

1) Planning Documentation: Final Officer Report

Committee Date:	07/01/2016	Application Number:	2015/02983/PA
Accepted:	17/04/2015	Application Type:	Full Planning
Target Date:	08/01/2016		
Ward:	Harborne		

Land at Sandon Road, Harborne, Birmingham, B17 8LL

Development of playing pitches (2 x rugby, 1 x all weather pitch with lighting), changing rooms, w/c's and parking (phase 1), and club room with kitchen and bar, additional changing rooms, and ancillary office, stores and wc's (phase 2)

Applicant: Persimmon Homes
c/o The Agent
Agent: Planning Prospects Ltd
4 Mill Pool, Nash Lane, Belbroughton, Worcestershire, DY9 9AF

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application seeks planning consent for the development of a disused grassed private playing field to form a new playing field facility primarily for rugby. The application comprises the installation of a new artificial adult sized rugby pitch, with associated floodlighting, team dugouts and spectator areas, a grassed adult rugby pitch and a grassed junior rugby pitch, a new pavilion building and an associated car park, footpaths and landscaping.
- 1.2. The proposal involves some engineering works to set the levels of the pitches 0.5 metres below the existing ground level, using the excavated material to form three, 1 metre high earth bunds between the pitches and the boundaries of the site with adjoining residential properties in Poplar Avenue, City Road and Wadhurst Road. A 2-3 metre high noise barrier would then be erected on top of the bund to form a noise barrier to protect the amenities of adjoining residents.
- 1.3. The proposed pavilion building would be a single storey building with a mono pitched roof situated to the rear of 67-75 (odds) Sandon Road and would be implemented in two phases. The first phase comprises 4 changing rooms with associated toilets and showers. The second phase would comprise two further changing rooms with showers and toilets, a club room with bar and kitchen, office, stores, referees room, first aid room, and additional toilets.
- 1.4. The site would be accessed via the existing access between 75 and 87 Sandon Road into a 39 space car park.
- 1.5. The proposed development of the pitches and phase 1 of the clubhouse is to be funded from the proposed residential development at City Road, which is reported elsewhere on the Committee agenda. A section 106 agreement is proposed to link

the implementation of the two developments, to ensure delivery of the sports development in accordance with proposed phasing, its subsequent management and maintenance, and to secure community access to the proposed facilities. Phase 2 of the clubhouse is proposed to be funded from external funding sources with detailed discussions taking place with the Rugby Football Union (RFU) and Sport England. The intention is for phase 2 of the building to be completed to be available for use on first occupation of the development, subject to funding being secured.

- 1.6. The plans have been amended from those originally submitted with the application, reducing the number of pitches from four to three, re-positioning the pitches on the site to provide more space around the edges of the site for the noise barrier and landscaping, and relocating the car park and pavilion to be accessed from Sandon Road (as existing) rather than from City Road. The pavilion building has been enlarged with more facilities following discussions with the RFU and Sport England.
- 1.7. The application is accompanied by a Planning Statement, Design and Access Statement, Sports statement and Addendum, Noise impact assessment, Drainage strategy, transport assessment, and baseline ecological audit.
- 1.8. [Link to Documents](#)
2. [Site & Surroundings](#)
 - 2.1. The application site is an area of disused private playing field that has become overgrown and now forms an area of grassland at the rear of existing dwellings in Sandon Road, City Road, Poplar Avenue and Wadhurst Road. The edges of the playing field are interspersed in places with mature trees, particularly along the boundary with Poplar Avenue, although this does not form a complete screen for residents with views into the site between some of the trees. There is a change in level across the site with a steep shelf from north west to south east, such that the approximately a third of the site in the north eastern section is at a lower level.
 - 2.2. The applicant's sports assessment states that the site has not been actively used for approximately 23 years. In its present physical condition, without significant investment, the site could not currently be used for competitive sport.
 - 2.3. The site is enclosed by residential rear gardens on all four sides although there are some sections of land also owned by the applicant that link the site to the surrounding road frontages. The existing access onto Sandon Road would be retained and re-used.
 - 2.4. A small section of the site access is located within the Barnsley Road Conservation Area, along with the adjoining houses in Sandon Road.
 - 2.5. [Site location and street view](#)
3. [Planning History](#)
 - 3.1. Application site
 - 3.2. The site was previously the sports and social club for W & T Avery Ltd, a manufacturer of weighing machines. There have been a number of minor applications from the 1950's – 1980's for proposals such as garages for storage associated with the use of the site as a sports and social club and sports field. The

last application was under 09585006 in 1988 for the erection of a tin shed for storage of sports equipment.

3.3. Other related history

3.4. 2015/02982/PA – Residential development of 116 dwellings, access, parking and landscaping at Land at City Road and Rotton Park Road – Reported elsewhere on the Committee agenda.

4. Consultation/PP Responses

4.1. Press and sites notices erected. MP's for Edgbaston and Ladywood Constituencies, ward members for Harborne, Edgbaston, Ladywood, and Soho wards, residents associations and neighbouring residents notified.

4.2. 19 letters of comments and objections, and a petition of objection with 56 signatories, (submitted by Councillor McKay) received. The comments/grounds of objection are as follows :

- Lack of public consultation
- Impact of traffic and parking
- objection to the use of City Road to provide access
- objection to the revised proposal to use Sandon Road for access to the site
- Impact of construction traffic
- Anti social behaviour
- greater risk of burglary/loss of security
- Increased noise
- Developer should replace residents fences and pay for acoustic glazing
- Impact of light pollution from the floodlights
- Inadequate drainage strategy with potential impact for overland flows into residents properties and gardens
- loss of outlook/visual impact
- impact on ecology, including birds, bats
- lack of an environmental impact assessment
- management of use to prevent rugby balls entering residents gardens
- lack of fencing around the pitches
- loss of a commemorative tree
- This application should be considered independently of the housing application as they are in separate wards and raise separate issues. The proposals put forward on this site do not mitigate for the loss of sports fields elsewhere.
- It is not acceptable that the section 106 benefits from a development in Soho ward are to be invested in this site in Harborne ward, especially given the deprivation in Soho ward.
- The development should be managed by the Council not a private company.

4.3. In raising these comments, 6 residents state that they would welcome the field being brought back into sporting use. One resident comments that the use for Rugby is a popular option. One resident comments that they feel the development will improve security by providing more surveillance from bringing the site back into use. One resident comments that they have no objections subject to the proposed noise mitigation being implemented, along with appropriate boundary treatment, collection of water draining through the AGP to prevent contamination of the groundwater and

appropriate maintenance of the proposed SUD's. Two residents have commented that they now have no objections to the revised drainage proposals but still raise comments and concerns about boundary treatment/security, impact of the floodlights on bats/other wildlife and the loss of a tree.

- 4.4. Councillor Elaine Williams comments that in her view these facilities would be a great asset to the area, and that the resident's concerns can hopefully be addressed.
- 4.5. Sport England – Supports the application. Comments that the applicant's sports statement is weak and they have given limited weight to it in reaching their conclusions. Advises that the project was first mooted in 2006/2007, and has been fully supported by the Rugby Football Union (RFU), and Sport England. The 2011 Playing Pitch Strategy sets out that this site is identified to create a home venue for Dixonians RFC and that there is a shortfall of rugby pitches across the city. They comment that the site is now identified for Harborne RFC with rugby still being seen as the priority sport for this site. The intention is for the site to also provide facilities for training and use by a number of other rugby clubs in the City can take place. The proposal would provide the City's third World Rugby compliant Artificial Grass Pitch (AGP), suitable for both rugby training and matches, and ultimately a club house which can deliver rugby specific training. They therefore consider that the proposal addresses an identified need and has the potential to be of benefit to the area and the City as a whole. They consider that the proposal accords with the guidance in the NPPF. They make various detailed comments in respect of the detailed design of the clubhouse, pitches, floodlights and recommends a condition to require the specification to be built to their prescribed standards. Also advises that the facility has the potential to be used for community sport and is satisfied that even though the site will be home to Harborne RFC, there will be use made of the site by other rugby and sports clubs as well as community groups. They recommend a condition relating to the management and maintenance of the facility.
- 4.6. RFU – Advises that this site is a high priority for continued development for rugby, and has been prioritised as a site to host a significant amount of rugby activity by the local RFU delivery team. On this basis, and assuming tenure was successfully agreed between the owner and the RFU then the RFU could conceivably attribute capital funding to this project in order to contribute towards the delivery of the 2nd phase.
- 4.7. Transportation Development – No objections. Comments that the proposal will be likely to deliver a similar level of traffic to the previous use of the site as a sports facility. Considers that the parking proposed is likely to cater for the demand for parking. Recommends that further details and any necessary associated amendments are provided in respect of parking and manoeuvring of coaches, and conditions regarding any alterations to the accessway and footway crossing to facilitate the manoeuvring of coaches, secure cycle parking, disabled parking and the marking out of parking spaces.
- 4.8. Lead Local Flood Authority – Makes detailed comments that the overarching proposal to separate the drainage of the site into two areas with the hardstanding and changing facilities to be drained by porous paving and cellular storage, and the pitch areas to be drained by a swale and basin is acceptable to the LLFA. The proposed attenuation storage should be revised to include a climate change allowance of 30% rather than 20% as proposed. Finished floor levels of the changing facilities should be 150mm above surrounding ground levels, and

operation and maintenance details should be provided. Recommends a condition to agree these details.

- 4.9. Leisure Services – Comments that the proposal to make the site available for future recreational use and its subsequent management in the long term is supported, subject to a suitable community access agreement being secured.
- 4.10. Regulatory Services – No objections. Recommends conditions relating to hours of use, noise mitigation for the proposed sports pitches, no kickboards or fencing to be installed around the pitches without prior approval, noise insulation and verification of the proposed pavilion, kitchen extraction, plant and machinery noise levels, and electric vehicle charging points.
- 4.11. Severn Trent Water – No objections. Recommends drainage condition.
- 4.12. Environment Agency – No objections.
- 4.13. Police – No objections.

