

PLANNING APPLICATION NUMBER:P08/1874

Type of approval sought	Full Planning Permission
Ward	WOLLASTON & STOURBRIDGE TOWN
Applicant	Mr Philip Coyle
Location:	35 - 36, UNION STREET, STOURBRIDGE, WEST MIDLANDS, DY8 1QX
Proposal	CHANGE OF USE FROM RESIDENTIAL GARDENS TO SCHOOL AMENITY AREA (PART RETROSPECTIVE).
Recommendation Summary:	REFUSE AND ENFORCE

SITE AND SURROUNDINGS

1. The application site is an area of garden land measuring approximately 60m². The application land is sited to the rear of the amenity space associated with numbers 35 and 36 Union Street. The application site contains two trees which are covered by a tree preservation order.
2. The application site is bound to the rear by a sports hall and an all weather outdoor multi use pitch associated with the Oldswinford Hospital School. To the north is the rear of the amenity areas associated with numbers 37 to 41 Union Street. To the south of number 36 Union Street is a narrow strip of land abutting the sports pitch. This land is accessed for the maintenance of the flood lighting around the pitch.

PROPOSAL

3. Works on the site have commenced and this land is now fenced to be incorporated within the school grounds. The fence in situ is a 1.8m high close boarded fence. The ground has been cleared and partly laid with paving slabs. The purpose of this alteration is to allow a widened access to the sports pitch from the car park adjacent to the sports hall. The application site is under the same ownership as the school site.

HISTORY

4. None relevant

PUBLIC CONSULTATION

5. Three letters of objection have been received from surrounding occupiers. The material planning considerations outlined are, in summary, as follows:

- Increased noise from spectators using the area
- Loss of privacy

Further comments were made by the residents related to:

- Loss of boundary wall between domestic properties and school site
- Height and thickness of newly laid fence being inadequate
- Sports balls entering the gardens of residential properties causing a health and safety hazard.
- School children accessing the rear gardens of neighbouring properties to retrieve balls.

OTHER CONSULTATION

6. The Head of Environmental Health and Trading Standards has raised no objection to the proposals subject to conditions related to screening of the sports pitch from the application site and the further addition of a wall/fence.
7. The Local Planning Authority's Arboriculturist has raised no objections to the proposal.

RELEVANT PLANNING POLICY

8. Adopted UDP
 - DD4 – Development in Residential Areas
 - EP7 – Noise Pollution

- NC9 - Mature Trees

ASSESSMENT

9. Key Issues:

- Principle
- Impact on neighbouring occupiers.
- Trees
- Further issues raised by neighbours.

Principle

10. The application site has no specific designation under the current adopted UDP and is therefore considered as white land. The proposed change of use of this land would result in a reduction in the amenity space associated with numbers 35 and 36 Union Street. However, after the loss of this amenity space to the school site there would remain an amenity area of 88m² and 62m² associated with numbers 35 and 36 Union Street respectively. This amenity space is considered as acceptable for the use of the future occupiers. In this regard the proposed change of use is considered acceptable in principal and would be in accordance with the requirements of Policy DD4 – Development in Residential Areas of the Adopted UDP (October 2005).

Impact on neighbouring occupiers.

11. The application site is bounded to the north by the amenity area associated with the private amenity area of number 37 Union Street . This change of use and associated works have resulted in the proximity of the school grounds becoming closer to the amenity area associated with this and other neighbouring properties. It is considered that this will led to adverse impacts to the occupiers of number 37 and close neighbours of this terrace of properties which would lead to further erosion of current amenities enjoyed by these houses. Whilst area under application does not define a specific purpose, the formalisation of this area could potentially lead to additional people gathering and associated spectators to the open pitch. Members will note that there have been ongoing noise complaints in connection with the adjacent sports area. The hard surfacing would encourage the

congregation of potential spectators and general gathering of people in this area which could potentially bring activity and noise further towards the adjacent residential units which could adversely impact on the amenities of neighbouring properties and this would be considered unacceptable and contrary to policy DD4 of the Dudley UDP. Members will note that this area is accessible from the sports hall and down the side of number 35 Union Street. and no other works are proposed to limit the harm to neighbouring properties and in this regard, this retrospective change of use and works are considered contrary to the requirements of Policies DD4 – Development in Residential Areas of the Adopted UDP (October 2005).

Trees

12. There are two trees within the site which are covered by a tree preservation order. Neither of these trees have been affected by the works. This has been supported by the Council's Arboriculturist and therefore the scheme is in accordance with Policy NC9 – Mature Trees of the Adopted UDP (October 2005).

Further issues raised by neighbours

13. Neighbouring properties have mentioned the loss of the original boundary wall in situ previous to the aforementioned works commencing. Whilst the loss of this wall is regrettable, it could be afforded any level of protection under planning legislation. A further issue raised was the thickness and height of the fence being inadequate. An increased height of the fence is unlikely to be supported by the Local Planning Authority as the amenity issues with regard to loss of outlook and potential overbearing would be likely to outweigh any negligible benefits of noise attenuation. The thickness is that of a standard grade fencing panel and as the Head of Environmental Protection has not suggested the installation of acoustic fence then this is considered as acceptable. Finally, the issue of sports balls entering the private property of the neighbouring properties and persons trespassing retrieving the balls. This issue forms a civil matter between the residents in question and the school and it not for consideration or discussion under the remit of planning legislation.

