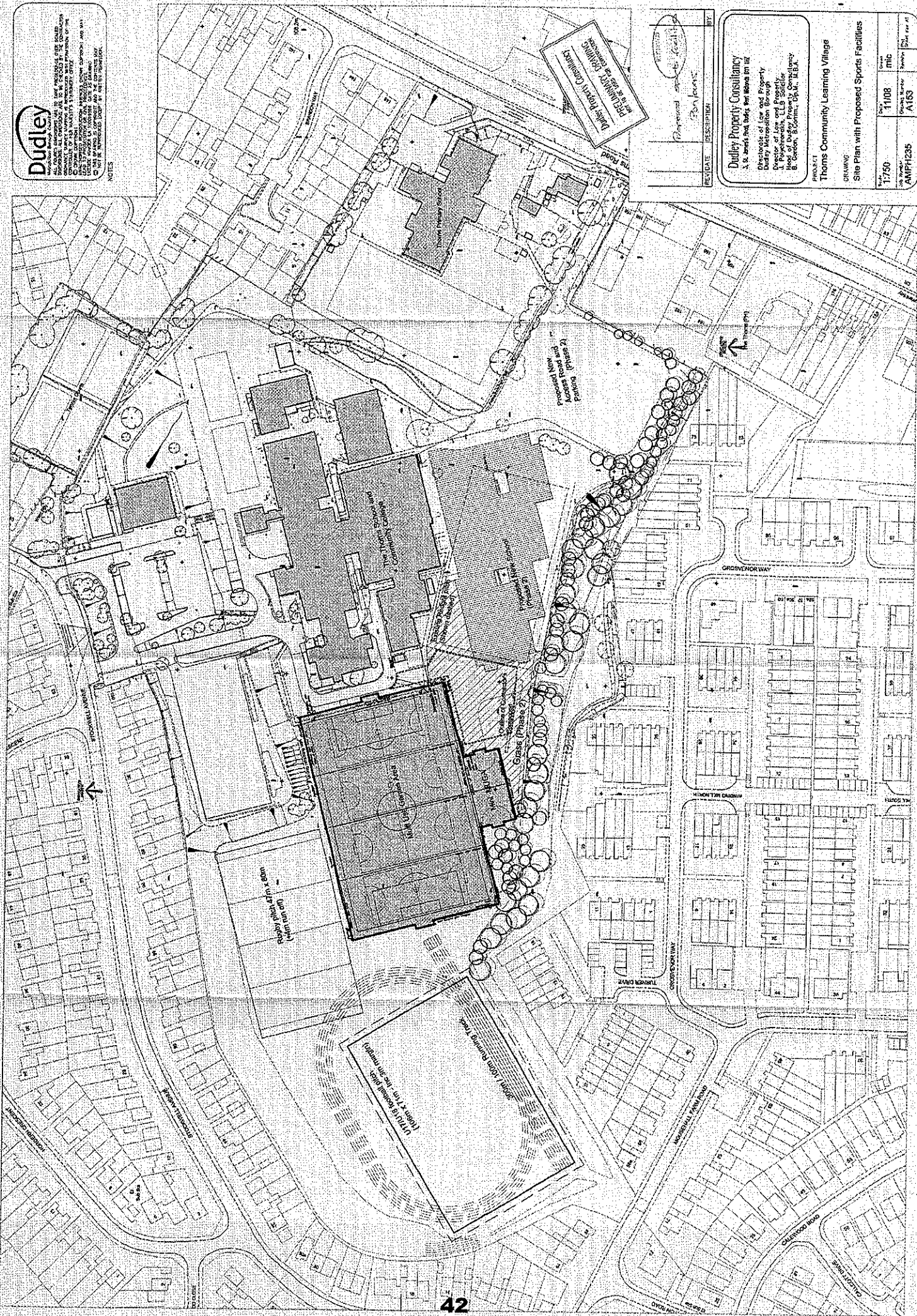
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NOTES



REVISION	DESCRIPTION	BY
1	Prepared on 15/10/2011	Ben Jones

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 Dudley Metropolitan Borough
 Director of Law and Property
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 Head of Dudley Property Consultancy
 B. Gordon, B. Gordon, C. M. E.B.A.

PROJ. 11
Thoms Community Learning Village

DRAWING
Site Plan with Proposed Sports Facilities

Drawn by	11/108	Scale	1:100
Check by	AMPH235	Date	11/108