

PLANNING APPLICATION NUMBER:P10/0124

Type of approval sought	Full Planning Permission
Ward	NETHERTON WOODSIDE & ST ANDREWS
Applicant	Hillcrest School & Community College
Location:	HILLCREST SCHOOL AND COMMUNITY COLLEGE, SIMMS LANE, NETHERTON, DUDLEY, WEST MIDLANDS, DY2 0PB
Proposal	USE OF ALL WEATHER SPORTS PITCH FOR DRIVER INSTRUCTION AND TRAINING (OSG) ON SATURDAYS AND SUNDAYS (RETROSPECTIVE)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site measures 0.56 hectares and comprises the all weather sports pitch (red gra) within an area located at near to the north-eastern boundary of the school site.
2. The school site is located within a mixed use area. The proposal site is located 65m away from the main school and at least 20m from the closest residential dwellings. It is located at least 5m from the nearest pedestrian and vehicular highway.
3. The existing main vehicular and pedestrian entrance to the school is off Hill Street. The school/college building is set on higher ground level, which falls gradually in levels to the North of the school grounds.
4. There is a further vehicular access point to the school accessed from Simms Lane to the redgra.
5. To the western boundary of the site there is a row of mature deciduous trees. The application site is designated as within an area of Linear Open Space and within a Landscape Heritage Area.

PROPOSAL

6. The proposal seeks the use of the all weather sports pitch for driver instruction and training (OSG) on Saturdays and Sundays (Retrospective). The application has been submitted in conjunction with P10/0125 (non-illuminated banner sign).
7. The site has been used for pre-17 year old driver training, with 15 No. pupils on the initial training programme undertaking hourly lessons. The facility has been used on Saturdays and Sundays between the hours of 09.00 and 15.30 since November 2009. The owners are normally there from 08.00 to set out the course in time for the first lessons. Planning permission is sought to operate driver training between the hours of 8.30-17.00.
8. Further information provided on 23 February 2010, states that there would be no more than 3 cars using the area at any one time. The maximum speed of vehicles would be between 15-18 mph as due to the length of the area available, drivers would rarely be able to get out of second gear. Drivers would be restricted to this speed by their instructors (6 No. in total), as they practice low speed, turning manoeuvres and it would not be necessary for them to go above that speed.
9. The area had been used for staff parking until the opening of the new car park off Hill Street. Previously, the site was used by around 80 vehicles per day, for 5 days per week.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
DY/56/279	Erection Of New Secondary Modern School And Formation Of Playing Fields.	Granted	04/06/56
DY/57/30	Erection Of Caretakers House.	Granted	10/01/57
DY/57/697	Erection Of Boundary Wall With Railings And Gates	Granted	11/11/57
DB/69/5654	Erection Of Two Storey Block And Gymnasium	Granted	19/08/69
CD/75/2198	Extension To Comprehensive School.	Granted	15/01/76
87/51780	Erection Of Storage Building.	Granted	
90/50664	Application For Deemed Consent Under Regulation 4 For Siting Of Recycling Skip.	Granted	05/07/90
91/51853	Application For Deemed Consent Under Regulation 4 For Erection Of Two Storey Extension To Provide Six	Granted	12/12/91
92/51452	Erection Of Leisure Centre (Relocation) (Regulation 3)	Granted	08/10/92
92/50899	Deemed Consent Under Regulation 4 For Erection Of Leisure Centre.	Granted	08/07/92
94/51826	Adaptation Of Existing Tennis Courts To Provide All-Weather Courts/Pitches Including The Erection Of Walling With Mesh	Granted	02/02/95
99/51269	Erection Of 1.8 Metre High Powder Coated Paladin Fencing.	Granted	07/10/99
P01/0682	Erection Of 2 M High Paladine Fence And Gates -	Granted	4/06/01

	Powder Coated Green.		
P04/1023	Single Storey Extension To Create New Entrance	Granted	13/07/2004
P05/1722	Erection Of A Mobile Classroom.	Granted	15/09/2005
P05/1851	Erection Of A Double Mobile Classroom	Granted	7/10/2005
P05/2187	Erection Two Storey Block To Create Performing Arts Centre	Granted	25/11/2005
P08/0486	Construction Of Car Park, New Vehicular And Pedestrian Accesses And Provision Of Open Space/Wildlife Corridor	Withdrawn	04/06/2008
P08/0489	Erection Of A New Dining Hall And A Classroom Block With Covered Bridge Link To Existing School. New Pedestrian Accesses	Withdrawn	04/06/2008
P08/1152	Erection of new dining hall and a classroom block with covered bridge link to existing school. New pedestrian accesses	Approved subject to conditions	16/10/2008
P09/1443	Siting of storage container for a period of 3 years (retrospective)	Approved with conditions	18/12/2009
P10/0125	Display non-illuminated banner sign (retrospective)	Approved with conditions	Not yet determined