5. Policy Context

- 5.1. Adopted UDP, Draft BDP, Playing Pitch Strategy 2011 (Final Report), Car Parking Guidelines SPD, Places for All SPD, Floodlighting of Sports facilities, car parks and secure areas SPG, NPPF

6. Planning Considerations

6.1. Policy

- 6.2. Paragraph 3.55 of the adopted UDP sets out that a standard of 1.2 hectares per 1000 population of playing fields provision will be used to assess the adequacy of existing playing field provision across the City. The site is located within Harborne ward where the existing figure of public and private playing fields is 0.4 hectares. Paragraph 3.55A states that in wards where existing provision is below this standard, consideration will be given to using contributions in lieu of public open space secured under planning obligations on new residential developments towards meeting this shortfall or bringing existing pitches into more beneficial use through, for example, improvements to drainage and the provision of changing facilities.
- 6.3. Paragraph 3.60 of the UDP states that the quality of sports pitches is also important, and that encouragement will continue to be given to improvements, for example to changing facilities, and to the provision of all-weather pitches, which can be more intensively used. An all-weather pitch is considered to be the equivalent of 2 grass pitches and will be assessed on this basis in calculating the extent of existing sports pitch provision in the area.
- 6.4. Policy TP9 of the draft BDP sets out that playing fields will be protected and will only be considered for development where they are either shown to be surplus for playing field use, taking account of the minimum standard of 1.2 hectares per 1000 population, through a robust and up to date assessment and are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size.
- 6.5. Policy TP11 of the draft BDP states that sports and physical activity facilities will be protected from development, unless it can be demonstrated that they are surplus to

requirements through a robust and up to date assessment of need. Where there is identified need for particular sports and physical recreation facilities, the loss of existing sports facilities for these sports will not be allowed unless an equivalent or better quantity or quality replacement provision is provided. The policy also sets out that appropriate and sympathetic sports lighting can enhance the use and sustainability of community sports provision to the benefit of the local community. However, any development involving sports lights should balance the benefits for sport with the amenity of local residents. The use of planning conditions to control the use of sports lights may be applied where appropriate.

- 6.6. The NPPF advises in paragraph 73 that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.7. This application has been submitted following lengthy pre-application discussions between my officers with the applicant, Sport England and the RFU. The proposal involves creating a new purpose built facility for rugby, with the intention being for a local rugby club (Harborne RFC) to be based at the site as their home ground. The site would therefore be used for adult and junior rugby matches, training sessions, associated social use and would also be available for community use at times when it wasn't required for use by the rugby club.
- 6.8. The applicant has submitted a sports statement dated November 2013 and an addendum to this document dated October 2015, making reference to the Council's Playing Pitch Strategy 2011. It is accepted that the proposal accords with the PPS, and although this document does not have SPD status, it has been used as evidence in the preparation of the draft BDP and is relevant to the consideration of the provision of sporting facilities and playing fields.
- 6.9. The PPS identifies that there are general issues of shortfalls in all types of playing pitches in the City, that there are issues of playing pitch quality, that a high number of multi pitch sites are without changing facilities and that there are some disused sites with strong potential.
- 6.10. In terms of football and rugby provision within the local area to the application site, the PPS identifies that the quality of football pitches in the Edgbaston area is the key issue rather than quantity. In Edgbaston, there is a large amount of displacement with many homeless football clubs. Whilst there is an oversupply of rugby pitches in Edgbaston, levels of future and unmet demand have not been fully factored in and with this accounted for the pitches are being played at capacity and in some instances overplayed. In addition, there is a shortage of dedicated rugby compliant training facilities and junior and mini rugby pitches are not usually provided as dedicated pitches. Both Harborne RFU and Dixonians RFU are homeless clubs in the area. In Ladywood, there are similar issues with a lack of quantity and quality, for youth and adult football.
- 6.11. In referring to the playing pitch strategy, the applicant has then summarised recent sports developments and how they relate to the application site. The Portland

Pavilion site (former M and B Sports Ground) has been refurbished for cricket by Persimmon Homes in partnership with Warwickshire County Cricket Club and provides a new cricket square and pavilion, together with a mini football pitch and bowling greens. The section 106 agreement for this scheme also includes requirements for community access and a sports development officer is funded to engage with the local community. A community use agreement has also been put in place at George Dixon School relating to its multi use sports hall, dance studio and playing field. A new 3G artificial pitch has been installed at Lordswood School which has helped to improve the quality of football pitches in the Edgbaston area.

- 6.12. The applicant's assessment concludes that the proposals put forward will go some way to addressing the identified issues for rugby set out within the Playing Pitch Strategy and will include enhanced accessibility through community use opportunities. They comment that whilst there have been recent improvements in football provision, the progress since the 2011 playing pitch strategy has not been so significant for rugby. They conclude that the proposals will improve the quality of pitches for rugby and will provide an opportunity to provide a home for a local rugby club as well as adding to the local supply of rugby facilities.
- 6.13. The application site has not been in use for many years. The applicant proposes to invest over £1million on the site facilities, to be funded by their proposed development at City Road which is reported elsewhere on the Committee agenda. The applicant intends to bring back into use an existing privately owned playing field and to include provision for community access, thereby improving the quantity and quality of playing fields available for use by the general public. The proposed artificial pitch will improve the number of playing hours that are available when compared to providing a grass pitch, which is particularly important in respect of the proposed frequency of the use of facilities on match days and for training. As this application will secure the future of the site for sport, I consider that the application therefore accords with the above policies. I also note the support of its development for rugby from Sport England. The proposal is therefore considered to be acceptable in principle, subject to the consideration of various detailed issues.
- 6.14. Impact on the amenities of residents
- 6.15. The proposed reinstatement of the grassed pitches does not of itself have any particular impact on the use of the site, as these works do not substantially change the relationship of the proposed sports field with the surrounding resident's properties. The elements of this scheme that could result in some additional impact on resident's amenities are the provision of the artificial pitch with floodlights that would then allow more intensive use of the pitches when compared to a grassed pitch without floodlights, and the development of the club house pavilion to the rear of the existing dwellings on Sandon Road.
- 6.16. The provision of the artificial floodlit pitch is important to the support of Sport England as it is this pitch that delivers improvements to the quantity of playing hours and quality of the pitches, and means that they do not raise objections to the loss pitches at City Road. Without such provision, Sport England have concerns that the compensatory provision would not meet their requirements.
- 6.17. The design and layout of the site has been subject to detailed discussions between the applicant, Sport England, and officers in Planning and Regulatory Services to carefully consider the relationship of the proposed floodlit artificial pitch with surrounding residents.

- 6.18. The applicant has provided a revised noise assessment and has amended the scheme to move the floodlit pitch into the western part of the site to maximise the separation distance to adjoining resident's houses. The applicant has also provided a section plan to demonstrate the proposals for a bund/noise barrier that would be situated on the site between the pitch and the boundary with resident's gardens. This barrier would be provided to protect those residents in Poplar Avenue that would be closest to the artificial floodlit pitch, and similar protection would also be provided for the grassed pitches to protect the amenities of residents in Wadhurst Road, City Road and Sandon Road.
- 6.19. The noise assessment considers two possible mitigation scenarios, one which would provide a mitigation package of 3.5 metres above pitch level (involving an earth bund, a noise barrier and sinking the pitch into the ground), and one which provides 4.5 metres of mitigation, with the extra 1 metre achieved through a taller barrier. With the 3.5 metre high mitigation, the improvement would be in the region of 1 to 2 dB and between 2 to 5dB improvement with the 4.5 metre high protection.
- 6.20. I am mindful that during daytime hours and during summer evenings, the grassed pitches could be used anyway without the need for planning permission and this could also generate similar noise impacts for residents. Only the floodlit pitch is likely to be more intensively used during hours of darkness in the evening, and the assessment demonstrates that the residents closest to this pitch in Poplar Avenue will be protected by the mitigation proposed.
- 6.21. In conclusion, I am satisfied that an appropriate scheme of noise protection can be secured to ensure that the proposed floodlit pitch could be installed without giving rise to problems of noise from evening use. The noise mitigation will bring about some improvement for residents when compared to the historic use of the site without this mitigation. Given that the evidence demonstrates that less of the rear garden areas would be affected by noise from the higher noise barrier, I have recommended a condition that requires a scheme of mitigation based on scenario 2, as I consider that this would deliver an appropriate degree of protection from noise. I have also recommended a condition to limit the hours of use of the floodlights until 9:30pm in the interests of limiting the exposure of residents to instances of maximum noise levels from the use of this pitch during hours of darkness in the winter. Summer daytime hours would naturally restrict usage of the un-flood lit pitches to approximately this time and so this would maintain a time period of use comparable with the hours that could be used without the need for planning permission.
- 6.22. I also note the advice from Regulatory Services in respect of the proposed pavilion building, where they have no objections subject to conditions being included to secure an appropriate specification and verification of noise attenuation, to limit the hours of use, agree extraction details and to limit noise levels from plant and machinery. I concur that in the interests of preserving the amenities of nearby residents that these conditions are reasonable and necessary.
- 6.23. In respect of the proposed floodlighting, the applicant proposes to install 6 floodlighting columns around the edge of the artificial pitch. Whilst the plan provides details of the siting of the columns, no details of the height or specification of the floodlights are provided at this stage. A letter from a potential supplier refers to the suggested lighting units being most commonly used for club sports pitches, which can be controlled to reduce light spillage and glare, with reference to a likely level of 2 Lux at resident's boundaries. There is an existing belt of mature tree planting

along the boundary with the properties at Poplar Avenue that will provide some screening effect and any gaps in the trees on this boundary and other boundaries could be supplemented with further tree planting. I have recommended a condition to agree the design and specification of the floodlights and a landscaping condition. With these conditions, I do not consider that residents would be adversely affected by the proposed floodlighting of the artificial pitch.

6.24. Impact on ecology

- 6.25. The Council's ecologist has considered the submitted ecology audit and advises that the trees around the edge of the site provide suitable habitat for nesting and foraging birds as well as foraging bats and therefore minimising light spill from the floodlighting and external lighting on the proposed pavilion building is recommended. He comments that he is pleased to see the applicant incorporate natural SUD's measures. An ecological enhancement condition is also recommended which I concur would be appropriate.

6.26. Impact on Trees

- 6.27. The Council's tree officer advises that the removal of an oak that is positioned under the proposed clubhouse is acceptable subject to appropriate replacement. He advises that it has been suggested that this is a commemorative tree that was planted at the original opening of the Avery Sports Ground although clear evidence is now difficult to obtain. He comments that the tree is not of good form being low spreading and an unbalanced crown. He considers that a suitable replacement with an oak in the higher ground near to the south west boundary would be an appropriate mitigation. A suitable scheme of landscaping to include replacement trees is recommended to be secured by planning condition. Elsewhere, some of the existing boundary trees may be affected by the proposed bunds and so a condition is recommended for arboricultural method statement.

6.28. SUD's

- 6.29. The site is located within flood zone 1 and is not susceptible to fluvial flooding. The applicants revised drainage scheme has been considered by the Lead Local Flood Authority who are generally in agreement with the proposals for the site, subject to agreeing further design details and further information regarding operation and maintenance of the proposed SUD's measures. I concur that an appropriately designed scheme of SUD's can be incorporated within this development and have recommended a suitable condition to agree appropriate details.