CONCLUSION

14. In conclusion This change of use/works are carried is considered unacceptable in principle and are deemed to have significant detrimental impact of the neighbouring properties by way of increased noise, loss of privacy and reduced amenity to the neighbouring properties and no mitigations have been offered to satisfactorily to overcome the harm.

RECOMMENDATION

15. It is recommended that the application be refused subject to the following reason:

Conditions and/or reasons:

1. The change of use/associated works carried out on this site are considered unacceptable as the formalisation via the newly laid hard surface would encourage activity closer to neighbouring houses where currently there is none which would have an increased adverse and detrimental impact to the neighbouring properties by way of noise and inherent loss of privacy.

No mitigation measures have been offered to overcome the harm the proposal may cause and therefore the scheme is considered contrary to policy DD4 of the Dudley UDP 2005.



General Notes:

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Drawings to be read in conjunction with structural, civil, and M&E information and AS BUILT information.

Refer to Civil Engineers information for external works and retaining wall.

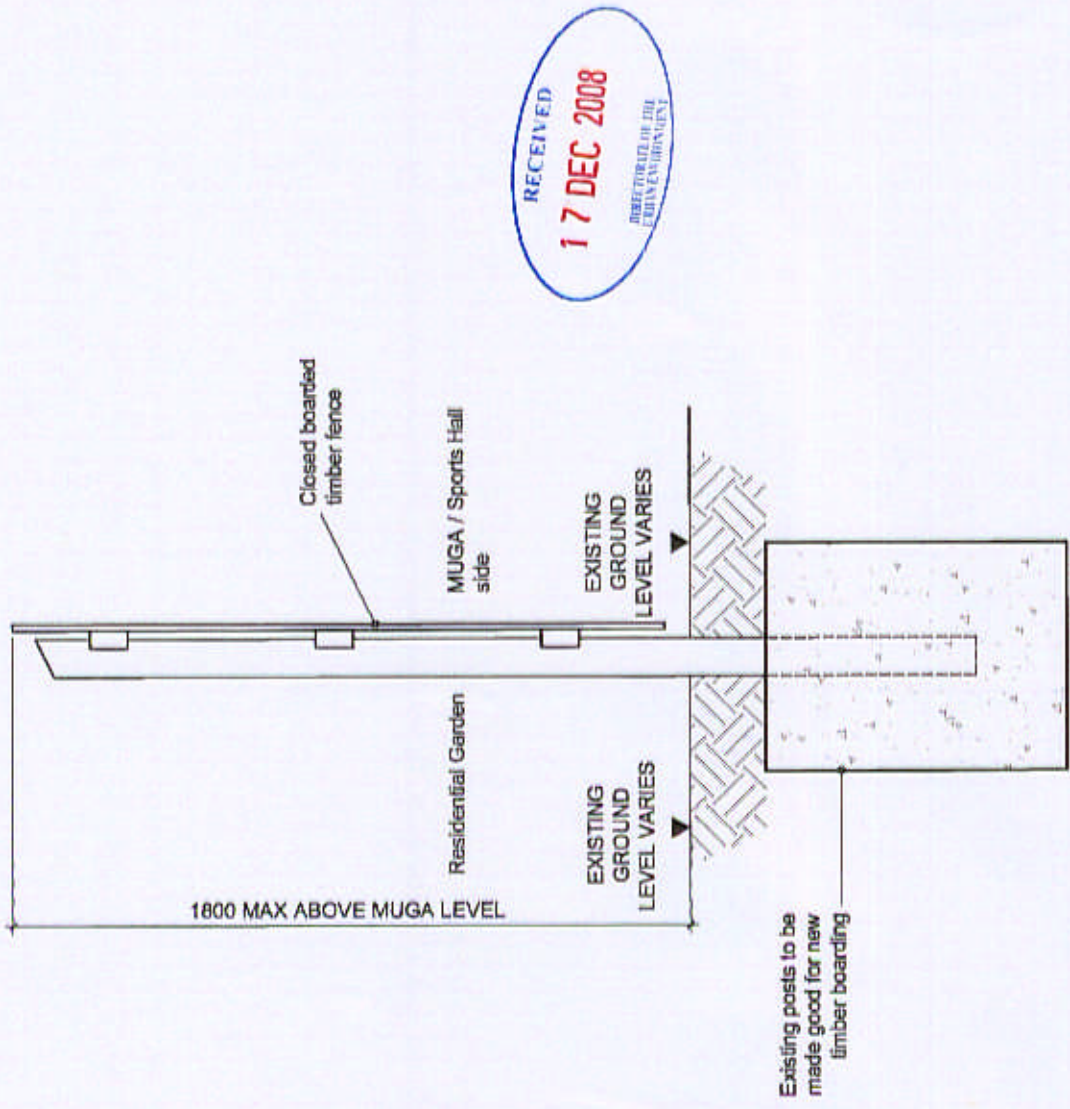
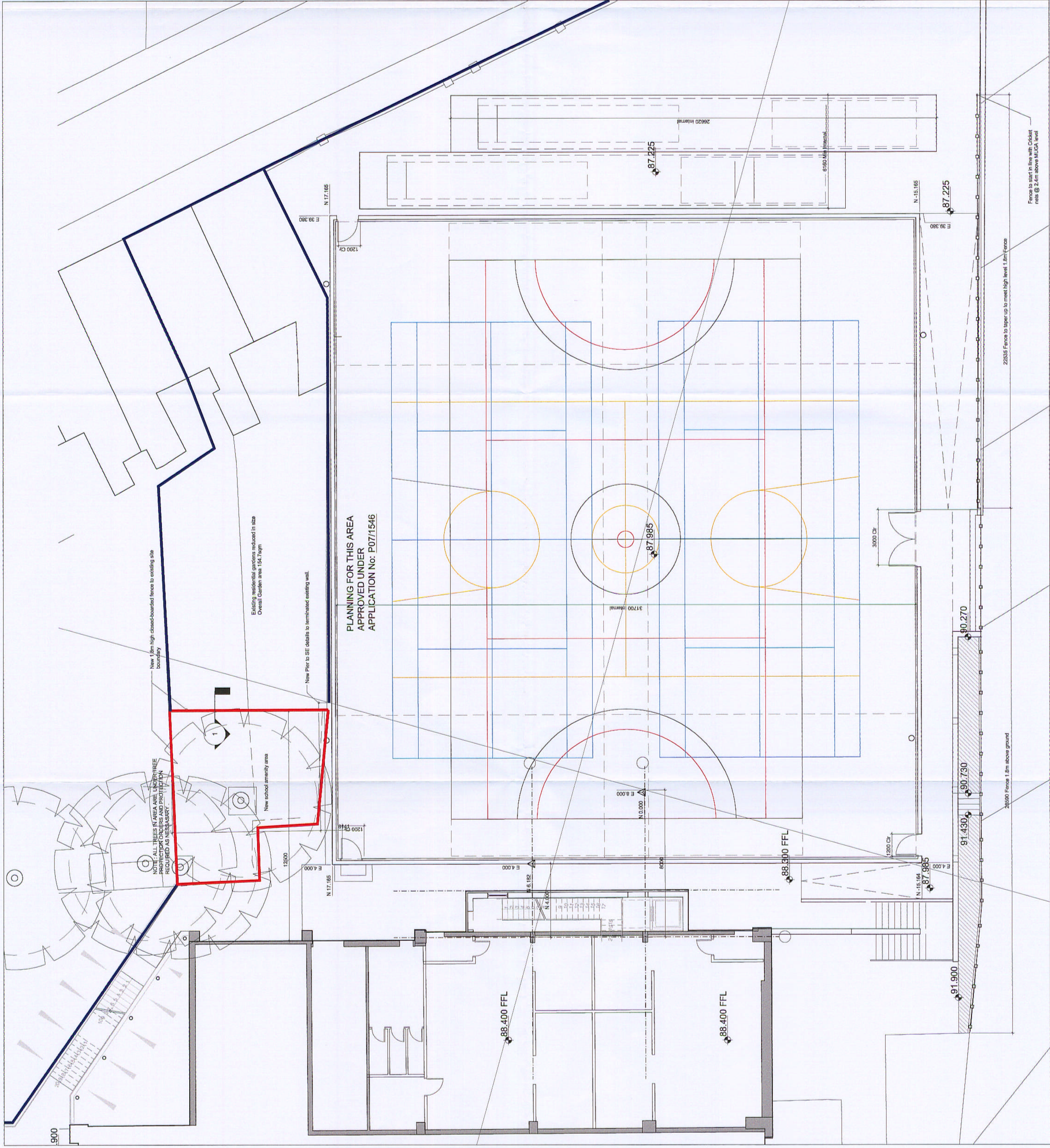
Refer to Services Engineers information for servicing details.

Refer to Structural Engineers information foundation and underground drainage details.

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DRAWINGS IS ISSUED FOR INTENDED PURPOSES ONLY.

Denotes revision on current issue only.



Proposed Fencing details of new boundary

1 1/20



ISSUED FOR PLANNING

M	09.12.2008	MOCD
L	16.08.2008	MOCD
K	28.05.2008	RK
J	14.04.2008	RK
H	10.03.2008	RK
G	22.01.2008	RK
F	15.01.2008	MOCD
E	10.01.2008	MOCD
D	02.10.2007	RK
C	02.10.2007	RK
B	02.10.2007	RK
A	03.08.2007	MOCD

Issued for planning for new amenity area. Fencing detail proposal added

Final Construction Issue

Floodlight columns relocated outside the MUGA

Lines updated. Columns added

Boundaries and coordinates updated.

Settling-out and lower ground floor information shown

Settling-out points of MUGA added

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Changing room showers updated

Issued for Tender

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SPORTS CENTRE - LOWER GROUND FLOOR
& MUGA PLAN
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