PUBLIC CONSULTATION

10. A site notice was displayed and direct notification was undertaken to which five responses were received on the following grounds:

- The redgra is a sports facility for the use of Hillcrest pupils, which was taken over as an emergency measure for car parking. It should not be used by a private company to run a business use from this location.
- Dust blown up from the cars using the pitch was determined by Environmental Health to be detrimental to the health of residents opposite in 1-6 Simms Lane and causing damage to cars/property (sandblasting). The parking use was to end as soon as a parking solution was reached, and a speed restriction of 8 miles per hour would be enforced.
- The gates giving access to the pitch did not have the benefit of planning permission, due to them being classed as emergency gates for emergency vehicles to use and by Dudley MBC for maintenance of grounds. However, it is now proposed that the public can use the entrance and this has lead to the public entering the grounds at will, causing a security issue.
- There is a discrepancy in the hours of use, as the driving school states use from 8.00am, but have arrived as early as 7.30 am.
- The driving school are using the green storage unit, which is intended for school use.
- The pitch is not suitable for learning to drive on, because procedures such as the emergency stop cannot be taught on the surface, because skidding and speed restrictions would limit the manoeuvre.
- The cars pull up opposite the dwelling houses, resulting in loss of privacy.
- Simms Lane is a commercial area, with the only respite for residents being found during the weekends when the school is not in use.
- When the pitch is wet, it becomes unusable due to flooding and mud making it unsafe to use.
- The use of the fence/railings as an advertising board is miss- use of the fence, which is intended for a security measure.

OTHER CONSULTATION

11. **Group Engineer, Highways:** No objection
12. **Environmental Protection:** No adverse comments in terms of noise. The site is currently used as a car park with no recent issues of noise. The proposed use will generate very little additional noise and is unlikely to adversely affect the residential dwellings to the East.
13. **Head of Sport and Physical Recreation:** No objection

RELEVANT PLANNING POLICY

14. Unitary Development Plan
 - DD4 Development in residential areas
 - DD7 Planning Obligations
 - HE2 Landscape Heritage Area
 - LR6 Protection of Sport and Recreation Facilities
 - LR1 Linear Open Space
15. The site is designated as Linear Open Space and Landscape Heritage Area (Netherton) within the Adopted Dudley Unitary Development Plan (2005).

ASSESSMENT

16. Key Issues
 - Principle
 - Impact upon Residential Amenity
 - Planning Obligations

Principle

17. The existing sport and recreation facilities would be preserved for school use during the week days and no sports groups use the facility at weekends. There are no physical alterations taking place on the surface and no encroachment is taking place on the adjacent turfed areas, therefore it would not interfere with the weekly school

activities. Furthermore there would be no harm upon the function of the Linear Open Space and Landscape Heritage Area. The proposal would therefore comply with policies LR1, LR6 and HE2 of the Adopted Dudley Unitary Development Plan (2005).

Impact upon Residential Amenity

18. There have been several objections from local residents, received on the grounds of the proposal resulting in an adverse impact upon residential amenity.
19. However, there are no objections from Environmental Protection, stating that the site has been used as a car park with no recent issues of noise. The proposed use would generate very little additional noise and is unlikely to adversely affect the residential dwellings to the East. These dwellings are located at least 20m away from the site. It is therefore considered that the use does not have a significant adverse impact upon the residential amenity of the occupiers of nearby properties thereby being in accordance with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005).

Planning Obligations

20. The proposed use operates on weekends only, therefore there would be no requirement to provide planning obligations to mitigate against planning loss to the community

CONCLUSION

21. The proposed use would retain the existing sport and recreation facilities for school use during the week days and there would be no harm caused to the function of the Linear Open Space and Landscape Heritage Area. There would be no significant adverse impact upon residential amenity. The proposal is therefore in accordance with Policies DD4, LR1, LR6 and HE2 of the Adopted Dudley Unitary Development Plan (2005).

RECOMMENDATION

22. It is recommended that the application be approved subject to the following conditions:

Reason for approval

The proposed use would retain the existing sport and recreation facilities for school use during the week days and there would be no harm caused to the function of the Linear Open Space and Landscape Heritage Area. There would be no significant adverse impact upon residential amenity. The proposal is therefore in accordance with Policies DD4, LR1, LR6 and HE2 of the Adopted Dudley Unitary Development Plan (2005).

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.

