

APPLICATION REFERENCE: PL/2020/02792/PPFL**Site Address:** Land at Catherine De Barnes Lane, Catherine De Barnes, Solihull.

Proposal:	Demolition of the existing and construction of a replacement clubhouse building, provision of a new all-weather pitch, reconfigured playing pitches and access improvements in connection with the Warwickshire Gaelic Athletic Association facility at Catherine-de-Barnes Lane in Solihull.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	The approval of an application which in the opinion of the Head of Development Management would have a significant impact outside of its immediate vicinity.
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Recommendation: APPROVAL SUBJECT TO CONDITIONS**UPDATE**

This planning application, for a legacy scheme at the Warwickshire Gaelic Athletic Association (WGAA), was considered by members of the planning committee in March 2021. The application was deferred by members and the applicant was requested to submit the following additional and/or revised information;

- Review the design of the new clubhouse to ensure it is more appropriate to its context, and justify the proposed location of the new clubhouse.
- Provide full external lighting details for the car park area to include the security lighting around the proposed new clubhouse.
- Submit the required drainage strategy to demonstrate that the proposal will not cause an increase in the risk of flooding on or off the application site.
- Provide the final Community Use Agreement to show how the new clubhouse and any pitches would be available for the wider community to utilise including when the facilities would be available for hire, by who, and how the booking system would operate.
- Submit a full and detailed reappraisal setting out the background and existing noise levels and those predicted by the Proportionate Reconfiguration scheme agreed by the DCO against the proposed legacy scheme to demonstrate any impact over and above the current background noise levels.
- Review the position regarding Biodiversity Net Gain to clarify whether any further gain could be provided.

- Review the proposed conditions and submit any documentation pre-determination of the application to remove the need for extensive conditions particularly those that are pre-commencement.

A suite of documents has been submitted by the applicant to address the matters above. These documents have been reviewed by both statutory and non-statutory consultees, and the consultation responses are consolidated within this updated report.

In respect of the design of the clubhouse, the applicant has reviewed alternative roof forms. To enable this, the rotated lounge block previously proposed has been discarded and a simpler rectangular form is now proposed. A simple shallow pitched roof profile is proposed, with the lowest eaves facing the most sensitive receptors to the site at the south. The applicant states that the overlapping element of the design creates a focal point to the building, which defines the entrance. Alternative materials have been reviewed by the applicant and the schedule of materials (colour to be agreed via condition 3) consists of brick, render and Serbian Larch vertical timber boards. The applicant states that this will create interest to the building, whilst the softer pallet of materials is akin to a rural farm building. It is anticipated that this will make the building appear softer in the landscape than the previous proposal.

The applicant has stated that the proposed new clubhouse is located in the optimum position within the application site. The position is optimum because it satisfies Sport England requirements in terms of the orientation of the pitches. The new clubhouse ensures that spectators are provided a view of all three pitches whilst ensuring that the first aid and medical support is easily accessible should it ever be required. Locating the clubhouse within a short walk of all three pitches is optimal for players and their supporters, as well as for those within the community who will be able to hire the facilities as part of the Community Use Agreement.

The applicant has submitted an external lighting strategy in support of the revised clubhouse and parking area. This strategy seeks to demonstrate compliance with the recommended light levels within BS EN 12464-2:2014 - *Light and Lighting – Lighting of Work Places* for pedestrian walkways around the perimeter of the building, allowing safe access to the building at night or during winter months as well as compliance with the recommended light levels for disabled car park areas to allow safe mounting and unmounting from vehicles in low light for persons of reduced mobility including wheelchair users. The lighting strategy concludes that the light spill from the proposed external lighting installations does not trespass on neighbouring properties or the adjacent M42 motorway and Catherine de Barnes Lane. The Council's public protection officer has reviewed this document and is satisfied with its contents and conclusions.

The applicant has submitted a Flood Risk Assessment and Drainage Strategy. This document seeks to negate the need for the pre-commencement planning conditions previously proposed by providing the information required by the Council as the Lead Local Flood Authority pre-determination of the planning application. This strategy is in the process of being independently verified on behalf of the Council. As a result, a planning condition is proposed to safeguard the Council's position on this matter.