6.30. Impact on the Conservation Area

- 6.31. Whilst a small proportion of the site access is located within the Conservation Area, and part of the playing field boundary adjoins it, I do not consider that the proposal will have an adverse effect on its character or appearance. The building is proposed to be a modest single storey building and will be screened by boundary landscaping. Views of the floodlights will also be mitigated by existing landscaping which is to be supplemented through the landscaping condition.

6.32. Traffic and parking

- 6.33. The submitted transport assessment sets out that the site has good accessibility to sustainable modes of travel and that proposed traffic levels generated by the proposed development are likely to be concentrated at evenings and weekends

outside of the am and pm peak periods with a minimal impact on the local network. The proposed car park would provide parking for 39 cars which is considered to be an acceptable level of parking for the proposed development, to meet the needs of players, officials and spectators at the site. I have recommended a condition to ensure that the car park is provided prior to the development being brought into use. A tracking plan has been submitted to demonstrate that coaches could access and manoeuvre within the car park. This will require the access to be modified and the relocation or removal of a bus shelter close to the existing access which is considered to be acceptable.

7. Conclusion

- 7.1. The proposed redevelopment of the existing disused sport field will make a significant positive contribution to playing field provision, and provides a purpose designed facility for rugby. The site is privately owned and currently not used for sport. There is little prospect of the site receiving investment to secure its re-use through any other means and so the development proposals at City Road present the only realistic opportunity to bring about its re-use. The scheme proposed has been designed to meet the aspirations of the RFU and Sport England who support the proposal. The development will improve both the quantity and quality of playing field provision available for use in the area, and will provide community access thereby improving accessibility for the local community to these sporting facilities.
- 7.2. The applicant proposes to enter into a section 106 agreement to secure the implementation of the sports development related to their proposed new housing development at City Road, reported elsewhere on the agenda. This will include provisions to agree a suitable ownership, management and maintenance plan and a community access agreement for the proposed sports development. I have therefore recommended deferral subject to the completion of this agreement.

8. Recommendation

- 8.1. 8.1 That consideration of planning application 2015/02983/PA be deferred pending the completion of a suitable 106 legal agreement to secure the following :
- i) An Ownership and Management Plan for the Sandon Road development to secure the future ownership, management and maintenance of the sports facility, and to procure its implementation in accordance with the ownership and management plan from any future owner, and a community access agreement to secure community use of the Sandon Road development.
 - a) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- 8.2 That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate agreement.
- 8.3 That in the event of the section 106 legal agreement not being completed to the satisfaction of the Local Planning Authority by 21st January 2016, that planning permission be refused for the following reason :

In the absence of any suitable planning obligation to secure an Ownership and Management Plan for the Sandon Road development (2015/02983/PA), and a

community access agreement to provide public use of the Sandon Road development, that the proposal would not satisfactorily secure the provision of an appropriate scheme of playing field enhancements, contrary to paragraphs 3.55, 3.55A, 3.57, 3.60, and 8.50-8.54 of the adopted UDP, policies TP9, and TP11 of the Draft Birmingham Development Plan and the NPPF.

- 8.2. That in the event of the above section 106 agreement being completed to the satisfaction of the Local Planning Authority by 21st January 2016 that favourable consideration be given to the application 2015/02983/PA subject to the conditions listed below.

1	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
2	Requires the prior submission of level details
3	Arboricultural Method Statement - Submission Required
4	Requires the prior submission of sample materials
5	Requires the prior submission of hard and/or soft landscape details
6	Requires the prior submission of a landscape management plan
7	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
8	Requires the prior submission of boundary treatment details
9	Requires a scheme of noise mitigation works for the proposed proposed sports pitches
10	Requires the prior submission of a floodlighting scheme
11	Limits the use of the floodlighting to between the hours of 08:00-21:30 hours Mondays to Sundays.
12	No kickboards or sports fencing around the sports pitches without prior written approval.
13	Requires details of a scheme of noise insulation and verification for the clubhouse pavilion
14	Requires the prior submission of extraction and odour control details
15	Limits the noise levels for Plant and Machinery
16	Limits the hours of use of the clubhouse pavilion to between 08:00 and 23:00 hours Mondays - Sundays
17	Requires the prior submission and completion of works for the S278/TRO Agreement
18	Requires the parking area to be laid out prior to use

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- 19 Requires the prior submission of cycle storage details
 - 20 Requires the scheme to be in accordance with the listed approved plans
 - 21 Limits the approval to 3 years (Full)
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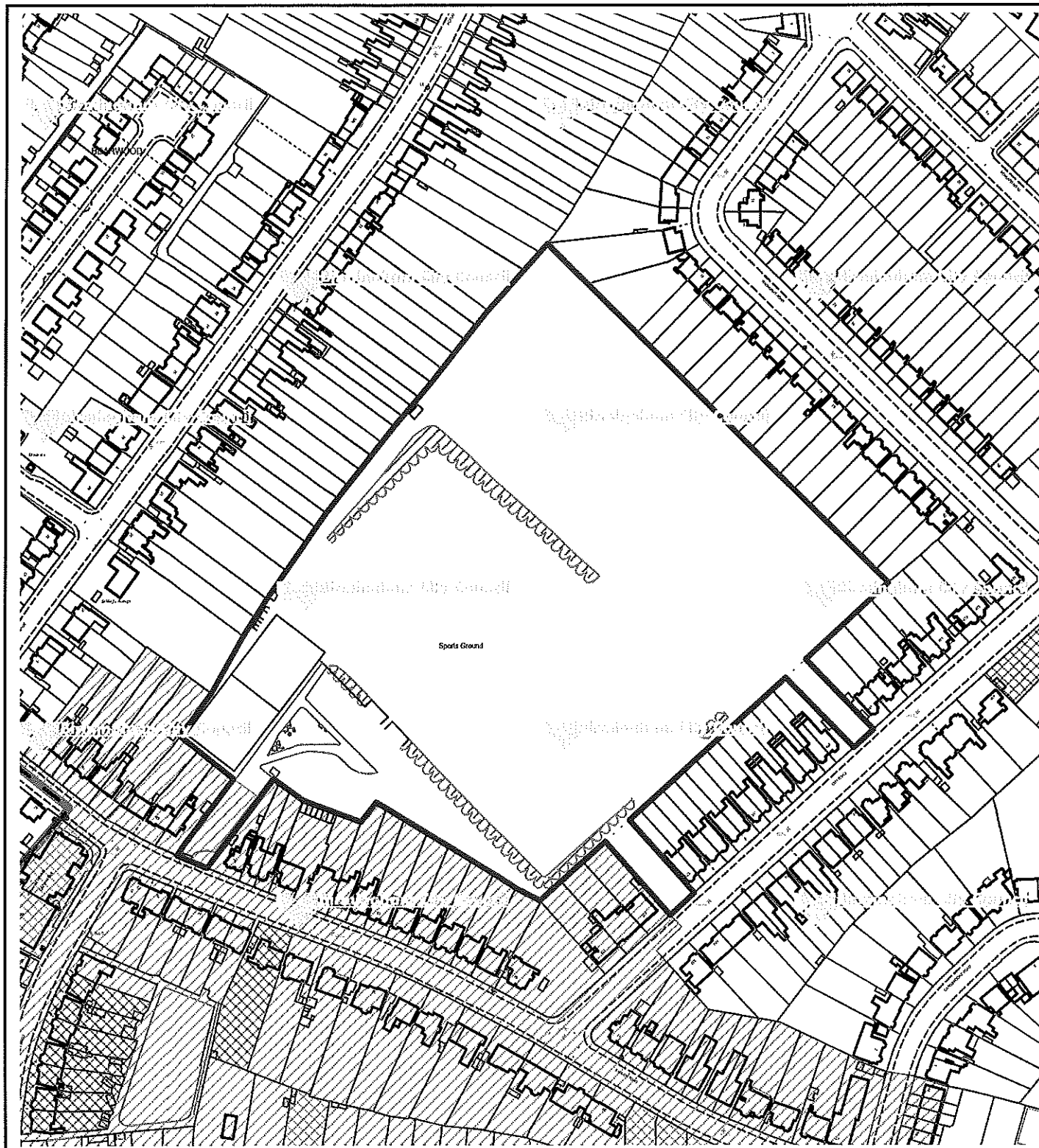
Case Officer:

Photo(s)



Figure 1: Existing access on Sandon Road

Location Plan



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2) Planning Decision Document

DECISION DOCUMENT

APPLICATION NUMBER: 2015/02983/PA**TOWN AND COUNTRY PLANNING ACT 1990****APPLICANT**

Persimmon Homes
c/o The Agent

AGENT (if used)

Planning Prospects Ltd
4 Mill Pool
Nash Lane
Belbroughton
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DY9 9AF

BIRMINGHAM CITY COUNCIL GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS FOR THE FOLLOWING DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND APPLICATION AS NUMBERED ABOVE:

Development of playing pitches (2 x rugby, 1 x all weather pitch with lighting), changing rooms, w/c's and parking (phase 1), and club room with kitchen and bar, additional changing rooms, and ancillary office, stores and wc's (phase 2)

at

Land at Sandon Road, Harborne, Birmingham, B17 8LL

Conditions that affect this development or use

-
- 1 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
No development shall take place until a Sustainable Drainage Assessment (including drainage plans, detailed design, hydrological and hydro-geological assessment) using appropriate sustainable drainage principles and a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority
- The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Assessment prior to the use of the building commencing and maintained thereafter for the lifetime of the development in accordance with the Sustainable Drainage Operation and Maintenance Plan
- Reason: To ensure there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), TP6 of the Birmingham Development Plan, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.
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- 2 Requires the prior submission of level details
No development shall take place until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be implemented in accordance with the approved details.
- Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 3 Arboricultural Method Statement - Submission Required
No development shall take place until a site specific arboricultural method statement (AMS) and a tree protection plan (TPP), in accordance with British Standard 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012 and any subsequent edition), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and maintained in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 4 Requires the prior submission of sample materials
No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 5 Requires the prior submission of hard and/or soft landscape details
No development shall take place until full details of hard and/or soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100, showing, where used, locations of individually planted trees, areas of woodland, shrubs, hedges, bulbs, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include planting schedules, noting species, plant sizes and proposed numbers / densities and details of the proposed planting implementation programme. All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.
Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005.
-
- 6 Requires the prior submission of a landscape management plan
A landscape management and maintenance plan, including a survey of the existing landscape and its condition, long term design objectives, management responsibilities and maintenance operations for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.
Reason: To protect the landscape character and amenity of the development site over the long term in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 7 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
No development shall take place until an Ecological Enhancement Strategy to include the proposed SUD's measures has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
Reason: In order to safeguard the nature conservation value of the site in accordance with Paragraphs 3.37-3.40 of the Birmingham UDP 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

