

PLANNING APPLICATION NUMBER: P08/1373

Type of approval sought	OUTLINE PLANNING PERMISSION
Ward	BELLE VALE, HALESOWEN NORTH
Applicant	MR IAN ROMANO, ST MODWEN DEVELOPMENTS LTD
Location:	LAND OFF STEWARTS ROAD, COOMBS ROAD AND, OLIVE HILL PRIMARY SCHOOL, HALESOWEN, WEST MIDLANDS
Proposal:	DEVELOPMENT OF NEW SPORTS GROUND AND SOCIAL CLUB AT LAND OFF STEWARTS ROAD, DEVELOPMENT OF A NEW SPORTS FIELD AND ENVIRONMENTAL ZONE AT OLIVE HILL PRIMARY SCHOOL AND RESIDENTIAL REDEVELOPMENT AT LAND OFF COOMBS ROAD AND LODGEFIELD ROAD INCLUDING A NEW ACCESS OFF COOMBS ROAD (OUTLINE)
Recommendation summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. This application relates to three sites linked to the proposed redevelopment of the Coombs Road private cricket ground, bowling green and members club for residential purposes. This site (referred to as site C) extends to 2.04 hectares in area and is located to the west of Coombs Road at its junction with Lodgefield Road. The site is located some 1.5 kilometres to the north of Halesowen town centre and falls within the Belle Vale electoral ward.
1. The site is bounded on all sides by mature trees, a number of which are the subject of group or individual preservation orders. Within the site, a bowling green is located to the north on a higher plateau area than the cricket ground to the south, due to levels that rise significantly on that basis. Single storey pavilion buildings overlook the playing surfaces and a vehicular access to the site is located off Coombs Road. The site has no specific development plan designation.
2. Industrial premises and a wider industrial area located at a higher level to the north of the site and to the east of Coombs Road are designated as Key Industrial Areas, subject to Policy EE1 in the adopted Unitary Development Plan (UDP). Land to the east of Lodgefield Road is in established residential use, whilst land immediately to the south is a small area of grassed open space.
3. The second site related to this application (referred to as site B) is a 2.61 hectare area of land located within the Coombeswood Valley Green Wedge. The land consists of

grassland interspersed with a small number of trees to the rear of residential properties fronting onto Hillwood Road. The private land has been left open and is used by members of the public. Site levels fall from the rear gardens of properties from the north-east to the south-west into the valley towards the Coombeswood Industrial Estates and thereafter, the Dudley Canal. This site is accessed from the cul-de-sac head of Stewarts Road from which a footpath runs on the periphery of the site, south-west towards Mucklow Hill. Beyond the site boundary to the south runs the Monarchs Way public footpath.

4. The third section of the application site (referred to as site A) incorporates Olive Hill Primary School playing field and land to the south-east of the school. The playing field is bounded by the rear gardens of houses located on Greenhill Road. The latter section of the site falls within the Coombeswood Valley Green Wedge. This 0.56 hectare area of land is bounded by the rear gardens of houses fronting Barnfield Road to the south-east and is otherwise lined by mature trees and hedgerow adjacent to the wedge. The scrub grassland site slopes from the school towards the green wedge.
5. Both sites B and A are subject to Polices SO1 Green Belt, NC5 Sites of Local Importance for Nature Conservation and HE2 Landscape Heritage Areas of the adopted UDP. Both sites are also located within the Halesowen North electoral ward.

PROPOSAL

6. There are three elements to this hybrid application which provides detailed proposals for the Stewarts Road and Olive Hill Primary School sites (B and A) and outline proposals with all matters except for access reserved for future determination on the Coombs Road site (C).
7. Firstly, outline planning approval for residential development with means of access is sought on the Coombs Road site (C). Vehicular access is proposed from Coombs Road in the location of the existing access point. Illustrative proposals refer to the provision of up to 80 residential dwelling units, to comprise of a mixture of 2, 3 and 4 bedroom houses and bungalows of between 1 and 3 stories in height.
1. The illustrative layout developed from the parameters plan and design and access statement indicates dwellings in a reverse capital 'E' (≡) layout, offset 10 metres away from protected trees. Pedestrian access points are also indicated at two points onto Lodgefield Road, however, such details would remain to be determined at reserved matters stage.

2. It is likely, however, that such a layout will necessarily result from the site constraints, changing levels relative to the adjacent highways and characteristics of the site.
3. Stewarts Road (site B) detailed proposals entail the creation of a new cricket pitch, practice nets, bowling green, club house/pavilion and associated car parking to accommodate facilities relocated from the Coombs Road/Lodgefield Road site. The overall layout of the site has resulted from the sports and social club requirements with ellipse shaped pitch dimensions of 110x100m to achieve Birmingham Cricket League status requirements.
4. In order to create the plateau area necessary to accommodate the above facilities, ground works entailing cut and fill operations will be required. Site sections indicate that cut operations will take place from the rear gardens of houses on Hillwood Road to form a gradient of 1:3 down to the plateau at an approximate level 180m above O.S. Datum (sea level). The 110m diameter cricket field and practice nets will be set at this level, with the bowling green and pavilion set slightly higher at approximately 180.450. The 48 space car park and cycle shelter will be set at a higher level again from some 182.100 sloping down to 181.015 at a gradient of 1 in 21. From the car park to the pavilion, access would be from steps and a path or a ramped disability standard access, again at a gradient of 1 in 21 from disabled persons car parking spaces.
5. The pavilion is of a single storey design with a dual pitched roof to a maximum height of 4.8 metres. Sections have been provided to show that the structure will not intrude into views through the valley, being only marginally above original ground level at ridge height. The pavilion will accommodate the requirements of the bowling and cricket sports and social club functions within a floor space of 315 square metres. The building will accommodate an equipment store, changing rooms, toilets, kitchen, committee room and a club room/bar facilities, of which 108 square metres is given over to the club room area.
6. The pavilion building is to be constructed in sections of brickwork, Bathstone blockwork and Cedar cladding with aluminium standing seam roof. All entrances and opening windows are to be oriented towards the pitches or away from residential properties. Surface treatments are indicated to consist of brick pavior pathways, grasscrete non-disabled parking spaces and a macadam access drive. No floodlighting of the practice nets, cricket pitch or bowling green is proposed.
7. From the edge of the proposed plateau where a proposed 2m high boundary fence is to be sited to enclose the site, land will be graded back down to original levels via slopes of between 1 in 3 and 1 in 4. From detailed sections indicated on plans, the

maximum cut proposed will be almost 5 metres in depth, with the maximum fill being some 2.5 metres.

8. The boundary fencing proposed is shown to be a type that will not obstruct views with a ratio of void to solid that will enable the background to be seen. The whole site will be secured by such fencing and gates at the access, at which point will also be an extended surfaced footway.
9. The third section of the site (A) is proposed to accommodate two new grassed football pitches (one at 27m wide x 45.750 long and one at 27m wide x 54m long). An environmental zone to incorporate new planting to create wildlife habitats as a transitional link between the site and the green wedge to the south west of the site is also proposed. Further works within the school boundary, are proposed on the existing playing field to form two tarmac playing areas and an early years play area comprising of a climbing frame, sand pit and raised planting beds.
10. The provision of the new football pitches will require ground remodelling to level part of the site which will result in the creation of a new embankment to the south and west. Such remodelling will raise levels by 1.8metres in the middle of the site (north-east to south-west) then sloping into the valley to meet existing ground levels. A section shown from the rear of houses on Barnfield Road towards the south-east indicates generally flatter levels with cut and fill of some 0.5m.
11. The site is again proposed to be enclosed with fencing that will not obstruct views with a ratio of void to solid that will enable the background to be seen. The pitches are proposed solely for the use of the school and not the wider community.
12. As a result of discussions with the applicants during the course of the application, a parcel of the applicants private and currently fenced land within the Combeswood Green Wedge which measures 6.06 hectares in area, has been proposed to be transferred to the Council on a fifty year lease. This land would be used to provide additional mitigatory habitat creation and replacement public access. This land is located between Monarchs Way footpath and industry to the south and is a designated Site of Importance for Nature Conservation (PolicyNC4
13. This area of land is proposed to be subject to a Planning Obligation for the provision of a warden's services for a five year period to establish the management and improvement of the land.
14. This planning application has been submitted with supporting documentation consisting of a Design and Access Statement, Transportation Assessment, Geo-environmental Assessment, Ecological Assessment, Arboricultural Surveys (x3),

Acoustic Assessments (x3), Noise Assessments, Flood Risk Assessment and Drainage Strategy, Statement of Community Engagement and a Planning Statement.