A draft of the Heads of Terms for the Community Use Agreement has been submitted by the applicant. It is understood that there are on-going discussions between the applicant and the WGAA regarding some of the content however this document provides confirmation of the commitment from the applicant and the WGAA that the proposed facilities will be available for use by the wider community across the week and throughout the year. Sport England, the statutory consultee for planning applications which affect sporting provision in England, has advised that they are unable to support the arrangements within these documents. Sport England is satisfied that the community use agreement condition as previously drafted for the March 2021 committee should be retained to enable matters to be resolved post-consent without delaying a decision on this planning application.

The applicant has re-presented the noise data in a more efficient manner. This document clearly sets out the current baseline position with the approved DCO link road in-situ, the predicted noise levels for the Proportionate Reconfiguration scheme and for this legacy scheme submission. The Council's Public Protection Officer is satisfied with the content of the Noise Impact Assessment and the Noise Management Plan. A limited number of conditions relating to noise and amenity have been requested by the Council's Public Protection Officer.

Following the submission of revised drainage proposals, the biodiversity net gain provided by the Legacy Scheme has increased slightly. This is due to the creation of balancing ponds within the application site. The Council's ecologist has reviewed these proposals and has taken a pragmatic approach given the intricacies of this planning application with the approved M42 Junction 6 DCO scheme. The wider DCO provides biodiversity net gain.

The number of planning conditions proposed for inclusion on the recommended consent has reduced significantly through the submission of the additional and revised information by the applicant.

Following the submission of third party objections, the Council's Planning Solicitor has reviewed the DCO decision and Examiners Report for clarification. These objections state that the DCO decision fixes the position of the replacement pitches and that these positions cannot be deviated from within the Proportionate Reconfiguration scheme. The objector considers that the applicant is misleading the Council regarding this matter, and that is resulting in the Council determining the application incorrectly. Officers are satisfied that whilst the content of the DCO decision remains a material planning consideration, this does not deter the Council from reaching a balanced planning judgement on this application.

Following the submission of additional and revised information, an update is provided at the start of each section of the report.

EXECUTIVE SUMMARY

This full planning application seeks consent for the demolition of the existing clubhouse and the construction of a re-sited replacement clubhouse, the provision of

an all-weather sports pitch and the reconfiguration of two playing pitches at the existing Warwickshire Gaelic Athletic Association grounds on Catherine de Barnes Lane.

The principle of this proposal in the Green Belt is considered to be appropriate development. It involves the provision of appropriate facilities in connection with the existing use of the land for outdoor sport and it is considered that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it in accordance with the requirements of the NPPF on this matter.

The revised design of the new clubhouse meets Sport England requirements and will allow for an element of community use which the current facilities do not provide. The layout is functional and the design addresses the concerns previously raised by members at committee in March 2021. The addition of the all-weather pitch will benefit both the WGAA and the wider community.

In terms of amenity, the site lies in open countryside however it is acknowledged that there are sensitive residential receptors located to the east of the site and to the south of the site. Following the submission of additional information relating to noise, the Council's Public Protection Officer is satisfied that the proposed development accords with Policy P14 in that the proposed development will not have an adverse impact on the amenity of existing occupiers.

The Local Lead Flood Authority, with the support of independent drainage consultant's, are satisfied that following the submission of the Flood Risk Assessment and Drainage Strategy the proposal will not cause a greater risk of flooding upstream or downstream of the site.

In terms of ecology and biodiversity net gain, the latest information submitted shows that the current proposal will result in a loss of 5.06 Habitat Units and a gain of 0.33 Hedgerow Units. This is a change from the 6.65 Habitat Unit loss and -1.64 Hedgerow Unit loss previously reported at committee in March 2021. Further habitat enhancements have been provided on the site which has resulted in these changes. The figure of 5.06 Habitat Unit loss is accepted as a reflection of what is feasibly possible on the site given the current design of the scheme and the constraints identified. Whilst the Council's ecologist queries whether the financial viability of an off-site payment in lieu of on-site net gain is acceptable, it is acknowledged that this application has only been submitted as a direct result of the M42 J6 DCO scheme, and it is agreed that this creates an unusual and exceptional circumstance. It is recognised that there is likely to be enough Habitat Unit gain within the DCO scheme to accommodate the 5.06 Habitat Unit loss from this application. On balance, it is concluded that the proposal complies with Policy P10 of the Solihull Local Plan 2013 and the wider guidance contained within the NPPF.

The proposal is considered to be acceptable in all other aspects, subject to appropriate conditions, and is thus considered to comply with Policies P8, P10, P11, P14, P15, P17 and P20 of the Solihull Local Plan 2013.

