

PLANNING APPLICATION NUMBER: P22/1288

Type of approval sought	Full Planning Permission
Ward	Netherton, Woodside and St. Andrews Ward
Agent	Mr S. Hunt, Dudley MBC
Case Officer	James Mead
Location:	NETHERTON PARK, ACTIVITY CENTRE & HEALTHY HUB, GREAVES ROAD, NETHERTON, DY2 9EX
Proposal	CREATION OF CAR PARK WITH NEW ACCESS FROM HIGHWAY
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site comprises a section of Netherton Park adjacent to the 'Healthy Hub', an outside gym area and open space, along with the associated activity centre providing on site community room, public toilets and kitchen. The site is accessed from the park itself and Greaves Road. Netherton Park is identified as a Community Park within the Dudley Borough Development Strategy (2017).
2. Although the healthy hub is within Netherton Park, the site can be viewed from Greaves Road and residential properties along Greaves Road that face towards the site to the south. The area that adjoins this part of Netherton Park is residential where the periphery of the park is ringed with mature trees.

PROPOSAL

3. The proposed development is to create a new 20 space car parking area to the front of the healthy hub, with a new vehicular access from Greaves Road. In addition, a new pedestrian footpath would be created from the existing footpath to the healthy hub.
4. Of the existing trees near to the site, one Hawthorn would be removed, all others would remain.
5. The applicant states that the site lacks parking provision for the existing facilities, therefore car parking is being proposed to compliment the site and to remove the on-going on street parking issues.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P10/1720	New Lighting to outdoor gym equipment and pathway.	Approved subject to conditions	01/02/2011
P09/1381	Healthy hub building.	Approved subject to conditions	15/10/2009
P08/1204	Erection of 4no. 8m high floodlights around existing multi use games area.	Approved subject to conditions	17/12/2008

PUBLIC CONSULTATION

6. The application has been advertised by way of site notice and neighbour notification. The final date for letters to be received was 23rd October 2022.

7. Councillor Taylor (Netherton, Woodside & St Andrew's) objects to the application stating;

“I object to this application on the grounds that it infringes on green space, I will not support any application to use or build on green space for any other use other than leisure or sport services. This application to put a car park on our green space has not had the correct consultation prior to being released via social media. There has not been any other proposal considered. The residents, friends of the park, nor all the Local councillors have been in discussion on this proposal. It is morally wrong to take this forward without all parties having had the opportunity to offer alternatives that will not impede on our valuable green space. This council has a policy where it was supposed to protect green spaces, this is clearly not the case here. I would welcome the opportunity for all parties to have a meeting to discuss how and why we are presenting this application in its present form. This cannot go on any further without transparency on its legality as an application”

8. Councillor Zada (Netherton, Woodside & St Andrew's) objects to the application, his objections are summarised as follows;

- This additional parking will offer no easement for school parking. This will attract more vehicles in what is already a congested road. Additional through traffic could lead to an accident at times where school children are crossing.
- Such car park facilities attract late night car parking. This will generate more noise for local residents.
- The area is surrounded by buildings of historic interests. This proposed concrete jungle will be completely indifferent to its surrounding locations.
- The design and appearance of this build in the middle of the park facility will be completely at odds with its surroundings.
- There will be a loss of trees and disruption to natural habitats, that have significant local value. This will be detrimental to local ecological habitats and biodiversity opportunities.
- This area would intrude on space provided for the enjoyment of local people, health and wellbeing.
- Netherton has one of the highest levels of pollution, this proposal makes the situation worse.
- Local schools participate in the cycle/walk to school health promotions. This proposal is at odds with that aim to promote healthy lifestyles.
- The location of this site means that it fronts the road and is easily visible from passing traffic and residents. This will impact on visual amenity.
- Residents are almost certainly going to lose privacy.
- This will create a significant disturbance and increase anti-social behaviour in an otherwise quiet area - especially at night.

- Building of a car park on grassed area used as a local park is an incompatible and unacceptable use of this land.
- No pre-planning consultation has taken place with local residents. No consideration has been given to the security of the site and in particular unauthorised access.
- This build will attract more off-road bikes.

9. A petition against the development, stating it will attract anti-social behaviour, illegal encampments, increased crime and disorder, and concern that this will not resolve parking issues in the area has been submitted with 380 signatories.