15. An Environmental Impact Assessment screening letter was submitted to the Council on 5th March 2008. The Council confirmed on 19th March 2008 that the proposed development does not constitute an EIA development as defined by the regulations and that an Environmental Statement would not be required.

16. RELEVANT PLANNING HISTORY

Application no.	Proposal	Decision	Decision Date
P00/52064	SITE (A) OLIVE HILL PRIMARY SCHOOL OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (ALL MATTERS RESERVED FOR SUBSEQUENT APPROVAL EXCEPT FOR MEANS OF ACCESS FROM GREENHILL ROAD) Site at rear of Greenhill Road and Olive Hill School	Refused and appeal dismissed	05/02/01
P07/2013	Extension to create children's centre, demolition of existing caretaker's house and formation of multi-use games area.	Approved	19/10/07
81/51073	SITE (B) PROPOSED RELOCATED CRICKET FIELD AND SPORTS AND SOCIAL CLUB Outline application for the development of part of the site for residential development and the remainder for recreational purposes.	Refused	01/10/81
P07/2013	Extension to create children's centre, demolition of existing caretaker's house and formation of multi-use games area.	Approved	19/10/07
91/51421	SITE (C) COOMBS ROAD SPORTS GROUND AND SPORTS AND SOCIAL CLUB Erection of industrial building for manufacturing with offices and car parking.	Refused	12/12/91

17. The above refusals for residential development within the Coombeswood Green Wedge resulted from detriment to the quality of the landscape and ecology of the area, contrary to the then Policy 31, Landscape Heritage Areas of the 1993 Unitary Development Plan (application P00/52064) and for application 91/51073, that it was (inter-alia) contrary to the provisions of the West Midlands County Structure Plan in which the site formed part of a Green Wedge.
18. The refusal of industrial development on the sports pitch site was linked to application 91/51420 for a first phase of development on the opposite side of Coombs Road on a football pitch. Although the development on this cricket site had been considered acceptable, both applications fell due to the unacceptability of the first phase being contrary to the then Recreation and Open Space Subject Plan policies SP1 and OS1 (loss of open space and sports facilities).

PUBLIC CONSULTATION

19. Direct neighbour consultation was carried out to all adjoining and adjacent neighbours of all three sites. Site notices were also posted at all three sites and statutory publicity was undertaken in the press. As a result of such publicity a significant level of objection has been received along with a number of letters of support. Following the receipt of amended plans and proposals, all parties originally contacted were again notified, along with all persons or groups that had submitted representations.
20. A summary of representations follows and although certain respondents requested that their views be reported in full, this is not possible due to the number and length of responses and matters of equity.
21. Submitted in support of the application, 86 responses have been received stating reasons of;
- Proposals will secure the future of the club which operates only on a 1 year lease.
 - This is vital to the future involvement of youngsters in sport in the local area and to develop the junior team.
 - Proposals will provide appropriate replacement facilities with good changing and associated facilities which will leave an excellent legacy for the future.
 - Proposals will benefit the school and local community and help prevent childhood obesity.
 - The proposals accommodate the needs of all sections of the community and the needs of wildlife and ecology.

Submitted in opposition to the application **a petition with 650 signatures has been received** and 320 individual responses have been received stating concerns of;

- Specific references to Unitary Development Plan Policies i.e. DD8, Provision of open space, sport and recreation facilities, HE2, Landscape Heritage Areas, LR1, Open space, LR8, New leisure facilities(deleted policy), NC1, Biodiversity, NC4, Local nature reserves and sites of importance for nature conservation, NC5, Sites of local importance for nature conservation and SO1, Green belt and the Nature Conservation SPD, in that the proposed developments are contrary to the requirements of these policies.
- **With specific regard to Site (A) Olive hill Primary school;**
- That the proposals are desirable and not essential and should not be built upon land with green belt, SLINC and landscape heritage area designations.
- The schools pitch is under used and the school could use playing fields located off Greenhill Road instead.
- Proposals could impact upon drainage and hedgerow to the side of the site.
- The use of the land by the school is a loss of land for other children.
- The proposed fence will break the skyline to the detriment of views through the valley.
- Loss of wildlife habitat and foraging areas.
- This part of the application is being used to aid the overall application process with the school being used as a pawn.
- **With specific reference to Site (B) replacement pitches and sports club.**
- The proposed cricket club building is of a large and intrusive design which will have a detrimental effect upon the openness of the greenbelt and in conjunction with earthworks and fencing, would adversely affect viewpoints from a wide area into, within and from the landscape heritage area which should be protected and enhanced.
- The development would threaten wildlife habitat and species including Skylark and other bird species.
- The development would adversely affect overall provision for the informal recreational needs of users of the wedge.
- The site is wild, unspoilt and peaceful grassland that is used regularly by dog walkers.
- Excavations will destroy geological history.
- Excavations could mobilise contamination from previous use.
- Drainage problems due to the loss of porous areas and clay soils could result.

- Loss of public access to paths that run through the site.
- The development would cut the wedge in half both vertically and horizontally reducing value for informal recreation and continuity with Leasowes Park/Halesowen Abbey.
- Location on hillside is unsuitable for sports due to windswept nature.
- Potential noise impacts and disturbance may result upon local residents due to use of the club and car park.
- Use of herbicides on pitches may affect adjacent grassland resulting in a rise in co2 levels.
- These areas are more needed in times when people have more leisure time on their hands.
- **With specific reference to site (C) Coombs Road for residential development.**
- The loss of the sports pitches and club represents a loss of the sole green open space facility to the local area which provides for high level informal and formal sporting recreational needs, with the relocated club being in an area with inadequate public transport and pedestrian access.
- The club is best left where it is as a community asset with terraced viewing.
- Loss of a locally distinct buffer to industry with trees and wildlife value.
- Relocation of the club is not essential and club members have no choice but to move as grants cannot be obtained due to short lease.
- Houses should be built on brownfield land/increase in water run off.
- Development will result in traffic congestion and impacts upon safety in locality.
- House types are not fixed and will overlook existing houses on Lodgefield Road.
- The agents acting for ERIKS UK, a distribution warehouse located on the opposite side of Coombs Road, whilst not objecting in principle, wish to ensure that if permission is granted, that dwellings are suitably protected from noise by conditions to prevent any adverse impacts which may result in complaints against that company which is a major employer.
- The following groups have raised comprehensive objections, which have been maintained following re-notification, these are summarised below;

Friends of Coombeswood.

Site (A) Olive Hill Primary school

- Significant drainage issues would arise. Increased runoff from the surface of Olive Hill Primary School would drain to Coombeswood landfill site. Increasing landfill saturation, flooding and chemical leaching.
- Loss of key habitat – Reduction in biodiversity for the Coombeswood SLINC, loss of primary food source habitat for the species in the adjoining SINC, Loss of 3 acres of key habitat.
- Replacement offers much lower level of biodiversity than that it replaces.
- Loss of wildlife corridors – Major corridor and linear feature would be lost
- The cut and fill operation would leave the level of ground significantly lower than that of the current viewpoint, the building of two football pitches, proposed fencing and earth banking would significantly harm the Landscape Heritage Area without any comparable compensation
- Proposal would intrude upon the openness of the Green Belt.
- Loss of a desire line footpath
- Environmental Zone has no such provision within UDP Policy SO1
- Regular noise and other disturbance from two football pitches only metres away from the edge of the SINC will have a significant effect upon adjacent habitats and associated species.
- Earthworks and excavations would detract from the unique geological exposure, aesthetically and scientifically.
- Coombswood SINC would suffer a serious threat to its EcoRecord rated high biodiversity.
- Whether Site A facility is ‘essential’ is far from clearly demonstrated

Site (B) replacement pitches and sports club.

- The Stour Valley viewpoint and desire line footpaths converging at it would no longer exist in a recognisable form, The Monarch’s Viewpoint would be seriously compromised.
- The character and quality of the Coombeswood landscape is that of open, steeply sloping grassland hillside providing attractive views of an open, natural landscape within the heart of an urban area.
- Proposal would straddle and cut in two the Landscape Heritage Area.
- Spectacular views would be irrevocably diminished in quality

- Major excavations would literally flatten the hillside and large scale leisure facility would dominate hillside
- Abrupt rupture with the historical integrity of a site perceived in terms of its unique topography for over 500 years.
- Corridor feature with ecological links through to the Leasowes and Illey would be severely devalued and lost forever.
- The facilities are not 'essential' in terms of the PPG2 definition of acceptable development.