- 8 Requires the prior submission of boundary treatment details
No development shall take place until full details of the proposed boundary treatment of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the development hereby permitted is first brought into use and shall be retained thereafter.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 9 Requires a scheme of noise mitigation works for the proposed sports pitches
No development shall take place until a scheme of noise mitigation for the proposed development is submitted to and approved in writing by the Local Planning Authority and implemented prior to the development being first brought into use. The details shall include all noise mitigation measures outlined in scenario 2 in the submitted WSP noise impact assessment (151012-70014290-CB-R1- Rev1) dated October 2015 to include a combination of measures that include the proposed levels of the pitches, the proposed earth bunds, and the proposed noise barriers.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 10 Requires the prior submission of a floodlighting scheme
The development hereby approved shall not be brought into use until a detailed floodlighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed floodlighting scheme shall include site annotated plans showing lighting positions of the floodlighting columns, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.
Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.
-
- 11 Limits the use of the floodlighting to between the hours of 08:00-21:30 hours Mondays to Sundays. The proposed floodlighting shall only be switched on during the hours of 08:00 - 21:30 hours Mondays to Sundays, and shall be switched off at all times when the floodlit artificial pitch is not in use.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 12 No kickboards or sports fencing around the sports pitches without prior written approval.
No kickboards or sports fencing shall be installed around the perimeter of the proposed sports pitches without the prior written approval of the Local Planning Authority.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 13 Requires details of a scheme of noise insulation and verification for the clubhouse pavilion
No development shall take place until a scheme of noise insulation for the proposed clubhouse pavilion has been submitted to and approved in writing by the Local Planning Authority. The details shall include details of mechanical extraction and details of the internal layout which shall be in accordance with the approved plans. The development shall be implemented in accordance with the approved details. Prior to the clubhouse pavilion being first brought into use, a noise validation report shall be submitted and approved in writing with the Local Planning Authority.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 14 Requires the prior submission of extraction and odour control details
No development shall take place until details of the extract ventilation and odour control equipment, including details of any noise levels, noise control and external ducting has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF
-
- 15 Limits the noise levels for Plant and Machinery
The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.
-
- 16 Limits the hours of use of the clubhouse pavilion to between 08:00 and 23:00 hours Mondays - Sundays
The clubhouse pavilion shall only be used between the hours of 08:00 and 23:00 hours Mondays to Sundays.
Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8, 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 17 Requires the prior submission and completion of works for the S278/TRO Agreement
The development shall not be occupied until a package of highway measures has been approved by the Local Planning Authority and the approved measures have been substantially completed. The package of measures shall include any alterations to the existing footway crossing and accessway to facilitate the manoeuvring of vehicles entering and leaving the site, including any work relating to street furniture/statutory undertakers equipment and are to be carried out at the applicants expense to Birmingham City Council specification.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 18 Requires the parking area to be laid out prior to use
The development hereby approved shall not be brought into use until vehicle parking has been constructed, surfaced and marked out in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005, the Car Parking Guidelines SPD and the National Planning Policy Framework.
-
- 19 Requires the prior submission of cycle storage details
The development hereby permitted shall not be brought into use until details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles have been submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 20 Requires the scheme to be in accordance with the listed approved plans
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers P-01 (location plan), P-02 Rev C (proposed site plan), P-03 (proposed site sections), P-04 (Clubhouse plan), 500 (site survey), TTC drawing 01 (swept path analysis) ('the approved plans')
Reason: In order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 21 Limits the approval to 3 years (Full)
The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission.
Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

Date: Friday 22nd January 2016



Waheed Nazir, Director of Planning and Regeneration

P.O. BOX 28, Birmingham B1 1TU

**Please note
This is not a building regulation approval**

INFORMATIVE NOTE

Water supplies for fire fighting should be in accordance with the "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK

Please ensure that you visit the following link before commencing any development:
<http://www.water.org.uk/home/policy/publications/archive/industry-guidance/national-guidance-document/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the West Midlands Fire Service Water Office at
water.officer@wmfs.net

In reaching this decision Birmingham City Council have made the decision in a positive way to foster the delivery of sustainable development, working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. The decision has been taken having regard to the impact of the development, and in particular to the policies and proposals in the adopted Development Plan, and to all relevant material considerations, including the National Planning Policy Framework, the City Council's draft Birmingham Development Plan and Supplementary Planning Documents/Guidance. The City Council have worked in a seamless and timely manner to undertake the necessary liaison and negotiation with the applicant, third parties and statutory consultees (at the application and pre-application stages) to look for solutions which seek only high quality sustainable development.

3) H. M. Land Registry

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 08 July 2018 shows the state of this title plan on 08 July 2018 at 16:59:07. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Coventry Office .

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H. M. LAND REGISTRY

NATIONAL GRID PLAN

SP 0286

SECTION L

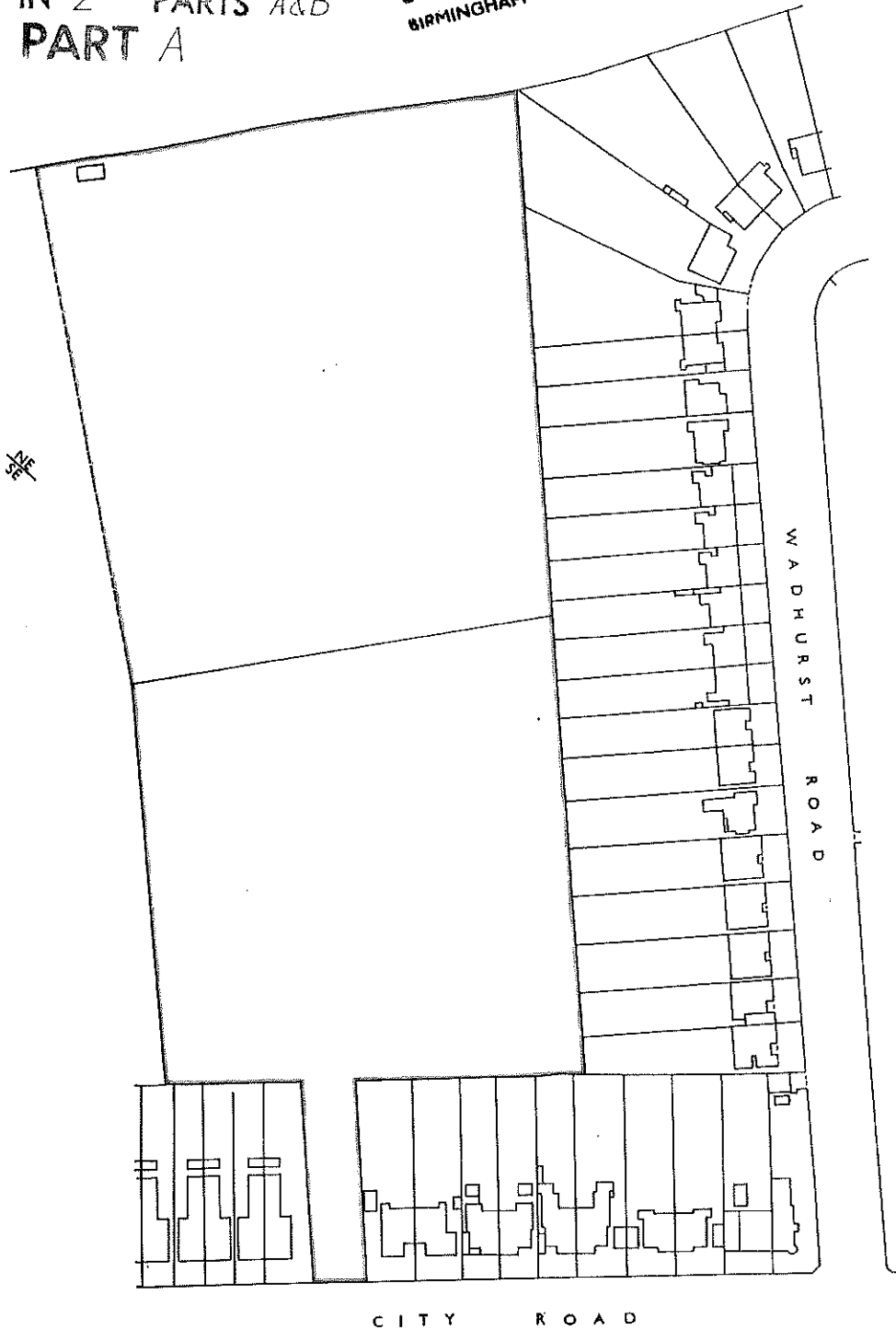
WARWICKSHIRE

Scale 1/1250

CITY OF BIRMINGHAM

COUNTY OF WEST MIDLANDS
BIRMINGHAM DISTRICT

PLAN IN 2 PARTS A&B
PART A



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General of the Ordnance Survey,
Cheshington, Surrey, 1964 for HMLR
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Title No. WK 203598

H. M. LAND REGISTRY PLAN IN 2 PARTS A & B PART B

NATIONAL GRID PLAN

SP 0286

SECTION K

WARWICKSHIRE

COUNTY OF WEST MIDLANDS

BIRMINGHAM DISTRICT

Scale 1/1250

CITY of BIRMINGHAM

POPLAR AVENUE

SANDON ROAD

CITY ROAD

Made and printed by the Director
General of the Ordnance Survey,
Chessington, Surrey. 1964 for HMLR

Title No. WK 203598

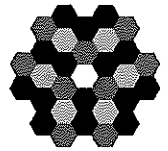


P207

4) Official Copy Of Register Of Title

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number WK203598

Edition date 25.05.2017

This official copy shows the entries on the register of title on 02 JUL 2018 at 21:01:17.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 02 Jul 2018.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Coventry Office.

A: Property Register

This register describes the land and estate comprised in the title.