10. In addition eighty three individual letters of objection from sixty-seven nearby and local addresses have been received; objecting to the application on the following grounds.

- Loss of green space
- The proposal requires the removal of trees and lead to loss of wildlife.
- The priority should be to protect green spaces
- A car park will increase anti-social behaviour.
- It will encourage travellers to the area.
- It will be detrimental to visual amenity.
- Contrary to Heritage & Conservation policy & principles
- Adequate cycle parking facilities need to be provided
- Children need green spaces for the mental health and well being
- Contravenes local transport plan Wm2041

- The proposal is unnecessary, not wanted and a waste of time, effort and money
- What proposal proposals are in place for double yellow lines and parking restrictions on Greaves Road
- This will devalue Houses
- No public consultation has been undertaken
- This will cause disruption during construction

11. One letter in support of the application has been received stating, once double yellow lines are in place, the car park will be needed.

OTHER CONSULTATION

12. Head of Planning (Highways Engineer)

No objection, subject to conditions for appropriate visibility splays and other safeguarding measures.

RELEVANT PLANNING POLICY

13. National Planning Guidance

- National Planning Policy Framework (2021)
- Planning Practice Guidance (2014)

14. Black Country Core Strategy (2011)

- ENV2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality
- ENV6 Open Space, Sport and Recreation
- CSP3 Environmental Infrastructure

- TRAN2 Managing Transport Impacts of New Development.
- TRAN4 Creating Coherent Networks for Cycling and Walking

15. Dudley Borough Development Strategy (2017)

- D1 Access for All
- D2 Incompatible Land Uses
- S6 Urban Design
- S7 Landscape Design
- S19 Dudley Borough's Green Network
- S18 Cycling
- S22 Mature Trees, Woodland and Ancient Woodland
- S32 Parks
- S33 Playing Fields

16. Supplementary Planning Documents / Guidance

- Parking Standards SPD (2017)
- Access for All Supplementary Planning Document.

ASSESSMENT

17. The key considerations in the assessment of this application are;

- Principle
- Playing Field
- Trees
- Neighbour Amenity
- Highway Safety

Principle

18. Policy S32 (Parks) of the Dudley Borough Development Strategy states that Community Parks will be protected and appropriate works to improve their standard and amenity would be supported.
19. Paragraph 98 of the National Planning Policy Framework states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. This position is reiterated within The Planning for Health SPD, which states that proposals should encourage access to existing public open space and seek improvements and enhancements to existing greenspace in order to increase the health and well-being of local communities with a particular emphasis on planning for an active lifestyle.
20. Black Country Core Strategy Policy ENV6 (Open Space, Sport and Recreation) states that LPAs should make more efficient use of urban land by providing increasing access to open space, sport and recreation facilities.
21. The provision of a car park on this land can, therefore, be considered as acceptable in principle in providing a beneficial measure towards the use of the open space by the community, potentially increasing its usage and would not impact on the wider function of the park.

Playing Field

22. The proposed development would not adversely affect the location of the existing grass football pitches to the east of the site that will adjoin the proposed car park. The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
23. The pitches would be unaffected by the proposed development and in this respect, the proposal therefore complies with the NPPF, Policy ENV6 of the Black Country Core Strategy and Policy S33 of the Dudley Borough Development Strategy.

Trees

24. The Council's Tree Officer has reviewed the proposal. The loss of the Hawthorn is regrettable, however, the removal of just one tree will only have a low impact upon the amenity of the area and a replacement tree can easily be accommodated within the park. Given that the Root protection areas of the retained trees will extend into the development site it is considered appropriate to require adequate protection measures, to ensure that the trees are not subject to inadvertent damage during the construction process. As such, appropriate safeguarding conditions are recommended.

Residential Amenity

25. The nearest neighbouring properties are those on the opposite side of Greaves Road. There would be no loss of light to these properties and whilst their outlook would alter, this would still be set against the backdrop of the mature tree line periphery of the park and as such it is considered the development would have no demonstrable harm in neighbouring amenity terms.