Note to Applicant

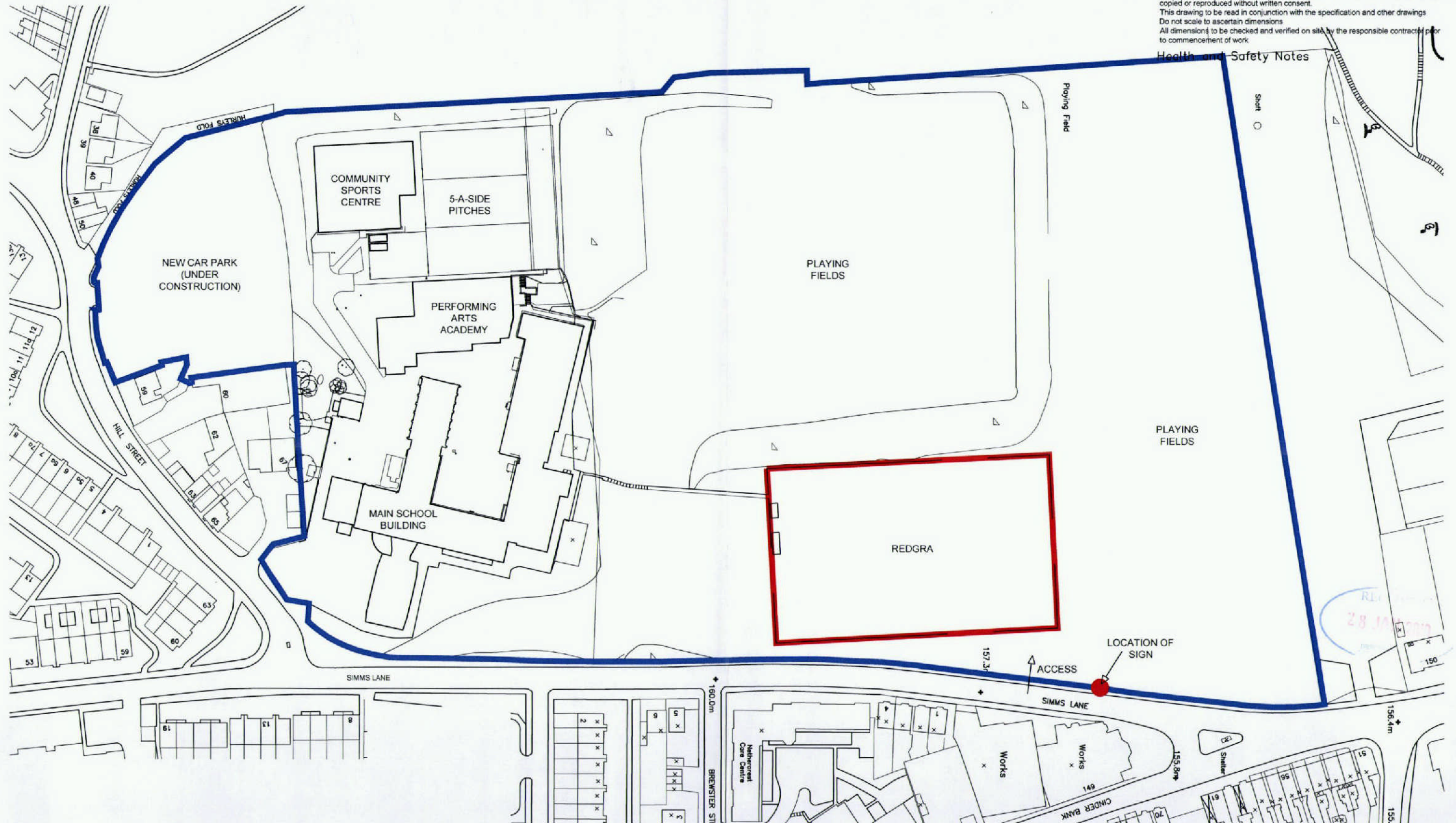
The development hereby permitted shall be built in accordance with the approved plans received on 28 January 2010, unless otherwise agreed in writing by the Local Planning Authority.

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 use of the all weather sports pitch for driver instruction and training shall not be operated before 08.00 hours or after 1700 hours on Saturdays and Sundays and not at all during week days
3. The use of the all weather sports pitch for driver instruction and training shall not exceed 3 No. instructor vehicles at any one time.
4. The all weather sports pitch shall be retained in the form shown on the approved plan throughout the lifetime of the development and if at any time the surface is damaged during the course of the development, the surface shall be reinstated.

Notes
The copyright of this drawing and design is vested in the Architect and must not be copied or reproduced without written consent.
This drawing to be read in conjunction with the specification and other drawings
Do not scale to ascertain dimensions
All dimensions to be checked and verified on site by the responsible contractor prior to commencement of work

Health and Safety Notes

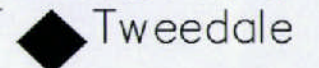


CLIENT
The Governors of Hillcrest School
PROJECT
Change of use to Provide Driver Training

PLANNING

Location Plan

DRAWING NUMBER	REVISION	SCALE	DATE
826-02		1:1250 @A3	Jan '10
		DRAWN BY	CHECKED BY
		JC	



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