Site (C) Coombs Road for residential development.

- Coombs Wood Cricket and Social Club provides an existing social focus – area for sporting recreation and much needed open green space
- Currently provides locally unique range of mature trees and buffer between industrial zone and residential area.
- Relocation of club is totally inappropriate
- Would be particularly inaccessible to existing users of Lodgefield estate without a car – only walkable route is unsuitable due to lack of lighting, unmade path, need to cross a working factory's entrance flooding and pollution of paths.
- Due to topography, worse weather conditions would adversely affect playing conditions for cricket.

General comments

- Proposals will not result in the improvement of Open Space provision, but will result on loss of a total of 12 acres of open space across the 3 sites, as the open space of the other 2 sites in the Green Belt will be enclosed by fencing.
- The replacement facilities will be significantly worse in quality than current, due to significance of weather in cricket.
- Proposal contrary to UDP Policies NC4, NC5, HE2, SO1, DD8 and LR1

Friends of The Leasowes.

- The green wedge land that runs from the western side of Mucklow Hill across to Gorsty Hill forms a natural and vital green corridor when considered together with the Leasowes on the other side of Mucklow Hill.
- The Leasowes is a Grade 1 Listed Park – only one in West Midlands.

- The future policy is to actively promote the park to increase visitor numbers, strategy can only benefit by retaining the whole of the green wedge land on other side of Mucklow Hill.
- Wide range of complementary features in terms of spectacular views, geological history, ancient paths, wildlife and industrial heritage features such as Dudley No.2 canal and Hawne Basin
- Site B development cuts Green Wedge in 2, reduces area for general public
- Major changes to topography, together with proposed buildings will change ambiance and character of green wedge
- Results in consequential loss of Open Space
- Green wedge, has vital role in defining identify and history of area, is an impressive visual amenity, provides facility for informal recreation and is a benefit of those living within area.
- Cricket ground out of character with area
- Addition of buildings and car parking would change the use of land
- Unreasonable that the driver for the proposals is housing on site of cricket club – which would be carried out at the penalty of providing an inappropriate replacement in green wedge.
- Would result in threat to remainder green wedge.
- Plans for site A would have an adverse impact on the green wedge in a similar way to those cited above.
- Should this application be granted, it would be used as a lever to carry out further inappropriate development
- Proposal to lease part of the land to Dudley MBC raises administrative issues and should be avoided. It could come to be regarded as the only protected part of the green wedge and used as a lever to put the remainder of this vital amenity under pressure.

Campaign to Protect Rural England (Worcestershire Branch, Bromsgrove Group).

Site (A) Olive Hill Primary school

- The primary school should only have one pitch
- Earthmoving will affect openness of Green Belt
- Environmental area is not agricultural land, contrary to Green Belt policy
- Who will maintain the environmental area?

Site (B) replacement pitches and sports club.

- More than just 'small changing rooms or unobtrusive spectator accommodation for outdoor sport', and is therefore unacceptable
- Suggested location is prominent, which will inevitably detract from the 'openness of the Green Belt'.
- Involves substantial earthmoving, replacing a gentle sloping hill with flat shelf
- Structure will need to be provided to contain balls, will be detrimental.
- Banks hanging over Monarch's Way will give an 'urban' rather than rural feel
- Separates green wedge in two. Isolated field to north vulnerable to future development – or developer should stipulate field for open space
- Will severely affect the setting of the footpaths

Site (C) Coombs Road for residential development.

- Sports facilities are important and should be retained unless a suitable replacement can be provided
- Present club appears adequate, thus no need to replace it.
- It is urban Greenfield land, not brownfield land, and ought to come in low priority for development.

The Dudley Borough Local Access Forum

- The Forum met with St Modwen to listen to their views. Statement of Community Involvement does not reasonably report meeting, as potential options to enhance footpaths were not discussed
- However, Forum has been involved in discussions about the developers other existing activity, not directly involved with this application.
- Vast majority of respondents in the Statement of Community Involvement are dissatisfied with proposals.

Site (A) Olive Hill Primary school

- The combined schools have a capacity of 420 students with no serious deficiencies in provision of recreational needs.
- Offer of land and facilities to School is an inducement to make package more attractive.
- Children do not need an environmental zone when one is 'on their doorstep'.

Site (B) replacement pitches and sports club.

- Is in a most visually prominent part of Coombeswood Green Wedge with inspiring distant views. It is characterised by its open nature.
- Most used by visiting public, footpaths enhanced by this landscape with The Monarchs Way, being amongst them. Impact upon them, is a material planning consideration.
- Substantial nature of work to create level playing field and associated areas, will have profound effects upon views within and to the site.
- Cut and fill operation will be severe and would enclose one of the Public Rights of Way (PROW) between woodland and a proposed wooded embankment.
- Security of PROW's needs to be considered – if planting of the embankment was deleted, it would expose the boundary fence and artificial slopes of embankment
- Proposal would severely harm enjoyment of the Landscape Heritage Area – removing areas of access currently enjoyed by the public
- The proposal would damage nature conservation and biodiversity.
- The proposal is contrary to UDP Policies HE2, HE1, SO1, LR1, NC1, NC4, NC5 and PPG2, the Coombeswood Green Wedge Plan (1993).

Site (C) Coombs Road for residential development.

- Cricket club has been in existence for the past 100 years
- To many local people the loss of the cricket club would mark a sad end and deprive them of an established visual amenity.
- Housing on the present grounds is the key objective, with everything else a means to that end.
- St Modwen cite the poor terms of the lease as ground for necessitating the latter move, however, they set lease for existing club.
- Photos included within the DAS shows the cricket facility brings a visually pleasant green haven. Falls within the definition of open space within PPG17.
- If refused, there is no reason to believe cricket club would voluntarily vacate or be evicted.
- St Modwen would realise removing present occupiers would leave the site to go derelict would not be appropriate conditions for gaining planning permission for housing - they should secure better lease for site.

Additional comments regarding amendments

- Proposed planting will not ameliorate adverse impact upon footpath
- 50 year lease on a pocket of land would be viewed cynically to overcome strong grounds of refusal. Saddles Council with responsibility that is neither necessary or desirable.
- Stretched resources would be better spent in improving existing footpaths.
- Application site is currently the subject of an application to modify the definitive map.

Hales Owen Abbey Trust.

Site (A) Olive Hill Primary school

- No designation in the UDP to utilise land for sports pitches
- No requirement for Environment Zone, natural one on doorstep – Coombeswood Wedge
- Proposal would destroy nature and wildlife, better left in its natural habitat.

Site (B) replacement pitches and sports club.

- Not essential facility for sport
- Not in keeping with surroundings of the Green Wedge
- Would start of process encroachment into Green Belt
- Would prejudice lines of public/leisure use
- Develop would prohibit public enjoyment of the area
- Building would be detrimental to character and local distinctiveness
- This area is very much Greenfield with aspects of natural features and vegetation, 'wonderful landscape' views.
- Re-grading will appear extremely obtrusive on the landscape from near and distant views.
- Views and enjoyment from well used footpaths will be lost
- Historic field and landform lost permanently
- Light and noise pollution within Green Wedge
- Security fencing would be obtrusive, segregates the wedge
- Coombeswood Wedge is rich in wildlife and natural habitat, removing any part of which would result in further decline of disappearing habitats and wildlife.
- Biodiversity adversely affect in the adjacent SLINC and SINC's. Not possible to mitigate or provide measures to protect wildlife corridors.

- Land transfer not advantageous – areas are protected by their status and UDP.

Site (C) Coombs Road for residential development.