26. While the concerns of residents are noted with respect to potential anti-social behaviour, it is noted that the park is already accessible on a 24-hour basis, with a number of access points on surrounding residential roads. While it is possible that use of the car park could occur late at night, this could be said of the wider park and any anti-social behaviour could not be attributed solely due to the introduction of car park and as such, in this case it would not be sufficient reason to warrant the refusal of the application. However, it is recommended that appropriate mitigation is in place to ensure the appropriate management of the car park and therefore a condition for a management plan is considered necessary in this case.

Highway Safety

27. Paragraph 111 of the National Planning Policy Framework sets out that applications should only be refused on highways grounds should there be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

28. The proposal is to provide a new parking area. A visibility splay of 2.4m x 33m should be maintained. However, a Traffic Regulation Order prohibiting parking on the Highway is proposed at this location and will ensure appropriate safety and visibility is provided. In addition, safeguarding conditions are recommended.
29. As such, it is considered there are no highway safety matters arising as a consequence of the proposed development and there are no sustainable grounds for refusing the application on highway grounds, given the overall benefit of providing this proposal.
30. Whilst the development does not provide electric vehicle charging or cycle parking provision, the proposed car park is to serve an existing recreation facility and the application needs to be assessed on its merits. Conditions to secure such provision is not deemed to be necessary to render the proposals acceptable in planning terms.

CONCLUSION

31. The provision of a car park within the site is acceptable in principle in providing a beneficial measure towards the use of the open space by the community, potentially increasing its usage.
32. The proposed development would not adversely affect the location of the existing grass football pitches and there are no highway safety matters arising. It is considered that there would be no demonstrable harm to neighbouring amenity and there would be no adverse impact on upon the character and appearance of the area. On this basis the

application is considered to be acceptable being in accordance with the relevant policies contained within the Black Country Core Strategy and Dudley Borough Development Strategy as well as the relevant Supplementary Planning Documents.

RECOMMENDATION

33. It is recommended that the application is APPROVED subject to the attached conditions;

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: CE/GT-036/001; CE/GT-036/02 and CE/GT-036/03
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The development shall not be brought into use until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway (footway) with an 'x' set back distance of 2.4 metres and a 'y' distance of 2.4 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

4. The development shall not be brought into use until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway (carriageway) with an 'x' set back distance of 2.4 metres and a 'y' distance of 33 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

5. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

6. No development shall commence (excluding demolition, site clearance and initial ground works) until details of the Highways Works proposed (Traffic Regulation Order) as indicated on drawing TM5318 has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the agreed Highway Works have been completed in accordance with the approved details.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

7. No development shall commence until details of the tree protection measures on site have been submitted to and approved in writing by the Local Planning Authority. The agreed tree protection measures shall be erected / installed prior to the commencement of the development (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery), and shall not be taken down moved or amended in any way without prior written approval of the local planning authority. The tree protection details shall include:
 - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.
 - d. Design details of the proposed protective barriers and ground protection to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 6.2 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.

REASON: To ensure that those trees and hedges to be retained on the development site are not subject to damage because of either works carried out on site or during the carrying out of such works in accordance with the Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).
8. No development shall commence nor shall any other operations commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has

been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:

- Implementation, supervision and monitoring of the approved Tree Protection Plan.
- Implementation, supervision and monitoring of the approved Treework Specification.
- Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.
- Timing and phasing of arboricultural works in relation to the approved development.

REASON: To ensure that those trees and hedges to be retained on the development site are not subject to damage because of either works carried out on site or during the carrying out of such works in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part) . This detail is required prior to the commencement of development to ensure trees which are shown to be retained or are legally protected are not damaged during the construction process.

9. All excavations to be undertaken within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations') of any existing trees on site shall be undertaken in accordance with NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG Volume 4).

REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part)

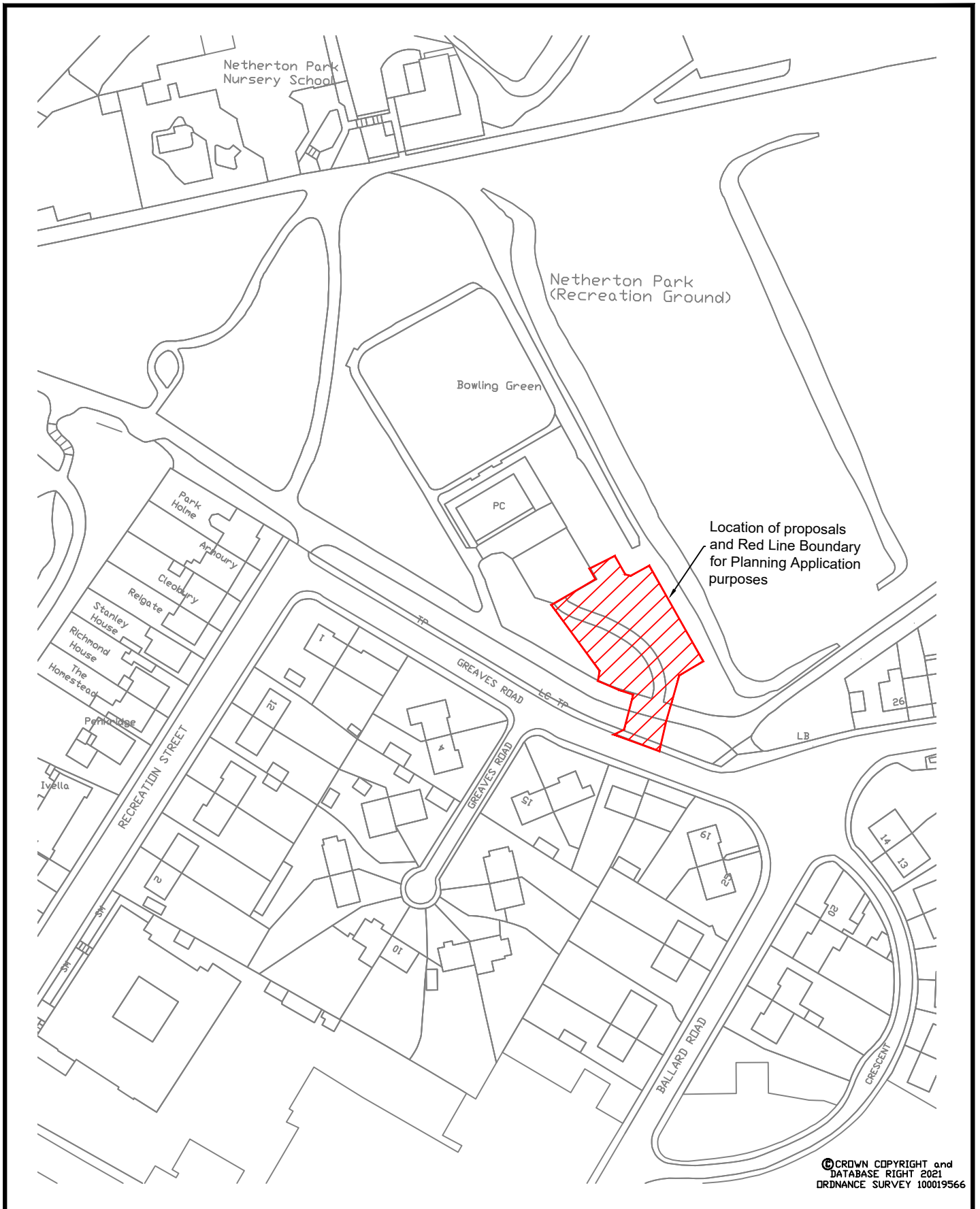
10. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be submitted to and agreed in writing by the local planning authority. The replacement trees shall be after

provided in accordance with a time table to be submitted to and agreed in writing by the local planning authority and shall thereafter be retained for the life of the development.

REASON: To maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).

11. Prior to the approved car park first being used, a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall include how the new car park will be managed and secured. Any agreed measures to be incorporated within the car park management plan shall be fully completed within the timescales set out within the document and there after retained and maintained as such for the lifetime of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.