Therefore, the proposal accords with the development plan as a whole and benefits from a presumption in favour of sustainable development in accordance with the NPPF and it is for these reasons that the application should be approved.

MAIN ISSUES

The main issues in this application are:

- The proposed development and the approved M42 J6 Highways England Development Consent Order;
- Whether the proposed development would constitute appropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies. If not, whether the harm by reason of inappropriateness (VSCs), and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- Whether the proposal complies with Sport England policy;
- The effect of the proposal on the character and appearance of the area;
- The impact of the proposal on the amenities of adjacent neighbours; and
- The effect of the proposal on highway safety and on the free flow of traffic.

Other Material Considerations

- Landscape;
- Ecology;
- Drainage;
- Heritage;
- Loss of agricultural land;
- Public Rights of Way; and
- Site security.

CONSULTATION RESPONSES

UPDATE –Statutory Consultees

Following the further period of consultation on the additional and revised documentation:-

Sport England - Reconfirmed their position and have requested a planning condition in relation to the community use agreement and phasing of the construction.

The Lead Flood Authority – Reiterate conditions previously sought

Hampton in Arden Parish Council – No further comments received
Birmingham Airport – No further comments.

Statutory Consultees - The following Statutory Consultee responses have been received:

Birmingham Airport - No objections subject to no adverse lighting spill, no increase in the risk of bird strike hazards and details of crane usage prior to development taking place.

Environment Agency – No objection subject to condition.

Lead Flood Authority – No objection subject to condition.

Hampton in Arden Parish Council - The site straddles the boundary of Hampton in Arden and Bickenhill & Marston Green Parish. Under this proposal the development area would be entirely relocated in Hampton Parish and represents a substantial incursion in to the Green Belt, which has already been severely damaged by the M42 Relief Road which is driving this proposal.

The Parish Council opposes the proposal and have some concerns with various statements, exclusions and conclusions as follows: -

Noise.

- The Noise Impact Assessment (NIA) is incomplete and the data that is included is not representative; and
- The NIA recommends taking steps to minimise any noise impact on Four Winds. This does not seem to have been taken into account.

Landscape and Visual impact.

- Highways England, when it submitted its Development Consent Order (DCO) for approval to the Secretary of State, included *document 8.76 Warwickshire Gaelic Athletic Association Position Statement* with the submission. It stated that “while a Legacy scheme will involve pitches, car parking, and a club house nearer to Four Winds, the Legacy scheme will include an earth bund on the new southern boundary of the WGAA facility that can be planted to create environmental screening for Four Winds “. Representatives of the Parish Council have been present at meetings with Highways England when the bund arrangement has been agreed and are quite surprised no mention of it is made within the application;
- The size of the Legacy scheme proposal is significantly larger than the facility it replaces. The new facility at approx. 87500m² is 41% larger than the existing facility; the clubhouse now 845m² is 57% larger. The existing car park is capable of taking 70 cars but the new facility is able to takes upwards of 100 plus additional parking for up to four coaches. We can find no evidence of very special circumstances being put forward to justify the additional land take in the Green Belt. We feel this contrary to clause 145 of the NPPF (Feb.2019); and

- concern whether the Artificial Grass Pitch is a warranted improvement.
- There appears to be no fencing detail within the application. We need to understand this from a security, visual impact and nuisance point of view.

Community Use

- Clause 3.2.6 of the Planning Statement makes reference to the new facility being made available for community use. However, Parish Council cannot find trace of the details of any such arrangement within this application; and
- There are no details relating to the use of the clubhouse (is it only open when games/practice is on?).

Damage to Green Belt.

- The proposed reconfiguration relies on the use of prime agricultural land within the Green Belt. Previous configurations drawn up, but subsequently rejected by the WGAA, relied on the use of poorer quality land in the vicinity of the existing facility. The current facility goes against Policy P17 in the Solihull Local Plan (2013).

Design.

- The proposal is contrary to Clause 127 of the NPPF (Feb 2019). The design of the building, particularly the visual aspect from the highway, is poor.
- The Parish Council can find no mention of actions to improve the sustainability of the building.

Pipeline.

- The Parish Council are aware that part of the facility is planned to sit over the ESSO pipeline. The Parish Council are not certain if special conditions apply to this situation but we can find no trace of any special conditions being included within the application.

Inaccuracies.