WEST MIDLANDS : BIRMINGHAM

- 1 (09.01.1973) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land and buildings on the North West side of City Road, Edgbaston.
- 2 The land has the benefit of the following rights granted by but is subject to the following rights reserved by the Conveyance dated 4 May 1926 referred to in the Charges Register:-

"TOGETHER with the right of drainage for the passage or conveyance of sewage water and/or surface water from the piece of land thereby conveyed into the public sewer and/or drain in Bernard Road along a strip of land not exceeding twelve feet in width the position of which is shown by the lines marked "A" "B" and "C" on the said plan with power for the Purchasers (but not until after they shall have given to the Vendors or their successors in title or their agents for the time being three calendar month's notice in writing of their intention so to do) to enter on the said strip of land and therein at their own cost in all respects to lay out and construct at levels and of materials patterns and sizes to be previously approved in writing by the agents for the time being of the Vendors or their successors in title and by the City Authorities a sewer and/or surface water drain leading into Bernard Road thereafter to repair and maintain the same PROVIDED ALWAYS that at any time after such sewer and/or surface water drain shall have been so constructed by the Purchasers or their successors in title the Vendors or their successors in title shall have the free right (to take effect and be exercised within the lifetime of the survivor of the issue now living of His late Majesty King Edward the Seventh and twenty-one years thereafter) to use such sewer and/or surface water drain for all reasonable and proper purposes and for any such purposes to make all such connections thereto and at any such point or points as may be reasonable or proper and upon and after such user by the Vendors or their successors in title so much of the said sewer and/or surface water drains as shall be so used by the Vendors or their successors in title shall until taken over by the Local Authority be repairable at the joint and equal expense of the Vendors or their successors in title and the Purchasers or their successors in title AND PROVIDED ALSO that if the Vendors or their successors in title shall have previously laid a sewer and/or surface water drain in any part of the said strip of land and shall have connected the same with the sewer and/or surface water drain in Bernard Road then and in that case the powers

A: Property Register continued

hereinbefore granted to the Purchasers shall be modified and the Purchasers or their successors in title shall be at liberty to use such sewer and/or surface water drain and to connect their sewer and/or surface water drain (if and when laid and constructed) with such sewer and/or surface water drain of the Vendors or their successors in title and shall thereafter from time to time pay to the Vendors or their successors in title and equal half part of the cost of repairing and maintaining so much thereof as shall be used in common by the Purchasers or their successors in title and the Vendors or their successors in title until taken over by the Local Authority

PROVIDED ALSO that the Purchasers and their successors in title shall at their own expense make good all damage or disturbance which may be caused to the surface of the said land in relation to such laying constructing connecting repair or maintenance carried out by them in pursuance of the powers hereby granted EXCEPT AND RESERVED out of this grant and conveyance (1) any right of access of light or air from or over the other lands now belonging to the Vendors adjoining the said land hereby conveyed on the North-East and South-East sides thereof and (2) the free right and liberty for the Vendors and their successors in title and their respective lessees and tenants and all other persons duly authorised by them respectively to use and maintain all existing drains and sewers (if any) in or under the piece of land hereby conveyed for the benefit of the said adjoining lands of the Vendors and any existing or future buildings on any part thereof."

-NOTE: Copy plan filed.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (19.11.2004) PROPRIETOR: PERSIMMON HOMES LIMITED (Co. Regn. No. 04108747) of Venture Court, Broadlands, Wolverhampton WV10 6TB.
- 2 (19.11.2004) The price stated to have been paid on 29 October 2004 was £1,500,000 plus VAT.
- 3 (19.11.2004) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 A Conveyance of the land in this title dated 4 May 1926 made between (1) Henry Gillott Weiss and Theodore Hornung (Vendors) (2) W. & T. Avery Limited and (3) The Soho Trust Company Limited (Purchasers) contains covenants details of which are set out in the schedule of restrictive covenants hereto.
- 2 (25.05.2017) UNILATERAL NOTICE affecting the sports ground at Avery Fields in respect of an agreement to acquire the property dated 12 May 2017 made between (1) Avery Fields Community Sports Trust and (2) Persimmon Homes Limited.
- 3 (25.05.2017) BENEFICIARY: Avery Fields Community Sports Trust (Co. Regn. No. 10515820) of 4 Albany Road, Harbourne, Birmingham B17 9JX.

Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 4 May 1926 referred to in the Charges Register:-

Schedule of restrictive covenants continued

"AND the Purchasers and W. & T. Avery Limited hereby covenant and each of them hereby covenants separately with the Vendors to the intent and so as to bind (so far as practicable) the property hereby conveyed into whosoever hands the same may come and to benefit and protect the remainder of the Testator's Rotton Park Estate whether now remaining in the hands of the Vendors or already sold and conveyed or demised by them or their predecessors in title as follows:-

1. THAT they the Purchasers will not at any time hereafter build or cause or suffer to be built or to be or remain upon each one of the three portions of the property hereby conveyed which front to Sandon Road and City Road and are marked respectively "X" "Y" and "Z" on the said plan more than one detached dwellinghouse or in the alternative upon each one of the said plots marked "X" and "Y" on the said plan more than one pair of semi-detached dwellinghouses and will not in the erection of each of such detached or semi-detached dwellinghouses lay out and expend a less sum than Seven Hundred and Fifty Pounds

2. AND ALSO that they the Purchasers will not at any time hereafter build or cause or suffer to be built or to be or remain upon any part of that portion of the property hereby conveyed which lies within fifty yards of the boundaries of such property at the rear of the lands messuages and houses of purchasers or lessees of other parts of the Rotton Park Estate fronting to Sandon Road and City Road or either of such roads or on any part thereof any dwellinghouses other than detached or semi-detached dwellinghouses and will not in the erection of each of such detached dwellinghouses lay out and expend a less sum than Six Hundred Pounds and in the erection of each of such semi-detached dwellinghouses will not lay out and expend a less sum than Five Hundred and Fifty Pounds

3. AND ALSO that they the Purchasers will not in the erection of any dwellinghouse at any time hereafter to be erected or built upon any part of the remainder of the property hereby conveyed lay out and expend a less sum than Five Hundred Pounds

4. AND ALSO that they the Purchasers will not at any time hereafter build or cause or suffer to be built or to be or remain

(a) Upon those portions of the property hereby conveyed which are described in Sub-clause (1) hereof or on any part thereof respectively any buildings or erections other than such detached or semi-detached dwellinghouses as are mentioned in Sub-clause (1) hereof with usual outbuildings

(b) Upon that portion of the property hereby conveyed which is described in Sub-clause (2) hereof or on any part thereof any buildings or erections other than such detached or semi-detached dwellinghouses as are mentioned in Sub-clause (2) hereof with usual outbuildings and/or such other buildings as are hereinafter authorised

(c) Upon the remainder of the property hereby conveyed (i.e. excluding those portions thereof which are referred to in Sub-clauses (1) and (2) hereof) or on any part thereof any buildings or erections other than such dwellinghouses as are mentioned in Sub-clause (3) hereof with usual outbuildings and/or such other buildings as are hereinafter authorised And will not at any time hereafter build cause or suffer to be built or to be or remain upon the property hereby conveyed or on any part thereof whatsoever any back dwellinghouse or dwellinghouses of the description of labourers' or poor persons' houses nor any other small dwellinghouse or dwellinghouses nor any other erection or building whatsoever which shall or may be deemed a nuisance or injurious to the Vendors or any purchaser or purchasers or lessee or lessees of theirs or the tenant or tenants of such purchaser or purchasers lessee or lessees

5. AND ALSO that they the Purchasers will not at any time use the property hereby conveyed or any part thereof or permit or suffer the same or any part thereof to be used for the purpose of carrying on any trade or manufacture or as a beer shop or alehouse tea garden public strawberry garden or any other place or public resort or amusement whatsoever whether allowed a license by Act of Parliament or otherwise or for any other purpose which shall or may be deemed a nuisance or

Schedule of restrictive covenants continued

injurious to the Vendors or any purchaser or purchasers or lessee or lessees of theirs or the tenant or tenants of such purchaser or purchasers or lessee or lessees

PROVIDED ALWAYS that the Purchasers and their successors in title shall be at liberty to use the land hereby conveyed and shown edged with pink and in part hatched with pink on the said plan or to permit or suffer the said land to be used:-

(a) For the purposes of a private recreation ground used for organised games by employees of the Purchasers or W. & T. Avery Limited their respective successors or assigns or by members of a private athletic club formed for the benefit of such employees and for the purpose of matches or competitions with other clubs but so that save as hereinafter expressly provided the general public shall not be admitted to such recreation ground on payment of money and no bands or loud musical instruments or wireless loud speakers shall be played thereon Provided that the Purchasers and their successors in title or their lessees or tenants may admit the general public to such recreation ground on payment of money and/or may make use of a band on not more than three days in each year And provided also that such user as a recreation ground (including user for matches or competitions admission of the public on payment of money and use of a band) shall at all times be such as not to constitute a nuisance or a serious (that is to say genuine or real not trifling) annoyance or be injurious to the Vendors or any purchaser or purchasers or lessee or lessees of theirs or the tenant or tenants of such purchaser or purchasers or lessee or lessess or to the owners or occupiers of any adjoining premises in the neighbourhood

(b) For the erection of (i) a pavilion and/or (ii) a caretaker's house Provided that no such pavilion or caretaker's house or any outbuilding or other erection used in connection therewith shall be erected or made nearer than twenty-five feet to the back boundaries of the lands and premises of purchasers or lessees or other parts of the Rotton Park Estate fronting to Sandon Road and City Road and/or (iii) an electrical transformer and/or an automatic telephone exchange and/or a similar building or buildings of public utility Provided that no such last mentioned buildings referred to in paragraph (iii) shall be erected excepting only along the north-western boundary of the property hereby conveyed and no such building nor any outbuilding or erection used in connection therewith respectively shall be built or made nearer than thirty feet to the back boundary of the lands and premises of purchasers or lessees of other parts of the Rotton Park Estate fronting to Sandon Road Provided also that no such building or erection authorised by this Sub-clause (b) shall be erected or made except in conformity with a plan and elevation and upon a site to be first submitted to and to be subject to the reasonable approval of the Vendors or their successors in title or their agent for the time being which site shall not be upon any of those portions of the said property marked respectively "X" "Y" and "Z" on the said plan and subject also to each such erection and the user thereof respectively being such as not to constitute a nuisance or a serious (that is to say genuine or real nor trifling) annoyance or be injurious to the Vendors or any purchaser or purchasers or lessee or lessees of their or the tenant or tenants of such purchaser or purchasers or lessee or lessees or to the owners or occupiers of any adjoining premises in the neighbourhood

6. AND ALSO that they the Purchasers and their successors in title will forthwith erect along the north-eastern boundary of the said property a proper and sufficient closed fence not less than four feet six inches in height and will at all times hereafter maintain such fence

7. AND ALSO that they the Purchasers will not at any time build erect or make or cause or suffer to be built erected or made or to be or remain upon those portions of the property hereby conveyed which front to Sandon Road and City Road and are marked "X" "Y" and "Z" on the said plan and building erection or obstruction of any kind whatsoever except boundary walls gates or fences nearer to Sandon Road and City Road aforesaid than the existing building lines of the land immediately adjoining the said portions of the property hereby conveyed on either side there respectively."

Title number WK203598

End of register

5) Land Use Classifications

Change of use

Use Classes

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. This Order is periodically amended, view details of the amendments.

It is generally the case that you will need planning permission to change from one use class to another, although there are exceptions where the legislation does allow some changes between uses.