- Cricket Club and grounds serve community well
 - Site is not designated for housing as it is Greenfield site
 - St Modwen could improve the terms of the lease
 - The Council have no reason to believe, that the future of the cricket club in its present location, is threatened – UDP policies exist to retain cricket club in current location.
 - Overall the development is contrary to UDP Policies SO1, SO3, HE1, HE2, NC1, NC4, NC5, LR1, LR5, LR6
-
- The Monarch's Way Association. The line of this long distance definitive footpath is adversely affected by the visual impact of development that cuts the wedge in two, could give rise to drainage and contamination issues. Refers to footpaths claims at para 72 and that contrary to Policies SO1, HE2, NC4 of the UDP and Planning Policy Guidance contained in PPG7, PPG13 and PPG17. Objections reiterated when re-notified.
 - The Inland Waterways Association; Adverse visual impacts and drainage issues which may pollute canals. Contrary to UDP Policies HE2, LR1, NC4, NC5, and SO1.
 - Birmingham Canal Navigations Society; Reiterate IWA grounds.
 - The Birmingham and Black Country Wildlife Trust. The Trust object on the basis that SLINC grassland habitat will be lost which will impact upon several priority bird and invertebrate species, compensation habitat was not considered adequate, a wider habitat area survey should have been undertaken and the Trust cannot support habitat creation measures which result in the loss of England Priority Habitat.
 - Objections to the development in accordance with the concerns expressed above, and reiterated following re-notification have been received from Halesowen North Ward Members.
 - **At the meeting of Halesowen Area Committee on 12th November 2008, the committee resolved to raise objection to the development on the following grounds with a copy of the minutes to be incorporated in this report as follows;**
 - That the application would lead to the total destruction of green belt land. The member who raised the issue indicated her personal intention to object to the application.

- The approval of the application would lead to not only a loss of recreational amenity but to further traffic issues in a residential area.
- The proposals for housing development would add to the urban sprawl.
- The Cricket Club had been prevented from expanding as a result of the short leases granted by the developers.
- While it was noted that provision for premises for a new Cricket Club would be provided, in effect, the facility would comprise a Social Club and planning permission would be granted essentially for a public house rather than a cricket ground.
- Stewart Road and Lodgefield Road were not appropriate for the increase in traffic that would result.
- The area was currently safe for children to play in and ride bicycles and this would alter should planning consent be granted.
- Recreational facilities such as walking, dog walking and children's play would be lost should development proceed.
- The loss of the present cricket ground would represent a loss of recreational amenity in the Borough.
- Outline planning permission might result in the nature of the development being changed later in terms of the density of properties for which detailed planning consent would be applied for in the future.
- That the Cricket Club was well established and that it was unfair only to allow it short leases leaving it unable to attract funding.
- Neither the topography of the land nor the substance of the soil lent itself to development for the purposes in the planning application. The member of the Committee who raised this issue suggested that the Development Control Committee should make a site visit and look at these facets.
- The retention of the Cricket Ground at its current location was advocated.
At the subsequent meeting of the Halesowen Area Committee on 22nd January 2009 in response to a question received regarding the modification of plans notified in respect of this application, it was agreed that Members wished to endorse their previous comments made and reiterated their concerns and objections to the planning application.
Following re-notification in respect of revised proposals received, 15 letters have been received from individuals confirming that original objections still stand.
- Further objection on behalf of CPRE (Campaign for the Protection of Rural England) received Dated 20.2.09

Concerned that only one objector allowed to speak on application given level of interest for this application. Areas proposed for sports grounds are located in Green Wedge which is an important parcel of Green Belt.

Many of the comments are covered by the officers report and previous objectors

As Green Belt, permissible development is strictly limited. One of the exceptions where it is permitted is for:

Essential facilities for outdoor sport and recreation, for cemeteries, for uses which preserve the openness of the Green Belt and do not conflict with the purposes of the Green Belt;

1. Essential

The application is clearly for sport and recreation. However, I would question whether it is “essential”. The cricket club has a satisfactory ground, with the permitted use of a sports ground. The only thing that makes it essential is that St Modwen wishes to be able to develop the existing cricket ground for housing.

The application involves building a clubhouse. I will accept that a small pavilion, scorebox and changing rooms would be essential, but a clubhouse is not essential, merely convenient to the club.

2. Preserve the openness of the Green Belt

Because the proposed site is on a hillside, the development involves a large amount of earth moving. I suggest to you that connects with the openness of the Green Belt

The erection of a clubhouse out some distance out into the Green Belt also conflicts with its openness.

3. Purposes of the Green Belt

The primary purpose is to keep distinct settlements apart. The present proposal concerns me in that it leaves one field at the north end of the Green Wedge as an isolated scrap of Green Belt, which will be vulnerable to applications for developments, because it is so small.

The three parts of the application must stand and fall together. I call on this committee to refuse the application

- Following deferral at the last Committee, copies of the Coombeswood Green Wedge Plan (1993) and Greenlink Plan have been forwarded to Members following a request by Friends of Coombeswood.

OTHER CONSULTATION

22. The Head of Environmental Health and Trading Standards: Has confirmed that the acoustic survey in respect of site A is satisfactory and that no adverse impacts are likely to arise subject to limitation of use to exclude Sunday and public holidays. No objection is raised relative to Site B, the cricket pitch, practice nets and social club, subject to conditions including the provision of an acoustic barrier to the rear of certain properties on Hillwood Road.

23. Potential noise impacts upon Site (C) have been identified from fixed noise sources at a food distribution depot at the junction of Coombs Road and Amber Way which, without an appropriately designed barrier block, would have an adverse impact. The submission of details at reserved matters stage is therefore required to be based upon a design, layout and construction that will act as an acoustic barrier block for the rest of the site. This requirement will be the subject of conditions, but is permissible as layout and design is not fixed by this application.
24. Further conditions are required to address the potential for ground gas and contamination to arise across the three sites within the application.
25. The Group Engineer, Development: Has assessed the submitted transportation assessment and raises no objection in principle to the developments, subject to conditions and Planning Obligation requirements.
26. The Environment Agency: raises no objection in principle to the developments, but will require detailed drainage designs to prevent additional water run off and sustainable drainage techniques to be submitted. Such details will be required by conditions.
27. Sport England: No objection to the development in terms of the proposals to replace the playing field facility in accordance with Planning Policy Guidance Note 17, paragraph 15, which identifies five exceptions to their normal policy of opposing the loss of playing fields. Here the playing field is being replaced with a field of equivalent or better quality, quantity and management arrangements. The pavilion is also considered to be in accordance with Sport England's general guidelines for pavilion design. Conditions to ensure the availability of the replacement facilities prior to the loss of the former and for specific details of the internal pavilion changing facilities are requested.
28. Tree Protection Officer: No objection is raised to the development, however, detailed landscaping schemes will be required for all sites. Whilst the 10 metre clearance of development from the trees on site C is reasonable, in order to ensure that no subsequent shading issues arise, a formal shade assessment is required to be carried out and the final design to be based upon this assessment. A condition will be imposed to address this issue.
29. British Waterways: Are not a statutory consultee for this planning application due to the distance of over 200 metres from the nearest site boundary to the canal. Details of revised plans have, however, been sent to British Waterways, from which no response has been raised.

30. Adopted Unitary Development Plan (2005)

DD1 – Urban Design

DD4 – Development in Residential Areas

DD6 – Access and Transport Infrastructure

DD7 – Planning Obligations

DD8-Provision of open space, sport and recreation facilities

DD10 – Nature Conservation and Development

DD11-Water Courses

DD12-Sustainable Drainage Systems

EP6-Light Pollution

EP7 – Noise Pollution

H3 – Housing Assessment Criteria

H6 – Housing Density

HE2-Landscape Heritage Areas

LR1-Open Space

NC1-Biodiversity

NC3-New Nature Reserves

NC4-Sites of Importance for Nature Conservation

NC5-Sites of Local Importance for Nature Conservation

NC6 – Wildlife Species

SO1-Green Belt

SO3-Access and Enhancement of Green Belt and Linear Open Space

UR9 – Contaminated Land

S8-Housing

31. Supplementary Planning Documents

Parking Standards and Travel Plans

New Housing Development

Planning Obligations

Nature Conservation

Planning Guidance Note 3

32. Regional Planning Policy

Regional Spatial Study and Black Country Study

33. National Planning Policy

PPG 2 Green Belt

ASSESSMENT

34. The key issues in determination of this application relate to;

- The impact of development upon the Green Belt and Landscape Heritage Area.
- Impact upon Local Open Space
- Impact upon Ecology and the Site of local Importance for Nature Conservation.
- Footpaths
- Drainage and Contamination Issues
- Loss of cricket pitch and replacement facility
- Principle of Residential Development
- Highways Impacts
- Residential Amenities
- Whether provision is made for a Planning Obligation

The impact of development upon the Green Belt and Landscape Heritage Area

35. Policy SO1-Green Belt is key in considering the appropriateness of the development of sites A and B and relates that 'Within the Green Belt development will not be permitted except in very special circumstances unless for:

- *Essential facilities for outdoor sport and recreation, for cemeteries, for uses which preserve the openness of the Green Belt and do not conflict with the purposes of the Green Belt.*
- *The form, bulk and general design of the buildings are in keeping with their surroundings*

36. The proposal site for the new replacement sports ground, new carparking hardstandings, and pavillion building remains very sensitive given the Green Belt, Landscape Heritage Area (LHA) and SLINC UDP designations covering the land. The proposal sites sensitivity is reinforced further as it forms an important recreational resource (with unrestricted public access currently available at all times) serving the outdoor recreational needs of the nearby local community. The site is located on a hillside, elevated and prominent within the LHA and Green Belt designations. Long distance views are currently available into the proposal site from the south-west

direction. Long distance views are also available across the currently open application site (looking south-west) from immediately adjacent established residential properties located along Hillwood Road.