- The statement concerning Heath End House being located nearby. This is incorrect as that residence was demolished in 2020 and is now a small works compound.

The Parish Council are therefore minded to oppose this application as it currently stands and believe it needs to be referred back to the applicant for resubmission.

Sport England – No objection subject to a condition and an informative.

Non Statutory Consultees - The following Non-Statutory Consultee responses have been received:

UPDATE

SMBC Ecology – the Council’s ecologist has reviewed the most up to date information regarding biodiversity net gain for this proposal as well as the wider DCO scheme. This shows a habitat loss but a gain in hedgerow units. The habitat loss is accepted as a reflection of what is feasibly possible on the site given the current design of the scheme and the constraints identified. Whilst the Council’s ecologist queries whether the financial viability of an off-site payment in lieu of on-site net gain is acceptable, it is acknowledged that this application has only been submitted as a direct result of the M42 J6 DCO scheme, and it is agreed that this creates an unusual and exceptional circumstance. It is recognised that there is likely to be enough Habitat Unit gain within the wider DCO to accommodate the 5.06 Habitat Unit loss from this application. No objection raised subject to conditions requesting a landscape and ecological management plan and a construction and environmental management plan.

SMBC Heritage – No objection.

SMBC Highways – No objection subject to conditions.

SMBC Landscape – No objection subject to conditions.

SMBC Public Protection – No objection subject to conditions.

ORIGINAL REPORT

SMBC Ecology – the Council’s ecologist has highlighted that each application should have its own biodiversity value (in line with national and local policy) and should not be “traded off” against another scheme, as it is a separate planning application. This has had regard to the approach proposed by the applicant in so far as this scheme has a strong relationship with the wider DCO scheme already approved. On this basis, the proposed development would result in a loss in Biodiversity Net Gain (BNG) and concerns have been raised. Planning conditions recommended in relation to a lighting scheme, biodiversity off-setting, a construction and environmental management plan and landscape and ecological management plan.

SMBC Heritage – No objection.

SMBC Highways – No objection subject to conditions.

SMBC Landscape – No objection subject to conditions.

SMBC Public Protection – No objection subject to conditions.

West Midlands Fire Service – No objection subject to confirmation that additional water hydrants will be installed and that the applicant engages through the Building Control process with Part B of the Building Regulations 2010.

West Midland Police - Recommend that the building conforms to Secure by Design guidance and the site benefits from CCTV coverage and the site benefits from an alarm system that can be remotely monitored.

PUBLICITY

UPDATE

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

Following the submission of the additional and revised documentation to address the deferral of the application at planning committee in March 2021, two further representations have been received from one local resident along with other email correspondence.

These new representations are summarised below;

- The DCO decision fixes the position of the replacement pitches and these positions cannot be deviated from within the Proportionate Reconfiguration scheme.
- The applicant is intentionally misleading the Council on this matter, and as such the Council is determining this application based on inaccurate and false information and statements.
- There is no 'worst case scenario' as stated by the applicant because the pitches cannot be located closer to the south of the application site, the pitch location under the Proportionate Reconfiguration scheme is set as shown in Figure 8.2.1 of the DCO documentation.
- The limits of deviation referred to by the applicant apply solely to highway works and do not grant deviations in relation to the WGAA Proportionate Reconfiguration approval.
- The applicant has failed to provide the necessary information to overcome the reasons for the deferment of this planning application from the March 2021 committee.
- Queries the content of the community use agreement and the lack of community access to the facility.
- Noise and visual impact to Four Winds has not been appropriately considered by the applicant.

3 responses were received during the initial consultation including comments from Councillor Sleight. All correspondence has been reviewed and the main issues raised are summarised below:

Agricultural Land

- The proposal causes the loss of prime agricultural land instead of lower grade land adjacent to the site and does not accord with the Local Plan.

Amenity

- The existing clubhouse which is currently positioned in a hollow to the rear of the existing site, 435m from a nearby property and behind an established hedgerow, is increasing in size from approximately 545m² to 854m², and is being moved 205m south to a position 230m from the same property and only separated by open land;
- The existing car park which is currently 450m from the nearby property and behind an established hedgerow, is increasing in size from 70 car park spaces to 100 car park spaces and is being moved 270m south to a position 180m from the same property and only separated by open land.;
- The new 'Warm Up / Practice Area' is proposed to be constructed 110m from the nearby property and only separated by open land;
- The new clubhouse patio area is proposed to be constructed 215m from the nearby property and only separated by open land;
- The construction of a new Artificial Grass Pitch will result in the WGAA site being used more intensively;
- The proposed Community Use Agreement will result in the WGAA site being used more intensively;
- The application fails to comply with Policy P14 of the Local Plan;
- The application fails to comply with Paragraphs 170 and 180 of the National Planning Policy Framework; and
- The proposed development would have a detrimental impact on Four Winds.