Traffic, Transportation & Engineering
 Lister Road Depot,
 Dudley
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PUBLIC REALM

Project GREAVES ROAD, NETHERTON - CAR PARK PROPOSALS
 Title Location Plan with Red Line Boundary

Drawing No.
 CE/GT-036/001

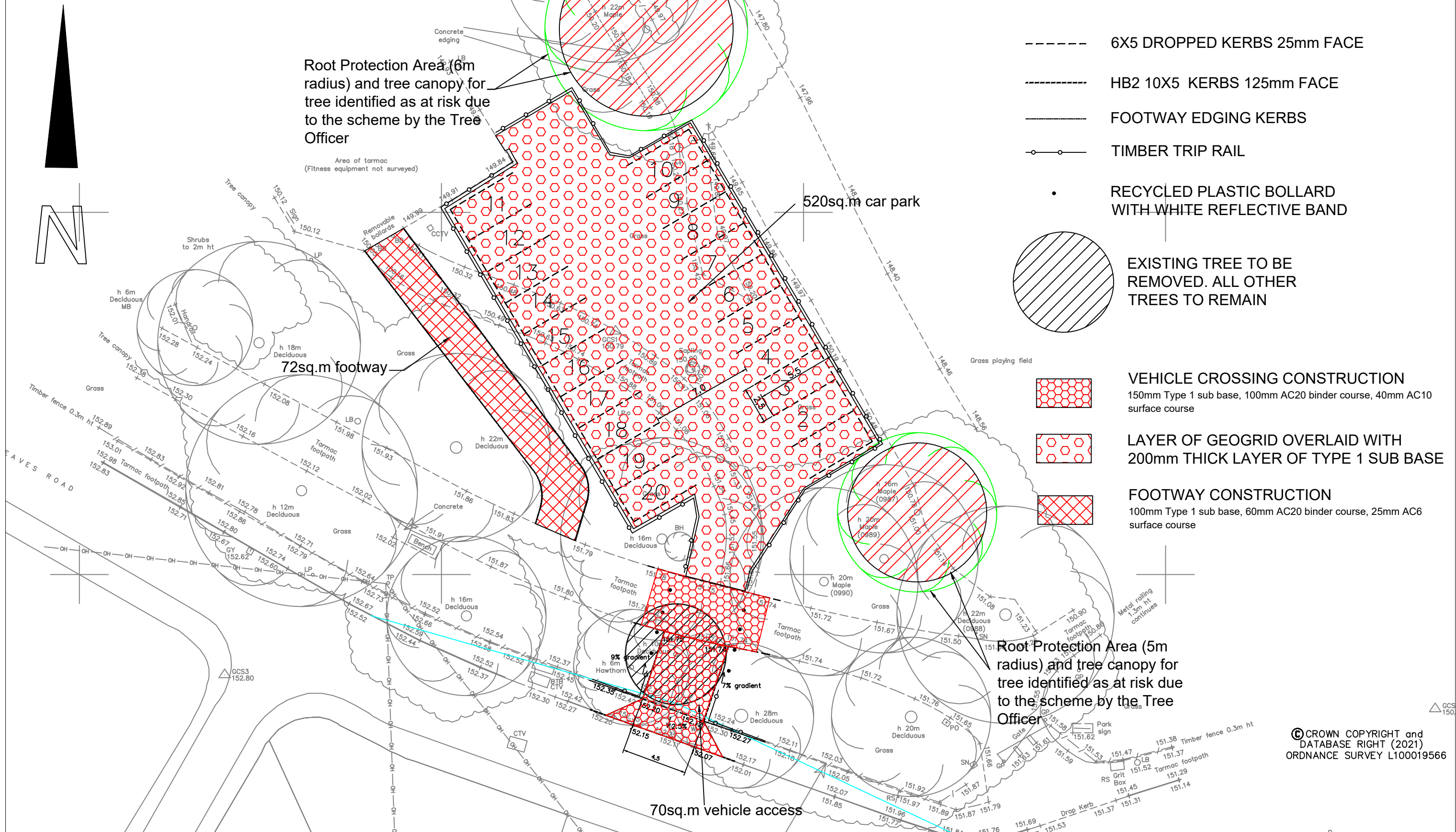
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Revision No. 0