37. National planning guidance on Green Belts is set out in Planning Policy Guidance Note 2 (PPG2) (January 1995) "*Green Belts*". Essential facilities for outdoor sport and outdoor recreation are supported in paragraph 3.4 (indent two) of PPG2 (1995) providing the openness of the Green Belt is "preserved" and not adversely harmed or injured by the outdoor recreation proposals. This policy approach is reflected in local-level policy guidance set out in the Council's Adopted UDP (October 2005) in Policy SO1 on Green Belts as indicated above.

38. PPG2 attaches considerable weight and importance to protecting the openness, landscape quality and visual amenities of the Green Belt. These aspects are reinforced in paragraph 3.15 which states that:

"the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design."

39. Paragraph 1.4 of PPG2 (1995) emphasises the importance of protecting Green Belt openness and preventing urban sprawl. It states that: *"...The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness..."*

The value of green belts for providing areas for the urban population to have access to open countryside, their value for outdoor sport, landscape and nature conservation is recognised in paragraph 1.6. of the guidance which asserts that *"Once Green Belts have been defined, the use of land in them has a positive role to play in fulfilling the following objectives:*

- *to provide opportunities for access to the open countryside for the urban population;*
- *to provide opportunities for outdoor sport and outdoor recreation near urban areas;*

- *to retain attractive landscapes, and enhance landscapes, near to where people live...*”

40. In order to address initial concerns in terms of the impact of the new-build pavilion/ club house building on preserving the openness of the Green Belt and Landscape Heritage Area (LHA), the applicants responded by providing additional sectional drawings which provide greater clarity in terms of the new-build clubhouse and details of how it sits within the surrounding landscape. Such drawings indicate that the cut and fill operations proposed to form the playing pitch area leave the roof of the pavilion building only slightly above the ground level of the existing hillside with graded slopes falling down to meld with those at the lower level. Revisions to plans also provided for movement of the car park further into the site away from the edge of the plateau to reduce gradients to the adjacent footpath and therefore maintain views. Furthermore the views from dwellings on Hillwood Road and from footpaths will not be impacted upon by the pitch and pavilion when completed and landscaped. The social element of the pavilion is not considered to be of an excessive size or scale and proposed materials of the building are considered to be appropriate to the setting. Surface hardscape is limited to the access drive with non-disabled spaces to be of porous grasscrete and paths of permeable paviors. Fencing has also been the subject of consideration in terms of views and is a type that will not obstruct background scenery. Views within, from and into the Landscape Heritage Area are not therefore, considered to be adversely affected in accordance with Policy HE2. With regard to the above considerations, there are no Green Belt and Landscape Heritage Area (LHA) Planning Policy objections relative to site (B).

41. In relation to site (A), and considerations above, the proposed sports field use within the Green Belt is considered to be an appropriate use, with planting proposed that will be appropriate to the setting. Submitted sections indicate that the required earth movements to form the pitches are not of a scale that would impact upon views within, to or from the Landscape heritage Area. Again, the type and location of fencing proposed would not be intrusive in such viewpoints. It is acknowledged that works to this specific site do not arise from the need to provide a replacement for the sporting facilities lost from Coombs Road. Demand for improved sports pitch provision has, however, been expressed on behalf of Olive Hill Primary School.

Impact Upon Local Open Space

42. Whilst the development at sites A and B does not directly lead to a loss of open space as defined in Policy LR1, it is acknowledged that this privately owned green space is of value to the community as informal recreational open space.

43. It is also acknowledged that the two proposed developments could not practically or reasonably maintain unrestricted access for the public in terms of operation and management by the club or the school.

44. To alleviate for the loss of this informal public open space, the applicant has agreed, as part of the scheme to enhance and re-surface the existing public footpaths in the vicinity to improve access around the site

45.

The applicant has also proposed a lease transfer of 6.6 hectares of currently fenced and private land to the Council, to provide for alternative public access. Such land transfer would form part of a Planning Obligation and would be supported by funding to provide for a wardens services to establish improvements to this land. Such a transfer would be key in ensuring that there was no loss of accessibility of the open space as Policy LR1 (Open Space) stresses the importance of protecting open space areas which provide informal recreation value, even in circumstances where the open space site is within private ownership.

Impact Upon Ecology and the Site of Local Importance for Nature Conservation

46. In order to consider the impacts of development, reference has been made to the submitted Ecological Assessment and regard has been paid to comments made by objectors and the Wildlife Trust. Consideration has also been made in respect of the following Planning Guidance and Policies.

National Policy

47. PPS 9 Biodiversity and Geological Conservation and accompanying documents

Regional RSS Policy

48. QE7 Protecting, Managing and Enhancing the Region's Biodiversity and Nature Conservation Resources

Local UDP Policy

49. DD10 Nature Conservation and Development

DD11 Water Courses

DD12 Sustainable Drainage Systems

SO1 Green Belt

SO3 Access and Enhancement of Green Belt and Linear Open Space

NC1 Biodiversity

NC3 New Nature Reserves

NC4 Local Nature Reserves and Sites of Importance for Nature Conservation

NC5 Sites of Local Importance for Nature Conservation

NC6 Wildlife Species

NC7 Geological Resource

EP6 Light Pollution

50. Adopted Nature Conservation Supplementary Planning Document (SPD)

51. Both the proposed cricket grounds and school playing field extension are dominated by unmanaged grassland. The Coombeswood area, with Leasowes, is part of a green wedge from the surrounding countryside. This acts as an important wildlife corridor for Dudley and the wider Black Country.

Recent sub-regional biodiversity mapping for the emerging Black Country Joint Core Strategy places the Coombeswood site in the "Maintain" category.

52. Numerous protected and priority species are known to exist in the greater Coombeswood nature conservation area including:

- Badger
- Green hairstreak
- Kestrel
- Kingfisher
- Meadow pipit
- Skylark

- Water vole

53. National and Regional Policy Considerations:

The Natural Environments and Rural Communities (NERC) Act 2006 S40 states that; “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

54. It is therefore a legal requirement for Council's to conserve and enhance biodiversity, where possible, through the planning service.

55. PPS9 requires any negative impacts upon a wildlife site or protected species to be avoided wherever possible. These negative impacts can come either from onsite or offsite developments. Where it is not possible to avoid the impacts they must be minimised and fully mitigated for to neutralise their effects. Additional enhancement works should then be carried out to produce a net gain for the nature conservation interest.

56. Circular 06/2005, which accompanies PPS9, states in paragraph 99 that where protected species are suspected, adequate levels of survey work and assessment should be provided before any planning application is approved. It is therefore Dudley MBC's policy (as stated in the adopted Nature Conservation Supplementary Planning Document) to require these before validating the planning application.

57. Regional policy has identified these sites and almost the whole borough as a part of a Biodiversity Enhancement Area. This defines it as being within the best 25% of the region for wildlife. Developments should therefore maintain, buffer, expand and/or link existing habitats or restore or recreate habitats where absent/deteriorated.

58. With consideration of the above, it is concluded that no protected species are likely to be directly harmed by the development of these areas. However the loss of habitat and increase in offsite impacts may put strain on existing populations without mitigation.