For example, A3 uses can change to A1 uses without the need for planning permission. However, if you are proposing to change the use of a premises or land, you should always seek advice from the local planning authority to confirm whether planning permission is required or not.

The following list gives an indication of the types of use which may fall within each use class. Please note that this is a guide only and it is for local planning authorities to determine, in the first instance, depending on the individual circumstances of each case, which use class a particular use falls into.

Part A

- **A1 Shops** - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.
- **A2 Financial and professional services** - Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies. It does not include betting offices or pay day loan shops - these are now classed as "sui generis" uses (see below).
- **A3 Restaurants and cafés** - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.
- **A4 Drinking establishments** - Public houses, wine bars or other drinking establishments (but not night clubs) including drinking establishments with expanded food provision.

- **A5 Hot food takeaways** - For the sale of hot food for consumption off the premises

Part B

- **B1 Business** - Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.
- **B2 General industrial** - Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste).
- **B8 Storage or distribution** - This class includes open air storage.

Part C

- **C1 Hotels** - Hotels, boarding and guest houses where no significant element of care is provided (excludes hostels).
- **C2 Residential institutions** - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
- **C2A Secure Residential Institution** - Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.
- **C3 Dwellinghouses** - this class is formed of 3 parts:
 - C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
 - C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
 - C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.
- **C4 Houses in multiple occupation** - small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Part D

- **D1 Non-residential institutions** - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship,

church halls, law court. Non residential education and training centres.

- **D2 Assembly and leisure** - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).

Sui Generis

- Certain uses do not fall within any use class and are considered 'sui generis'. Such uses include: betting offices/shops, pay day loan shops, theatres, larger houses in multiple occupation, hostels providing no significant element of care, scrap yards. Petrol filling stations and shops selling and/or displaying motor vehicles. Retail warehouse clubs, nightclubs, launderettes, taxi businesses and casinos.

Before you negotiate a lease or buy a property for your business, check whether you need to obtain planning permission for your intended use, and, if so, your chances of getting it.

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Change of use

Planning Permission

Changes of use not requiring planning permission

Planning permission is not needed when the existing and the proposed uses fall within the same 'use class', or if The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) says that a change of use is permitted to another specified 'use class'.

For example, a greengrocer's shop could be changed to a shoe shop without the need for planning permission as these uses fall within the same 'use class', and a restaurant could be changed to a shop or a estate agency as the GPDO allows this type of change to occur without requiring planning permission.

Whilst a change of use might not need permission, any external building work associated with a change of use may still require planning permission.

The table below summarises the permitted changes of use following the latest updates to legislation which came into force on 23 May 2017 (see links below). The table simplifies the complex legislation and should be read as a guide only, and in conjunction with the additional comments and restrictions below.

From	To
A1 (shops)	A2 A3 up to 150m ² and subject to Prior Approval D2 up to 200m ² and subject to Prior Approval and only if the premises was in A1 use on 5th December 2013 A mixed use comprising an A1 or A2 use and up to 2 flats may also be permitted subject to meeting certain conditions

	C3 up to 150m ² and subject to Prior Approval.
A2 (professional and financial services) when premises have a display window at ground level, but excluding betting offices or pay day loan shops	A1 A3 up to 150m ² and subject to Prior Approval D2 subject to Prior Approval and only if the premises was in A2 use on 5th December 2013 A mixed use comprising an A1 or A2 use and up to 2 flats may also be permitted subject to meeting certain conditions C3 up to 150m ² and subject to Prior Approval,.
A3 (restaurants and cafes)	A1 or A2
A4 (drinking establishments)	A4 drinking establishment with A3 (restaurants and cafes)
A5 (hot food takeaways)	A1 or A2 or A3
A4 drinking establishment with A3 (restaurants and cafes)	A4 (drinking establishments)
B1 (business)	Up to 500m ² B8 .
B2 (general industrial)	B1
B2 (general industrial)	Up to 500m ² B8
B8 (storage and distribution)	Up to 500m ² B1 C3 (subject to prior approval)
C3 (dwellinghouses)	C4 (small houses in multiple occupation)
C4 (small houses in multiple occupation)	C3 (dwellinghouses)
Sui Generis (casinos)	D2 A3 only if existing building is under 150m ² and subject to Prior Approval C3 up to 150m ² and subject to Prior Approval.
Sui Generis (betting offices and pay day loan shops)	A1 A2

	<p>C3 up to 150m² and subject to Prior Approval</p> <p>A mixed use comprising a betting office or a pay day loan shop, or an A1 or A2 use and up to 2 flats may also be permitted subject to meeting certain conditions.</p> <p>D2</p>
Sui Generis (agricultural buildings)	<p>A1, A2, A3, B1, B8, C1, C3, D2, all subject to meeting relevant criteria and Prior Approval. See notes below.</p>

Other restrictions

The table provides a summary for the most common changes of use that apply in most circumstances, but there may also be further restrictions that do not allow you to implement the change of use. For example, if the property is within a Conservation Area, National Park, or Area of Outstanding Natural Beauty, or if the building is a Listed Building or Scheduled Monument, within a site of special scientific interest, safety hazard area, or military explosives area.

Larger houses in multiple occupation usually require a licence, find out more information and how to apply for a licence in the private renting section of Gov.uk.

Local planning authorities can also remove permitted development rights in certain areas, meaning that you will require planning permission, so you should always check with your local council before you consider undertaking any works.

Some changes of use are also permitted, either only on a temporary basis, and/or subject to additional restrictions.

Prior approval

Some changes of use are subject to a prior approval procedure with the local planning authority. This seeks approval of various matters, dependent on the nature of the use, but might typically include matters relating to parking and highways, flooding, and contaminated land. In the case of A3 uses, prior approval is required in respect of matters relating to noise, odour, waste collection, impact of the hours of opening, transport and highways impact, impact on existing shopping provision, the design of any external changes and a statement specifying the net increase in dwellings proposed by the development.

All prior approval applications require a fee to be paid to the local planning authority.

Mixed use

Where a development comprises a “mixed use” in the retail uses classes and betting office / pay day loans shop category then there are also some permitted development rights for changes of use of that mixed use, similar to the presiding use identified in the table above. Check with your local planning authority (See GPDO Schedule 2, Part 3, Class M).

Office to Residential

Temporary permitted development rights currently apply in respect of the change of use of premises from a B1(a) office use to C3 residential use. This is subject to Prior Approval being sought in respect of flooding, contamination, highways and transport issues and impacts of noise from commercial premises on the intended occupiers of the development. For a property to benefit from C3 use, the use must begin by 30th May 2016 (See GPDO Schedule 2, Part 3, Class O) or for developments assessed against the post-6th April 2016 amendments (see SI 332 amendments in relation to change of use of offices to dwellinghouses), development must be completed within three years starting with the prior approval date.

Storage / Distribution to Residential

Temporary permitted development rights also apply in respect of the change of use of premises from B8 ‘storage and distribution’ use under 500m² to C3 ‘residential use’.

This is subject to a number of criteria being met and subject to Prior Approval being sought in respect of air quality, transport and highways impacts, contamination risks, flooding risks, noise impact, and impact on the sustainability of adjoining uses.

For a property to benefit from C3 use, the prior approval date must be before 10 June 2019 and the development must be completed within three years of the prior approval date. (The ‘prior approval date’ is the date that the developer successfully completes the prior approval process) (See GPDO Schedule 2, Part 3, Class P and amendment to Part P, Class Q)

Temporary change of use

Buildings with A1, A2, A3, A5, B1, D1 and D2 uses are permitted to change use for a single period of up to two years to A1, A2, A3 and B1 uses. (See GPDO Schedule 2, Part 4 Class D)

Agricultural buildings

Agricultural buildings are permitted to change to C3 use (dwellinghouses) together with some building operations reasonably necessary to facilitate the conversion, subject to meeting certain criteria:

- No more than five separate dwellinghouses can be developed under this Class.
- Subject to this limit of five dwellinghouses, up to three can be ‘larger dwellinghouses’. (A larger single dwellinghouse is one with a floor space of more 100m²). No more than 465m² of floor space can change use to ‘larger dwellinghouses’ under this class and no more than 465m² of residential

floor space is allowed in larger dwellinghouses.

- Within the overall limit of five dwellinghouses, up to five can be 'smaller dwellinghouses'. (Smaller dwellinghouses each have a floor space of no more than 100m²).

It is also subject to Prior Approval being sought in respect of transport and highways impacts, noise impact, contamination risks, flooding risks, location or siting, and the design or external appearance of the building (See GPDO Schedule 2, Part 3, Class Q and amendment to Part 3, Class Q).

Agricultural buildings under 500m² are permitted to change to a flexible commercial use, comprising A1, A2, A3, B1, B8, C1 or D2 uses. This is subject to meeting certain criteria, and Prior Approval being sought in relation to uses over 150m² in respect of transport and highways impacts, noise impact, contamination risks and flooding risks (See GPDO Schedule 2, Part 3, Class R).

Agricultural buildings within land under 500m² are permitted to change to a state funded school or a registered nursery. This is subject to meeting certain criteria, and Prior Approval being sought in respect of transport and highways impacts, noise impact, contamination risks, flooding risks and whether the building is suitable for the proposed use (See GPDO Schedule 2, Part 3, Class S).

If your proposal meets the permitted development requirements but you are unsure, for peace of mind you may choose to apply for a lawful development certificate (LDC). This is not the same as planning permission but is proof that your building work is lawful. Find out more.

Light industrial to dwellinghouses

This change of use is set out in Class PA, introduced by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

It allows a change of use from B1(c) (light industrial) to C3 (dwellinghouses) subject to limitations and conditions including the prior approval of the local planning authority in respect of certain matters.

It is only applicable to applications received on or after 1 October 2017, for which prior approval is granted before 1 October 2020. Development must then be completed within 3 years of the prior approval date.

State funded schools and registered nurseries

Buildings and land within B1, C1, C2, C2A and D2 uses are permitted to change to a state funded school or registered nursery. This is subject to meeting certain criteria, and Prior Approval being sought in respect of transport and highways impacts, noise impact, and contamination risks (See GPDO Schedule 2, Part 3, Class T).

The following links provide the detailed legislation:

- The Town and Country Planning (General Permitted Development) (England) (Amendment) Order

2018

- The Town and Country Planning (General Permitted Development) (England) (Amendment) Order (No.2) 2017
- The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017
- The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016
- The Town and Country Planning (General Permitted Development) (England) Order 2015
- The Town and Country Planning (Compensation) (England) Regulations 2015
- The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015
- Explanatory memorandum (PDF)

Changes of use requiring a planning application

Other than for the permitted changes of use listed above and changes where both uses fall within the same 'use class', planning permission is generally required for a material change of use.