Design

- The proposed clubhouse is lacking in any architectural merit and is a low quality, functional building that is out of place in the surrounding landscape;
- Development is contrary to para. 127 of the NPPF.

Drainage

- The proposal requires the alteration of the ditch on the western boundary (Low Brook) which requires substantial land take.

Green Belt

- The development is inappropriate development in the Green Belt and is by definition harmful to the Green Belt and does not meet the policy exceptions set out in paragraphs 145 and 146 of the NPPF; and
- The proposed development will increase the size of the WGAA site from approximately 61800m² to 87370m² and will result in significant harm to the openness of the Green Belt.

Highways

- The existing car park provides approximately 70 car park spaces, but approximately 40 spaces will be lost due to the M42 Junction 6 Scheme. The proposed car park will provide 100 car park spaces. If the existing parking provision is allowed to remain then that essentially means there will be 130 car park spaces on site, almost doubling the existing provision.

Landscape

- Need details of visual screening;
- Need details of site perimeter fencing and ball net details; and
- Slow growing native species hedgerows will not provide any reasonable mitigation to nearby property and any cover that is provided will be season dependant due to the lack of any fast-growing, evergreen species provision.

Noise

- Noise and activity from the pitches will impact on the ability of adjacent farmer to drive stock up and down the track;
- Noise and disturbance resulting from the construction and use of the development;
- The noise impact of the development would have a detrimental impact the property Four Winds;
- Noise assessment is not up to date;
- Scheme details require a management and monitoring plan;
- Need Noise mitigation details and plan;
- Need details of proposed opening hours for the facility;
- Need pitch construction details;
- It is understood that existing pitches are currently 300m from Four Winds and screened by an established hedgerow. It is understood that the pitches are moved 180m south to a position 120m from Four Winds on open land;
- Noise Impact Assessment that it includes 'baseline noise data' is not representative of the baseline conditions that must be taken into account in order to determine the noise impact resulting from the development. The applicants admit that the predicted noise levels for the sports pitches are incorrect as they do not allow for the number of players involved in Gaelic games, and finally they advise that the noise impact from the proposed clubhouse cannot be determined, essentially because the design has not been finalised. This is despite the fact that applicant submitted a budget estimate and construction programme for the WGAA site to Highways England in October 2019 (which incidentally included a considerable amount of detail that could have been submitted with this application) for a proposed clubhouse that is identical to the clubhouse proposed in this application;
- The noise assessment makes no allowance for multiple events or noisier events e.g. sports pitches, car park, clubhouse will be simultaneously used;
- Tudor Grange Academy School submitted a planning application (PL/2020/00724/PPFL) to SMBC last year seeking planning permission for a new artificial grass pitch at their site on Dingle Lane, Solihull. Included with the application was a noise survey report that had been produced by an acoustic consultant, Daniel Oldaker, Director of Acoustic Consultants Limited. Daniel Oldaker of Acoustic Consultants Limited also happens to be the author of the Sport England Design Guidance document '*Design Guidance Note Artificial Grass Pitch (AGP) Acoustics-Planning Implications, New Guidance for 2015*'. As such, the Tudor Grange School survey report included a table confirming the activities that took place during the nine different sports sessions on three separate Artificial Grass Pitches as referred to in the Sport England guidance document; and

- The applicant has simply based their assessment on a selective reading of The World Health Organisation's (WHO) guidelines set out in '*Guidelines for Community Noise*', which they have cited in their report. In doing so, their assessment does not consider qualitative aspects of the noise nor its ability to cause annoyance.