59. Care should be taken to avoid negative impacts on bats, breeding birds (both ground and tree/building nesting species) and reptiles. Badgers are known in the wider area therefore care must be taken when earth moving operations may create or remove earth banks. These issues can be resolved, under condition, by requiring a mitigation strategy (incorporating the measures outlined by the Atkins report, Aug 2008) to be put in place to safeguard protected species during the construction phase and where appropriate operation phase.

60. The mitigation strategy will need to resolve issues including:

- Methods of preventing nutrient enrichment the wildlife sites by preventing the ingress of disturbed soil, and fertilisers used in the future.
- Eliminating impacts of terracing on adjacent wildlife sites (including preservation of trees and hedgerows).
- Eliminating impacts of light pollution onto areas used by bats.

61. The proposal would result in the loss of two areas of designated nature conservation totalling approximately 3.4 hectares. However it should be recognised that a proportion of both of these sites will have wildlife friendly vegetation established on them as part of the landscaping of the new developments.

62. A strategy is required (incorporating the measures outlined by the Atkins report, Aug 2008), under condition, to detail the provision and management of these new wildlife areas within the new cricket grounds and school extension. Such areas will not be subject to dog walking and therefore more attractive to ground nesting bird species.

63. Although this loss of important wildlife habitat is obviously not positive, it does not sever corridors and does miss the more important areas of the site. Therefore in this instance it is concluded that subject to substantial mitigation, the loss to these SLINC sites would not be objected to in respect of Policy NC5. It was required that if the provision of new habitat is not possible, a minimum of twice the area lost is needed to be significantly restored as compensation.

64. An offer has, however been made, of granting Dudley MBC tenancy, for 50 years of the Coombeswood North SINC which has been proposed as compensation for the areas of

SLINC lost. This would enable the Countryside Service of the Council to designate and manage this area as a Local Nature Reserve for the benefit of the local wildlife and people. The area of this site totals 6.06 ha.

65. This area is of predominant importance for its geology, however it does have good quality acid habitat including grassland, scrub and limited heath. Species such as green hairstreak butterfly are known to be present. This habitat is fragile and prone to invasion by scrub which reduces its diversity overtime if management is not sufficient.
66. Within the Coombswood Green Wedge there are definitive public footpaths. However as this compensation could put additional responsibility and costs onto the Council, an agreement in principle involving the developers funding the services of a part time warden to implement an improvement plan for this area has been agreed. This agreement will need to form part of a planning obligation if planning approval is granted and should include responsibility of each party for establishment costs and ongoing maintenance. Similarly agreement must be obtained on the ongoing management of the school ground extension.
67. Without the requirements of such a planning obligation the development would not be acceptable due to the developments being damaging to the ecology of the area. Such an obligation would also need to be supported by robust conditions to ensure that appropriate mitigation of impacts and compensation for losses were delivered. These would include species mitigation, habitat mitigation, habitat compensation, and additional wildlife survey work to inform the above if surveys become older than 1 year before development commences.

Footpaths

68. Within the Coombeswood Green Wedge there are definitive footpaths, the routes of which, are not directly affected by the developments proposed. As the time the planning application was submitted, a separate submission was made in respect of tracks crossing the site (B) which are alleged to be public rights of way. Attached to this report is an extract of a plan submitted to the Council on which shows, in dashed lines, alleged public rights of way crossing the Coombeswood site.

69. An application to amend the definitive map to include the alleged public rights of way was received by letter dated 26th September 2008. In accordance with paragraph 4.18 of Defra Rights of Way Circular (1/09) Authority's are required to investigate applications as soon as reasonably practicable and decide whether to make an order on the basis of the evidence. The Authority have a period of twelve months to reach their decision after which the applicant may ask the Secretary of State to direct the Authority to make a decision. Evidence Forms, which are still arriving at the Council, have been submitted by members of the public in support of the claims. There has been a great deal of public interest in the application to amend the definitive public rights of way map and it is only right to give sufficient time for evidence forms to be submitted prior to the Authority coming to its decision as to whether to make an order. The order may itself be subject to public representation and objection that may lead to public inquiry. The major area of land over which some of the alleged paths cross, importantly H-G- F-J and E -G- D, is owned by St Modwen. Other land in private ownership is affected by alleged line L-M-N. These landowners may dispute the dedication by continual use by the public.

70. In such a situation the Council, have no unilateral powers to impose or not the existence of a new definitive public right of way and indeed, to resolve the matter, a Public Inquiry may ultimately be necessary. The Council does have a duty to evaluate the evidence and let the claimants know of their decision whether or not to proceed with a Definitive Map Modification Order. If the decision is not to proceed, then the applicants can appeal to the Secretary of State.

71. Evidence is still being gathered and has not been the subject of a Council decision.

72. The existence of a public right of way is a material consideration in a Planning Application and members are often asked to approve a Public Path Order, to divert or close, to allow development to take place. In this case the paths are only alleged with no conclusive evidence on their status.

73. The granting of planning permission does not allow a developer to obstruct a public right of way and the onus is with the developer to ensure that any development, if approved, is able to be legally carried out.

74. As far as the development is concerned, should there be subsequent proven public rights of way, it is thought that these could be reasonably closed or diverted around the perimeter of the site.

75. Evidence related to this issue is held by the office of the Group Engineer-Development for inspection and is available for public viewing at the Development Control Committee of 16th March, 2009. Members should note the Rights of Way Circular 1/08 has now been superseded by Rights of Way Circular 1/09.

Drainage and Contamination Issues

76. The comments of the Environment Agency and Head of Environmental Health and Trading Standards make clear that conditions are required to address potential adverse conditions encountered or to make adequate provision for drainage in a sustainable way. Conditions will fulfill these requirements if permission is granted.

Loss of Cricket Pitch and Replacement Facility

77. The land at Coombs Road/ Lodgefield Road (Site C) has no designations on the Adopted UDP (2005) Proposals Map. However, given its formal recreational open space importance, this site is covered and protected by Adopted UDP (October 2005) policies LR1 (Open Space), LR5 (Playing Fields), LR6 (Protection of Sport and Recreation Facilities) and Policy DD8 (Provision of Open Space, Sport and Recreation Facilities). It would also be covered by guidance set out in the Council's adopted Open Space, Sport and Recreation Provision Supplementary Planning Document (SPD) (June 2007), by national planning guidance set out in PPG17 (July 2002) and by Sport England advice.

78. Policy LR1 seeks to resist the loss of open space unless (inter-alia) alternative provision of the same or better quality and quantity is provided in the proximity. The same replacement requirement is raised within Policies LR5 and LR6 with the caveat that the replacement facility is operational before the existing pitch is lost.

79. Policy DD8 Requires that replacement facilities must be at least as large, useful, attractive, be of the same quality and as least as accessible to current and new users, and provide for, or contribute to, recreation facilities/open space in line with the increase in users caused by the development.

80. The replacement facilities proposed at site B provide for an improved sports offer that is supported by a number of users of the cricket club and would enable progress to a higher league. The replacement facility at Site B would be delivered before the loss of the existing site and this would therefore comply with the requirements of Policies LR1, LR5 and LR6. Sport England have confirmed that the proposal is supported on this basis and that guidance within PPG17 and the Sport and Recreation SPD is satisfied.

81. The requirements of Policy DD8 need to be assessed on the basis of accessibility to both new and existing users, which must acknowledge the improved offer in respect of disabled person/vehicular accessibility to the members of the club who support the development. Whilst no longer on a direct bus route, such services are available on Long Lane which serve the wider area. As such the requirements of Policy DD8 are considered to be achieved.

82. Given the replacement of the sports facility, the thrust of national guidance in PPS3 Housing must be considered. This guidance maintains the emphasis on making the best use of land within the existing urban area for housing . It states 'New development should be of high quality, inclusive design and layout ... and be informed by its wider context, having regard not just to neighbouring buildings but to the townscape and landscape of the wider locality.' (paragraph 37).

Principle of Residential Development

83. Policy H6 – Housing Density whilst seeking to encourage the full and efficient use of land, does require that development takes into account the local context of the area, further elaborated upon by Policy H3 which would require development that does not create unacceptable levels of conflict with neighbouring uses or amenity considerations. Distance separation between proposed and existing dwellings would comfortably exceed the 22 metre distance required within Planning Guidance Note 3.