Most external building work associated with a change of use is also likely to require planning permission, although the The Town and Country Planning (General Permitted Development) (England) Order 2015 does also allow some minor external changes.

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6) Premises Type

Public Register: Licence Report

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1. Licence
2. Current Designated Premises Supervisor
3. Premises Details
 - 3.1 Licensable Activities
 - 3.2 Activity Times
 - 3.3 Operating Hours
4. Conditions
 - 4.1 Mandatory Conditions
 - 4.2 Operating Conditions
 - 4.3 Committee Conditions
5. Events

1. Licence

Summary of the licence application.

Application Reference	106440
Licence Holder Name	Avery Fields Sports & Events Ltd
Registered Company Number	11282490
Licence Number	
Time Limited Start Date	N/A
Time Limited End Date	N/A
Issue Number	
Issue Date	
Grant Date	
Granted By	
Status	Refused
Representation Start Date	21/05/2018
Representation End Date	18/06/2018

2. Current Designated Premises Supervisor

A DPS is required wherever there is a licenced activity for the sale of alcohol for consumption on or off the premises.

Status	Assigned
Name	Mr Dean Lewis
Licence Number	
Issuing Authority	
Start Date	22/05/2018

3. Premises Details

Details of the premises, the licensable activities and hours of operation.

Premises Name	Avery Fields Sports & Events
Premises Type	Multi Purpose Venue
Premises Address	85 Sandon Road, Edgbaston, Birmingham, B17 8DT
Ward Name	North Edgbaston

3.1 Licensable Activities

A list of activities applied for or for which this premises is licensed.

Code	Description
A	Plays
B	Films
C	Indoor sporting events
D	Boxing or wrestling entertainment
E	Live music
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

3.2 Activity Times

The times of day during which the activities listed in 3.1 are permitted/applied for. Where the start time is later than the end time, the period of activity spans mid-night. Where the start time is equal to the end time, the period licensed is 24 hours.

Days	Start Time	End Time	Licensed Activity Codes
	08:00	02:00	A, B, C, D, E, F, G, H, M3

Public Register: Licence Report

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 - 4.1 Mandatory Conditions
 - 4.2 Operating Conditions
 - 4.3 Committee Conditions
5. Events

1. Licence

Summary of the licence application.

Application Reference	107441
Licence Holder Name	Avery Fields Sports & Events Ltd
Registered Company Number	11282490
Licence Number	
Time Limited Start Date	N/A
Time Limited End Date	N/A
Issue Number	
Issue Date	
Grant Date	
Granted By	
Status	New
Representation Start Date	02/08/2018
Representation End Date	30/08/2018

2. Current Designated Premises Supervisor

A DPS is required wherever there is a licenced activity for the sale of alcohol for consumption on or off the premises.

No Information available

3. Premises Details

Details of the premises, the licensable activities and hours of operation.

Premises Name	Avery Fields Sports and Events Ltd
Premises Type	SOCIAL CLUB (OPEN TO PUBLIC)
Premises Address	79 Sandon Road,Edgbaston,Birmingham, B17 8DT
Ward Name	North Edgbaston

3.1 Licensable Activities

A list of activities applied for or for which this premises is licensed.

Code	Description
A	Plays
B	Films
C	Indoor sporting events
E	Live music
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

3.2 Activity Times

The times of day during which the activities listed in 3.1 are permitted/applied for. Where the start time is later than the end time, the period of activity spans mid-night. Where the start time is equal to the end time, the period licensed is 24 hours.

Days	Start Time	End Time	Licensed Activity Codes
Sunday- Thursday	11:00	23:00	A, B, C E, F, G, H, M3
	23:00	00:00	L
Monday - Sunday (Outdoors)	11:00	22:30	E, G, H
Friday - Saturday	11:00	00:00	A, B, C E, F, G, H, M3

7) License Application Final Decision



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE A

9 JULY 2018

Avery Fields Sports & Events, 85 Sandon Road, Edgbaston, Birmingham, B17 8DT

That the application by Avery Fields Sports & Events Ltd for a premises licence in respect of Avery Fields Sports & Events, 85 Sandon Road, Edgbaston, Birmingham B17 8DT, **BE REFUSED.**

The Sub-Committee's reasons for refusing this application for a premises licence were due to concerns regarding the impact of the proposed operation in a residential area, not least due to the uncertainty over the nature of what was actually being planned by the applicant. In reaching this decision, the Sub-Committee was mindful of the promotion of the licensing objectives in the Act, particularly the prevention of crime and disorder, public safety and the prevention of public nuisance. Both West Midlands Police and Environmental Health attended the meeting to object, along with local residents living in the roads surrounding the site.

Upon hearing from those from Avery Fields Sports & Events, three of whom attended (they were also represented at the meeting by a licensing agent), the Sub-Committee was concerned that there was rather a lack of transparency, and also a degree of confusion, over the manner in which the application had been drafted – specifically, the difference between what the premises told the Sub-Committee about how they proposed to operate, and what they had in fact requested on their written application. Consequently the Sub-Committee did not have confidence that the applicant was capable of upholding the licensing objectives.

The applicant explained that they were based at a 13½ acre site, and the land was used for rugby matches and training, attracting many local children. They were a cooperative society in the process of becoming a charity. They were a 'not for profit' organisation, and accordingly they intended to plough all funds back into the sports club; however, they also made submissions regarding their financial position and the urgent need to raise funds due to very high operating costs. They had 37 contracted rugby players and a number of full-and part-time staff; in addition, maintenance of the artificial grass pitch alone cost some £250,000 per decade. They therefore had recently entered into a partnership with a venue catering company. The plan was to raise the funds via the holding of commercial events, offered with the assistance of the venue catering company. The long hours of operation were required in order that they should be able to compete with other alcohol-licensed establishments, such as hotels.

Upon hearing the applicant's submissions and examining the operating schedule

in detail, the Sub-Committee considered that the applicant was asking them to take something of a leap of faith, particularly in relation to the hours, which were akin to those of a late-night bar or nightclub. The applicant stated that they 'probably' would close at 22.00 hours from Monday to Thursday, but the application had requested operation throughout each day - starting at 08.00 and not finishing until 02.00 hours of the following day. The applicant stated that they 'may not open' for 3 or 4 nights in the week, but the application had been submitted asking for daily operation. The applicant stated that the playing of live music was 'unlikely' to include a live rock band, but the application if granted would permit this. Indeed the full panoply of licensable activities had been requested – even plays, films, dance performances, boxing matches – and all of them to 02.00 hours daily.

It was not an application which inspired confidence; the Sub-Committee did not consider that the applicant had shown a proper understanding of the promotion of the licensing objectives when drafting, and later amending, the operating schedule. It was unsatisfactory for the applicant to state that they 'may not open' on some weekdays, or 'probably' would close early most days, or that it was 'unlikely' that they would put on a rock concert, when the application had been drafted to include these things. The Sub-Committee was mindful of the fact that to grant the application would leave such matters entirely to the discretion of an applicant who had already stated that there was an urgent need to raise revenue.

The applicant was not fully sure about what type of events they would hold, but had made the application requesting blanket permission for literally any and every type of activity. There had also been talk of using the site as a wedding venue if the catering partner considered this viable. Yet during the meeting the applicant was keen to describe the likely style of event to be 'farmers markets and summer fetes'. The Sub-Committee was confused by this. The application as submitted, and in particular the 02.00 end time, certainly did not correspond to the style of operator that would mainly offer events at the 'summer fete' end of the scale.

As a result, the Sub-Committee agreed fully with the submissions of West Midlands Police. The Police drew a distinction between, on the one hand, what the premises said they intended to do, and on the other hand, what the licence would in fact permit them to do. The Police felt that to focus on the applicant as a rugby club was to ignore the real issue in the application, namely the fact that the proposed licensable activities were akin to those of an entirely commercial late-night entertainment venue, operating to 02.00 hours daily, on a huge site, and close to residential properties.

Earlier in the meeting the licensing agent had told the Sub-Committee that the site was 'not near the houses' of local residents; the Police disagreed strongly with this. The Police confirmed that on attending at the ground for a site visit they had seen for themselves how close by these houses were - close enough for observers to be able to see into the kitchens and bedrooms of the neighbouring properties.

Moreover, having seen the size of the site, the Police also considered that to licence such a very large area would mean that very large events would perhaps follow. The Police observed that until they attended for the site visit, they had had no idea how very large the sports ground was. The Police observed that any event promoter would consider that the nature of the site, namely rugby pitches, ie flat land, across a 13½ acre site, made it ideal for the holding of large events.

At recent meetings of the Special Advisory Group, events for '500 persons or more' had been mentioned by the applicant. Attendance of large numbers of people, and to the very late hour of 02.00, would be difficult to manage, would create considerable noise, and therefore would put the licensing objectives at risk. If the licence were to be granted, the live music permission meant that a rock concert or music festival could be put on, with all the associated risks relating to crime, disorder and nuisance; the boxing event permission would also be a significant risk to public safety. It was the recommendation of the Police that if the licence were to be granted, very significant controls would have to be put in place – far in excess of those shown on the operating schedule.

The Sub-Committee agreed with all of the Police observations. Indeed the Sub-Committee again found themselves confused as to why the application had apparently been drafted with no understanding of these types of potential problems, which seemed to be the common sense 'risk factors' that most responsible applicants would avoid. It appeared to the Sub-Committee that the financial considerations of the club had perhaps outweighed the licensing objectives when submitting the application. The Sub-Committee was not reassured by a declaration from those representing Avery Fields that they had 'never contemplated' rock concerts and/ or boxing matches; why, then, had the application been drafted to include them? To grant the licence would of course permit those activities, and entirely at the applicant's own discretion.

The Environmental Health Department of the City Council also made submissions, and observed that a great deal of information had emerged within the meeting itself. Whilst Environmental Health had proposed some draft conditions in advance of the meeting, due to what then emerged during the course of the meeting, the Environmental Health Officer recommended that the Sub-Committee consider carefully the potential problems relating to public nuisance if the licence were to be granted for a large high-capacity site, operating to 02.00 hours, close to residential properties.

The Sub-Committee therefore considered in detail the potential for nuisance. They were of the view that the noise concerns were a particular worry; the Environmental Health Officer had observed that a gathering of 50-60 people during the evening could create noise nuisance in a residential area, yet in the instant application there had been mention of numbers up to and exceeding 500 people, and until 02.00 hours. The Sub-Committee therefore agreed that the likelihood of public nuisance was high.

The Sub-Committee then heard directly from two local residents. In addition a number of other local residents also attended the meeting, and watched from the public gallery. The local residents were overwhelmingly against the proposals.