Date 31/08/22

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GREAVES ROAD, NETHERTON - CAR PARK PROPOSALS

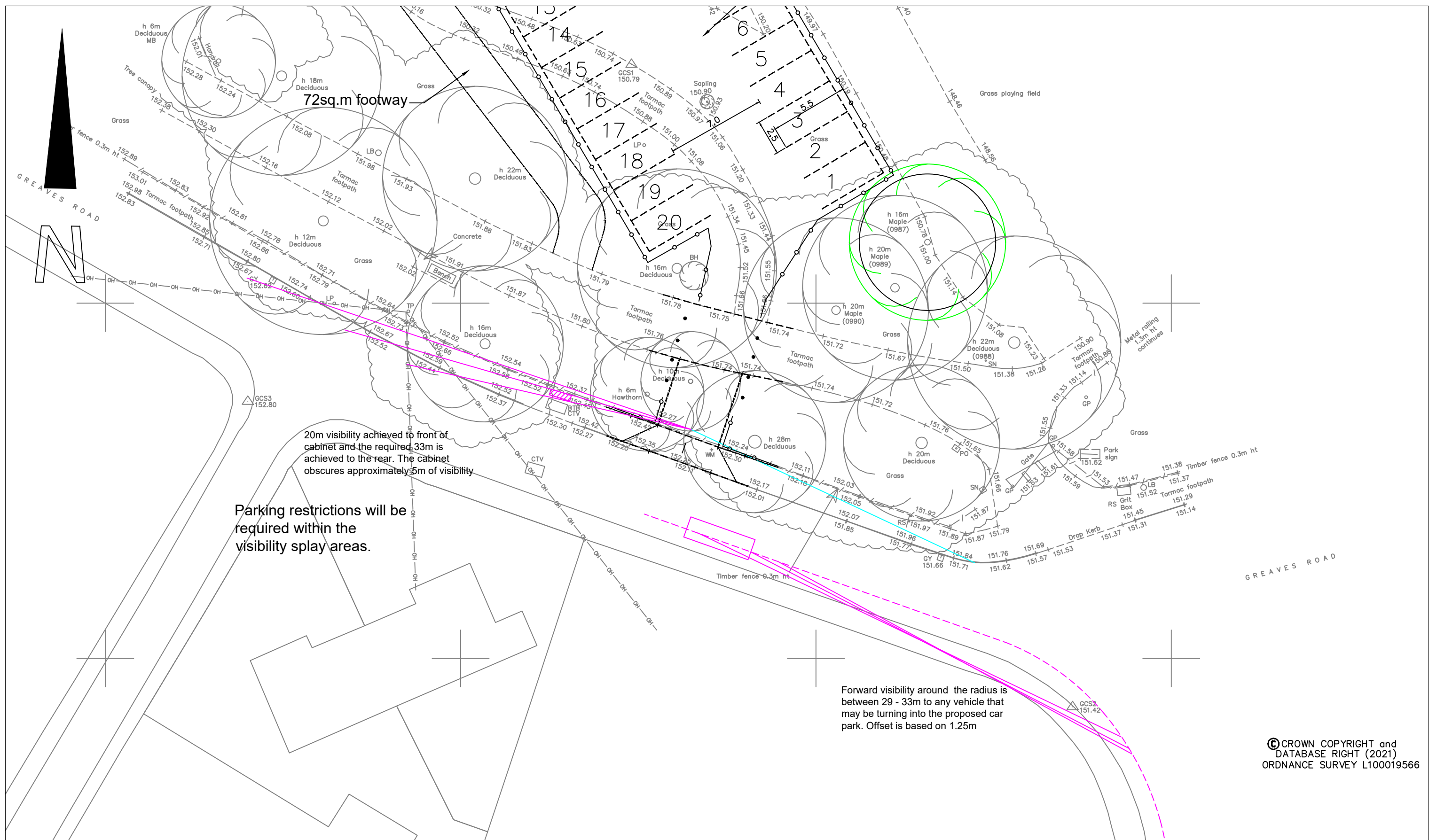
PUBLIC REALM
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4 Ednam Road
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REVISION 1

Drawn By MB	Checked By SH	Revision No.	Date 25/07/22	Drawing No. CE/GT-036/02	Scale 1:250@A3
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20m visibility achieved to front of cabinet and the required 33m is achieved to the rear. The cabinet obscures approximately 5m of visibility

Parking restrictions will be required within the visibility splay areas.

Forward visibility around the radius is between 29 - 33m to any vehicle that may be turning into the proposed car park. Offset is based on 1.25m

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GREAVES ROAD, NETHERTON - CAR PARK PROPOSALS - VISIBILITY SPLAYS

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REVISION 1

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Revision No.

Date 14/10/22

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