84. The indicative layout and access and design statement take account of existing protected and non protected trees on the periphery of this site which should remain. Concerns raised by the Head of Environmental Health and Trading Standards with regard to the need for a barrier block to the Coombs Road frontage can be incorporated into detailed proposals in compliance with the indicated scale parameters

contained in the design and access statement, which reflects the generally two storey context of local development.

85. Based upon indicative proposals and the site area, dwellings would be built at a density of some 33dph which is comparable with the local area and exceeds the 30 dph minimum standard supported by Policy H6.
86. The proposal to relocate the cricket club and its facilities will vacate a suitable and welcome windfall site for housing. The proposal will assist in the increased provision of affordable and private housing within the Borough at a time when higher housing targets are being considered and set for each local authority across the region.
87. The site will also contribute towards the housing led growth strategy contained within the Black Country Study which is now enshrined within the Regional Spatial Strategy and the emerging Black Country Core Strategy. It also reflects the Black County's status as one of the Governments Housing Growth Point areas
88. The site would therefore make efficient and effective use of land within the Borough in accordance with PPS3 Housing and Policy S8 Housing of the UDP whilst providing enhanced sporting facilities at the proposed relocation site of the cricket club.

Highways Impacts

89. As noted at paragraph 33 above, The group Engineer-Development has assessed the proposed access point and traffic generation for the residential development site and raises no objection. Likewise the proposed access point for the relocated cricket club and associated car parking numbers/layout are considered to be acceptable. No new access point is proposed to serve the school site.
90. The Group Engineer- Development has also considered the relationship of the development at the relocated cricket club site (B) to the definitive footpaths. Following revision of the proposals to lessen gradients adjacent to the footpath and to improve surfacing, no objection has been confirmed on any basis including that of impacts upon views and the amenity of footpath users.

Residential Amenities

91. It has previously been considered that access, traffic generation, tree retention and distance separation are not issues that will give rise to concerns regarding existing amenities at the Coombs Road site (C). Comments have been received relative the existing pitches acting as a buffer to industry, but it is not considered that the development of the site for residential purposes will give rise to impacts upon existing dwellings. Impacts upon the residential amenities of future residents from industry

have been considered and will be addressed by detailed design, layout and the imposition of relevant conditions.

92. With regard to site (B), the clubhouse has been designed to face onto the cricket pitch and have no opening windows in elevations facing the residential dwellings located on Hillwood Road which are a minimum distance of 45 metres away. Any licence for operation of the club house will consider the amenities of residents in terms of hours of operation. A barrier is required by the Head of Environmental Health and Trading Standards to be located to the rear of houses at 1-11 Hillwood Road in order to screen potential noise from the use of the car park and pavilion. No flood lighting of the pitches is proposed which will necessarily limit the times the development is able to operate.
93. With regard to site (A), one of the proposed pitches is some 27 metres away from the closest dwelling on Barnfield Road and the use of the site will be conditioned to prevent use on Saturdays, Sundays and Public holidays.
94. Whilst the proposed developments will undoubtedly represent a change to the immediate environments they have been designed to limit impacts, which coupled with the use of conditions will assimilate the developments into their environments without causing an adverse impact on the character or amenities of the area in accordance with UDP Policies DD4 Development in Residential Areas.

Planning Obligations

95. Policy DD7 of the UDP and Planning Obligations SPD require that new development above 1 hectare in area should contribute to public realm, play provision and enhancement/public open space and libraries in the wider area in line with the increase in users arising from the development. Affordable housing is also required for all developments of 15 or more dwellings at a level of 30%.
96. The proposed transfer of the 6.06 hectare SINC site for ecological mitigation and public access at a level of 2:1 is essential to address adverse impacts of the proposed development. However, in order to ensure that the currently fenced private land to be transferred on a 50 year lease to the Council can properly fulfil its function, it was concluded that the services of a warden would be restricted. On this basis it has been assessed that a warden would be required for three days per week for a period of five years. A sum of £60,000 would be required to provide such services. This can be dealt with in a legal agreement (S106) to accompany the application. The applicant has indicated their acceptance of this principle for the payment of a commuted sum of

£60,000 and for the provision of requirements of the Planning Obligations SPD and the recommendation is made on this basis.

CONCLUSION

97. The proposed replacement sports club facilities and school pitches constitute acceptable development within the Green Belt that will not compromise its openness, nor will it be detrimental to the character, quality or historic integrity of the Landscape Heritage Area.
98. Although the development is located within a Site of Local Importance for Nature Conservation adequate ecological surveys have been provided to assess that there is no direct adverse impact upon protected species and impacts upon habitats will be the subject of compensatory provision in accordance with national and local policy. Likewise publicly accessible open space is to be made available in compensatory provision on land in close proximity to the sites that will no longer have restricted access. The development will have no adverse impact upon the surrounding footpath network and potential issues relating to drainage and contamination will be addressed by the use of conditions.
99. Replacement sports facilities of equivalent or better quality will be provided in the proximity before the development of the existing site for residential purposes which will contribute to the housing land supply. The detailed design of the residential development will be required to address noise impacts and potential impacts upon residential amenities will be the subject of relevant conditions. Appropriate provision has been made for the parking of vehicles and no adverse impacts are considered likely to arise in terms of traffic generation. The development is therefore considered to comply with Policies DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, DD7 – Planning Obligations, DD8 Provision of open space, sport and recreation facilities, DD10 – Nature Conservation and Development, DD11 – Water Courses, DD12-Sustainable Drainage Systems, EP6-Light Pollution, EP7-Noise Pollution, H3 – Housing Assessment Criteria, H6 – Housing Density, NC1-Biodiversity, NC3-New Nature Reserves, NC4-Sites of Importance for Nature Conservation, NC5-Sites of Local Importance for Nature Conservation, NC6 – Wildlife Species, NC7-Geological Resource, SO1-Green Belt, SO3-Access and Enhancement of Green Belt and Linear Open Space, and UR9 – Contaminated Land, Supplementary Planning Documents - Parking Standards and Travel Plans, New Housing Development, Planning Obligations and Nature

RECOMMENDATION

100. It is recommended that the application be approved subject to;

- a) The applicant entering into a planning obligation for the lease transfer of land indicated on drawing number 506006/001 Rev D to the Council for fifty years and the payment of £60,000 for the provision of warden services together with the delivery of affordable housing, transport infrastructure improvements public open space, play area, public realm, public art and library improvements.
- a) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary;

REASON FOR GRANT OF PLANNING PERMISSION

The proposed replacement sports club facilities and school pitches constitute acceptable development within the Green Belt that will not compromise its openness, nor will it be detrimental to the character, quality or historic integrity of the Landscape Heritage Area. Although the development is located within a Site of Local Importance for Nature Conservation adequate ecological surveys have been provided to assess that there is no direct adverse impact upon protected species and impacts upon habitats will be the subject of compensatory provision in accordance with national and local policy. Likewise publicly accessible open space is to be made available in compensatory provision on land in close proximity to the sites that will no longer have restricted access. The development will have no adverse impact upon the surrounding footpath network and potential issues relating to drainage and contamination will be addressed by the use of conditions. Replacement sports facilities of equivalent or better quality will be provided in the proximity before the development of the existing site for residential purposes which will contribute to the housing land supply. The detailed design of the residential development will be required to address noise impacts and potential impacts upon residential amenities will the subject of relevant conditions. Appropriate provision has been made for the parking of vehicles and no adverse impacts are considered likely to arise in terms of traffic generation. The development is therefore considered to comply with Policies DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, DD7 – Planning Obligations, DD8 Provision of open space, sport and recreation facilities, DD10 – Nature Conservation

and Development, DD11 – Water Courses, DD12-Sustainable Drainage Systems, EP6-Light Pollution, EP7-Noise Pollution, H3 – Housing Assessment Criteria, H6 – Housing Density, NC1-Biodiversity, NC3-New Nature Reserves, NC4-Sites of Importance for Nature Conservation, NC5-Sites of Local Importance for Nature Conservation, NC6 – Wildlife Species, NC7-Geological Resource, SO1-Green Belt, SO3-Access and Enhancement of Green Belt and Linear Open Space, and UR9 – Contaminated Land, Supplementary Planning Documents - Parking Standards and Travel Plans, New Housing Development, Planning Obligations and Nature Conservation and Planning Guidance Note – New Housing Development and Planning Guidance Note 3-Housing.