The first person to speak said he was worried about what he felt were 'creeping changes' that would completely change the nature of what residents had always thought of as the local sports ground. He observed that if the licence were to be granted there was nothing to stop the applicant holding an event like a rock concert if they so wished, when the land in question was understood by those living nearby to simply be a rugby field and clubhouse. He was perturbed that the applicant's focus seemed to be on raising revenue, rather than on controlled operation. In summary, he was completely against the application as he felt that the disruption caused to local families would be too great, and that it was

unreasonable for local children to be kept awake into the early hours. They would have to endure disturbance to their sleep and consequently to their education.

The Sub-Committee then heard from a lady resident who stated that she had been shocked by the scope of the application, and that she considered that Avery Fields were almost 'asking for a blank cheque' in terms of how they wanted to operate.

She felt that although much of the representations made had related to night-time use, and in particular the 02.00 hours end time, of equal concern was the start time of 08.00 hours, given that there were local schools nearby. She had also found that the premises had not answered any of the contact she had made about an (unrelated) issue concerning the land, and she had been unable to identify who was responsible for the site; whilst that was nothing to do with the instant application, it had not given her much confidence that the premises would answer residents' concerns, or take proper responsibility and accountability, if the licence were granted.

She reiterated the concerns of the first objector – namely that local residents had felt that the land was the local rugby pitch, but the proposal now was that they should become a commercial entertainment venture. When she had heard, earlier in the meeting, about the staffing costs, the costs of the venue catering arrangements, and in particular the cost of maintaining the artificial pitch, she considered that the level of funding required would necessitate the holding of various events every week. She had also noted discussion about appointing a full-time staff member to organise events; this strongly suggested to her that events would be held numerous times a month. All in all, she felt that the applicants should not be given the benefit of the doubt; it was her opinion that a new application should be drafted, reflecting a more realistic proposal for operating.

Once all parties had made their representations, the usual opportunity was given for each party to sum up their submissions. The Sub-Committee was unimpressed that the agent for the applicant used the summing-up part of the meeting to begin to redraft the application in its entirety, including the operating schedule and conditions, which was not at all the approach expected of applicants at any committee meeting. The putative redrafting proposed by the agent included adjustments to the hours, the licensable activities and even the licensable area shown on the plan.

The Sub-Committee asked the agent to comment on the fact that many of those making representations had said there was uncertainty about the proposals, and also to comment on the fact that it had been suggested that the applicant perhaps ought to come back with a new application. Somewhat surprisingly, the agent stated that he considered that so much progress had been made in the hearing that to do so was unnecessary.

Leaving that aside, the agent's decision to begin to redraft the application during his summing up meant that there had been no opportunity for those making representations to comment. The Sub-Committee therefore ordered an adjournment for the new proposals to be considered by all.

When all parties returned after some 50 minutes, there were still some issues of dispute, and in all the circumstances the Sub-Committee felt that there was still

much uncertainty over the operation, and much doubt about the ability of the applicant to uphold the licensing objectives, such that the correct course was to refuse the application. The application had not been carefully drafted, and was then amended 'on the hoof' in the closing stages of the meeting itself, in a manner that did not inspire confidence about the applicant's willingness to operate responsibly.

The Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information contained in the application, the written representations received, and the submissions made at the hearing by the applicant, their agent, West Midlands Police, the Environmental Health Department of the City Council, and those making representations.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

**8) Residents Meeting (15.08.2018) Attendance List
Regarding License Application**

please would you write name
and address.

Page 1.

[REDACTED]	poplar Ave
[REDACTED]	Wadhurst Rd
[REDACTED]	POPLAR AVENUE
[REDACTED]	Poplar AVENUE
[REDACTED]	Poplar Ave
[REDACTED]	Wadhurst Road (formerly Wadhurst Rd)
[REDACTED]	SANDON ROAD
[REDACTED]	Poplar Avenue
[REDACTED]	Poplar AVENUE
[REDACTED]	Wadhurst Road
[REDACTED]	Wadhurst Road
[REDACTED]	Wadhurst Road
[REDACTED]	Sandon Road
[REDACTED]	Sandon Road
[REDACTED]	poplar Avenue
[REDACTED]	P. A.
[REDACTED]	P. A.
[REDACTED]	Wadhurst Rd.
[REDACTED]	Selby Rd
[REDACTED]	Selby Rd.
[REDACTED]	Wadhurst Road
[REDACTED]	WADHURST RD
[REDACTED]	WADHURST Rd
[REDACTED]	POPLAR AVENUE
[REDACTED]	POPLAR AVENUE
[REDACTED]	WADHURST P. 1

Page 2.

Name	Address
[REDACTED]	WADHURST RD
[REDACTED]	Wadhurst Rd
[REDACTED]	WADHURST RD
[REDACTED]	WADHURST RD
[REDACTED]	" " "
[REDACTED]	" " "

32 people + !

9) Petition (30.06.2018) To Previous Application
All Signatures Within A Few Hours

Petition regarding bar licence application on Avery Sports Ground

We the undersigned object to the application for a licence for the bar until 2am every day on the former Avery site for the following reasons.

1. The reason why this site is being returned to a sports facility, rather than being used for housing, is because of an historic Deed of Covenant stating that it would be used for sports in the future. If there is a bar on the site which is open until 2 am, this would go against the spirit, and quite possibly the letter, of this Deed of Covenant.
2. There are many families with young children living in the vicinity. Noise from a nearby drinking establishment until 2am every night would be wholly inappropriate in this context and affect the sleep patterns of these children and disturb their education in the medium to long term.
3. In view of the number of families living within the vicinity there has been a drive to reduce the incidence of prostitution and drug dealing on Sandon Road and City Road. If the site were open until 2 am this would potentially encourage more of this activity and reverse a lot of the good work achieved until now. This would constitute a big step backward for North West Edgbaston and the residents living here.
4. The original planning application to develop this site for sports stated that the site may be in use until 2200 hours, 7 days per week (paragraph 6.2.1 of the Environmental Noise Survey & Noise Impact Assessment from early 2015). We and many others objected to this because of the noise and disturbance that it would cause. There was a petition signed by over 40 households objecting to the development which was presented to the City Council; the noise and disturbance until 10pm every evening was the first point on the petition. There would have been many more signatories if the original application had stated 2am instead of 10pm.
5. In light of these objections, the updated Noise Impact Assessment (REPORT NO 151012-70014290-CB-R1-REV1) submitted by the applicant as part of the updated planning application in November 2015 stated in Table 5:1 on page 14 that the usage of the field would be until 21:30 from Monday to Friday, an improvement on 22:00 every evening which was previously proposed. If the pavilion is now open effectively as a nightclub until 2 am every night, this would seem to make a mockery of this concession previously made in order to assist getting the planning application granted.
6. If a licence were granted until 2 am every day of the week then this would be a big change from the original planning application, and many more people would have objected to the original application if it had been stated that the site could be in use until 2 am every day.

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	ABERDEEN ST B. 1570W	
	Eastern Rd B 29 1SP	
	JELBY Rd B17 8JS	
	Dudley Road	
	DUDLEY ROAD	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	Wadhurst Rd B17 8JF	
	2 Heath Street B18	
	CHAWOOD RD HAYESWORTH	T
	Poplar Ave B17 8EP	
	Roebuck RD. B16 0QE	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	City Rd B16 0NE	
	Littwoods RD. B67 5AZ	
	Bartley Drive B31 1AR	
	EASTWOOD ROAD B12 9NA	
	Stadium Drive EGBASTON B16 0TF	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	Wadhurst Rd Birmingham B17 8JE	
	S. Webbey Rd Bham B17 8JH	
	POPLAR AVE	
	Portland Rd	
	4 Brewers Square	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	2 Selby Rd B17 8JS	
	Selson	
	Valerio Rd B14 7AN	
	Hester St Winson Green Birmingham	
	Dehlon Drive B16 9QY	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	400mber Rd Highwood Rd 121 111	
	Hagley Road West	
	Link Road B16 0EP	
	Grosvenor Rd B17 9W	
	Grosvenor Rd Hasborne B17 9AN	
	Bridge House Oakfield Close B66 3JZ	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	SANDHILLS GRN ALVECHURCH BIRMINGHAM B48 7BT	
	Flat 1 Building 1 Stone Road B15 2HH	
	Gallon Rd Bearwood B67 5JS	
	Station Ave Edgbaston B16 9SZ	
	ETHEL STREET SMETHWICK B67 5AH	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	1 HALBORNERO BIS 3 JN. Post Office Rel Edgworth B17 8LR	
	HARBORNE RD	
	Relay Ad. B17 8JT	
	WADHURST RD B17 8JF	
	C163 Rd	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	EASTERN RD SEELY PARK B29 7JP	
1.	WEST AVE B20 2LS	
	City Rd B16 0NE	
1.	Wadhurst	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	CITY ROAD B16 0NE	
	CITY ROAD B16 0NE	
	Shenstone Rd Edgbaston B16 0PG	
	Shenstone Rd Edgbaston B16 0PG	
	Shenstone road Edgbaston b16 0PL	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	Halsome B63 3RP	
	GILLOTT K0 BIL DET	
	ROWLEY VILLAGE ROWLEY REENS B65 9AS	
	Portland RD Edgaston	
	WILMERS B21 8BS	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	George Dixon Rd B'ham B17 8LQ	
	Ridgeway B11 8JB	
	Pitceirn Rd B67 5NE	
	Fountain Rd Edgbaston B17 8NP	
	Stotham Drive Edgbaston B16 0TF	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	Belmont Road Hollyhead Birmingham B21 0AU	
	Marshall Ave Horsbore B7 9DS	
	Station Ave B16 9SZ	
	Roebuck B16 0QG	
	Newcome Rd B21-4PT	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	MILTON GROVE HANDSWORTH BIRMINGHAM	
	Selsby Rd Edgbaston Bham	
	Harold Rd Edgbaston BIRMINGHAM	
	Barnard Rd Edgbaston B17 8LP	
	Barnard Rd Edgbaston B17 8LP	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	Westfield Rd B14 7SY	(an earlier bar close time would be better!)
	St James Rd Smeethville	
	Flat 1 MILTON COURT SANDON RD -- B66 4AD	
	Galton Rd B67 5JP	
	Milton Cr Sandon Rd Smeeth	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	BERNARD RD B178LP	
	NOEL ROAD B16 SPJ	
	WILLOW AVE B178HJ	
	CITY RD B160NB	
	CITY RD, B16 0NG	

Petition regarding bar licence application on Avery Sports Ground

Name	Address	Signature
	2, BIGOTA	
	1 Manor Rd North	
	Willow Avenue	
	Avery Avenue	
	Ravenshaw Rd	