INFORMATIVE 1

For the avoidance of doubt, this permission relates to drawings numbered 5060606/001 Rev D, AP(0)001 ,002 ,003, 004, 005, 006, 007, 008,, 010, 011, 8898-a,8898-b, 2231a, 1920-01, 1900-01, 1921-01, SK (0) 1000 Rev C, 1002 Rev B, 1003 Rev C, 1004 Rev B, 1005 Rev C, Section SK (0) 1008 and Fence options for Olive Hill Primary School and Coombeswood Sports and Social Club, Alleged Rights of Way plan and shall be implemented in strict accordance with these plans unless otherwise agreed in writing with the LPA.

INFORMATIVE 2

For clarification, the above conditions relate specifically the each site as follows;

SITE C: 1, 2, 3, 7, 11, 12, 16, 17, 18, 19, 20, 24 & 25.

SITE B: 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22 & 23.

SITE A: 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 & 21.

Conditions and/or reasons:

1. BA02 Outline timing of submission and commencement
2. AA03I Submission of reserved matters
3. No development in connection with the residential site C shall commence until the development at site B, consisting of replacement sports facilities has been completed in accordance with relevant conditions.
4. The development hereby permitted at site A shall be begun before the expiry of three years from the date of this permission.

5. Prior to the commencement of development, details of the specific type and location of the boundary treatments around site A and B shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be carried out in complete accordance with the approved details and such type of fencing or similar fencing as agreed in writing shall thereafter be retained for the lifetime of the development.
6. No materials other than those shown on drawing numbers AP(0) 008 and SK (0) 1000 Rev C shall be used without the written approval of the local planning authority.
7. Prior to the commencement of development, details of the existing and proposed levels of site C (including finished floor levels), which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
8. Prior to the commencement of development, details of a structure to screen noise from dwellings on Hillwood Road shall be submitted to and approved in writing by the local planning authority. Such screen shall be as effective as a timber fence of 10.5 kg per square metre and shall be erected prior to occupation of the sports club and maintained for the life of the development.
9. No works should commence, or continue, if the most recent protected species survey and assessment is over 12 months old. These surveys and assessments must be of, or above, the standard detailed within the Nature Conservation SPD. They must include the whole of the site and be carried out by an experienced and qualified ecological consultant and integrated into a site mitigation plan. All of these must be submitted to and approved in writing by the Council before any works commence (or continue). All works must be carried out in accordance to the approved plan.
10. Detailed landscaping plans for the Coombeswood sites (including establishment and maintenance programme), taking into account appropriate improvements for nature conservation should be submitted to and approved in writing by the Council's Landscape and Ecological Advisors before any work commences. All works must thereafter be carried out in accordance to the approved plans and programmes.
11. Any outside lighting should conform to the Bat Conservation Trust and Institute for Lighting Engineers' guidance 'Bats and lighting in the UK'. It should be close to the ground and directed downwards. It should be activated by a timed sensor with a low movement sensitivity, so as not to be triggered by wildlife. A plan detailing any outside lighting shall be submitted to and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved plan.
12. A19 Bat roost provision
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no fences, gates or walls shall be erected within either sites A or B other than those expressly Authorised by this permission.
14. Prior to the commencement of development detailed proposals for drainage works at sites A and B shall be submitted and shall deal with flooding mitigation measures as outlined by Environment Agency letter reference UT/2008/ of 2008.

15. Detailed working protocols, based on good practice such as the Pollution Prevention Guidelines PPG1 (general) by the Environment Agency, should be prepared and adhered to during all works. These should ensure no negative impacts could occur, such as contamination, runoff of substrate and/or nutrients, light pollution or disturbance affects the adjacent wildlife site and/or protected species. The location of the temporary compounds should be identified on the plan for plant and material storage during construction. These protocols must be submitted and approved in writing by the Council before any works commence. All works must be carried out in accordance to the approved protocols.
16. If protected species are found during any stage of the development all works must stop immediately and Natural England, the project's ecologist and the Council's Nature Conservation Officer must be contacted immediately. Works should not re-commence until relevant licences have been obtained and written permission is granted by Natural England and the Council.
17. A Nature Conservation Mitigation and Enhancement Plan must be drawn up which sets out the measures which will be undertaken to comprehensively mitigate for the proposed impacts of the scheme and provide appropriate enhancements. These must include:
- The recommendations of the Ecological Report by Atkins, dated August 2008
 - The protection of wildlife which may potentially move onto the development sites including nesting birds, badgers and reptiles
 - Avoidance of damaging light pollution
 - The protection of surrounding habitat
 - The establishment and management of the areas of habitat restoration, creation and management on all development sites
 - The establishment and management of the proposed new Local Nature Reserve
 - Replacement tree planting
- Appropriate national and local methods and standards will be used and referred to throughout the Plan as relevant. The plan must be submitted to and be approved by the Nature Conservation Officer before any works occur on the sites. All works must be carried out in accordance with the approved Nature Conservation Mitigation and Enhancement Plan.
18. No development approved by this permission shall be commenced until a scheme to deal with contamination of land has been submitted to and approved by the LPA and the development shall not be occupied until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:
- i) A desk-top study to formulate a conceptual model of the site. The requirements of the Local Planning Authority shall be fully established before the desk-study is commenced;
 - ii) Once the desk study has been approved by the Local Planning Authority, a site

investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual model. The findings of site investigation shall be presented in report format for approval by the Local Planning Authority and shall include a risk-based interpretation of any identified contaminants in line with UK guidance;

iii) Following the approval of both desk-top study and site investigation reports, a written remediation scheme and method statement (the contamination proposals) shall be agreed in writing with the Local Planning Authority prior to commencement. The contamination proposals shall be implemented in full and no deviation shall be made from the contamination proposals without the express written permission of the Local Planning Authority. The contamination proposals shall include provisions for validation monitoring and sampling.

iv) No development approved by this permission shall be commenced until a validation scheme and validation criteria for the use of imported material and reuse of site-won materials is submitted to and approved by the LPA. No deviation shall be made from this scheme without the express written permission of the LPA. Such a scheme shall include provisions for validation monitoring and sampling and be retained throughout the lifetime of the development.

19. If during development works;

i) any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under the contamination proposals (if applicable) then the Local Planning Authority should be notified immediately and remediation proposals formulated/amended for consideration.

ii) contaminants are found in areas previously expected to be acceptable, then the Local Planning Authority should be notified immediately and remediation proposals formulated/amended for approval. The development shall be completed in accordance with the approved details.

20. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed with the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane and/or carbon dioxide gases. Where the investigations identify the presence of carbon dioxide and/or methane, development shall not begin until a scheme to protect the development from the effects of such gases has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.

21. Use of the pitches (at Site A) for sporting activities shall not take place at any time on Saturdays, Sundays and Bank Holidays.

22. The social club building at Site B shall be constructed as to provide sound attenuation against internally generated noise of not less than 40dB (A).

23. The Rating Level of noise arising from fixed plant and machinery within the boundary of the proposed development, when measured or calculated, as a 60 minute LAeq (between 07:00 and 23:00 hours) shall not exceed the background noise level (LA90) of the same period on any day at the boundary with the closest residential property. The rating level of noise arising from fixed plant and machinery within the boundary of the proposed development, when measured or calculated, as a 5 minute LAeq (between 23:00 and 07:00 hours) shall not exceed the background noise level (LA90) of the same period on any day at the boundary with the closest residential property. The LA90 background level referred to above is the background noise level representative of the local area, measured when the plant/machinery at the proposed development site is not in operation. All measurements and assessments are to be made in accordance with the main procedural requirements of BS4142:1997 'Methods of rating industrial noise affecting mixed residential and industrial areas'.
24. At the reserved matters stage it must be taken into account that properties along the Coombs Road boundary and the eastern boundary of the site with line of site to the Coop facility will be of such layout, design, and construction so as to act as an acoustic barrier block to the rest of the site, the height of which shall be determined by way of a further acoustic assessment to be undertaken by the applicant/developer. All properties forming the barrier block shall be designed so that no bedrooms are to be located on facades that have line of sight of the Coop facility. A continuous acoustic barrier shall be constructed along the Coombs Road/eastern boundary to protect outside amenity space of the proposed dwellings, the exact design and specification is to be agreed in writing with the local planning authority.
25. Prior to the submission of the reserved matters, a formal shade assessment should be carried out and the final design must take into account the results of this assessment.

Alleged Right of Way Plan