Other matters

- Land owners have consistently objected to proposals that override their ownership in favour of the Gaelic Athletic Association facility;
- Proposal would sever land parcels to the north;
- The pitches should be fenced by a panel type fence to screen the pitches;
- There have been no discussions on any acquisition of land and is not deliverable as designed;
- The application is incomplete;
- Need construction details of Clubhouse and whether scheme meet Approved Document M in terms of access provision;
- Need site sections;
- Need details of Community Use Agreement;
- Esso fuel pipeline protection details;
- There is an excess of playing field provision in the catchment area;
- The development does not comply with current Sport England Playing Fields Policy and Guidance Document as it includes an artificial grass pitch in place of a natural pitch;
- The development fails to remove the potential for crime and disorder at the site;
- The application does not include the provisions for mitigation works to Four Winds contained in the Development Consent Order for the M42 Junction 6 Improvement Scheme;
- The Local Plan advises that the development should not be permitted as the existing facilities are not currently used by the local community in any capacity, and therefore do not have any recreational value to the local community;
- Paragraph 92 of the NPPF states that to provide social, recreational and cultural facilities and services needed by the community, planning decisions should ensure established facilities are able to develop and modernise, and are retained for the benefit of the community;
- No consultation has been undertaken to ascertain whether or not local residents would use the scheme;
- There are a number of sports facilities in place for use by local residents with a 2km radius, which is not the case with this site. These are the Glades Football Centre; Hampton FC; Coldland Park; Hampton in Arden Sports Club; Elmdon Heath Recreational Ground and Automated Technology Group;
- Proposal does not meet Exception E4 and E5 of Sport England Playing Field Policy;
- Planning permission PL/2012/01288/FULL has lapsed without work being carried out; and
- A condition was included on PL/2012/01288/FULL only allowing use for ancillary use of the sports pitches to stop it becoming a social club.

Councillor Sleight has advised that two issues of concern still remain. The first relates to the community use of the facilities. The Applicant indicates that there will be provision made for community use and these arrangements are subject to further

discussion. Councillor Sleight considers that there is a real opportunity for the WGAA to enhance its reputation.

The second issue relate to the amenity of Four Winds, which sits immediately next to the site. A bund and appropriate shielding by way of a fence and netting to protect the property. If no provision is made by the scheme these matters should be dealt with by way of condition if the application is approved.

Following the submission of additional information by the applicant, a further period of public consultation was held. One response has been submitted objecting to the proposal. New matters raised in this objection are as follows;

- The hours of use and hours of operation provided by the applicant are inconsistent, confusing and misleading.
- Opening hours and hours of operation are not the same thing; the WGAA must have this information as this is not a new facility.
- It is clear from the information provided, that the Applicant is reluctant to provide the detail required to determine the impact of the operational hours of this development, and unfortunately that is consistent with their approach to the entire application.
- The hours of operation for the pitches in March-November are stated differently in different documents. What is the real use as without knowing this the impact of the proposal cannot be fully assessed.
- 'Community use' has not been properly defined and remains ambiguous.
- The applicant has had no consultation with local groups to ascertain who is interested in using the facilities and when this would need to happen.
- The WGAA have previously stated that they would use the clubhouse for family celebrations but now state no amplified noise is proposed within the clubhouse.
- Spectator noise has not been assessed.
- The Noise Impact Assessment does not take into account the correct baseline data.
- The DCO scheme is not comparable in terms of impact on Four Winds because the proposed legacy scheme will result in an intensified use of the site which has not been accounted for.
- The southern pitch is rarely used therefore the proposal and its assumptions are in reality going to be the worst case with Four Winds as the receptor.
- The applicant should provide noise contour maps for typical usage, based on correct and appropriate noise levels.
- The proposed contour plot does not include the reconfigured clubhouse, the enlarged and repositioned carpark or the all-weather pitch – the NIA lacks detail regarding the impact of the proposal on Four Winds.
- The applicant states the noise bund is located to the south of the site for screening purposes, but then refers to it as providing minimal acoustic benefits – how then will the applicant mitigate noise from the site?
- The Community User Agreement is lacking in detail and should be offered in perpetuity, not only for 11 years, references such as 'reasonable endeavours' are unclear.
- The proposed use of the clubhouse differs from what was agreed during the DCO examination – in the DCO examination it was agreed that there would be some community use for the clubhouse, now the applicant states the principle use is by the club but this is not the sole use – is this misleading?

- Whilst Sport England are consistent in their objection due to the proposed pitch being sited over the ESSO pipeline and the Severn Trent sewer manhole, the WGAA have now changed their stance and are content to locate a pitch over the utilities.
- Planning consent was granted in 2014 for a clubhouse of an increased size, and this proposal seems to be based on the approved sized clubhouse. A planning condition seeking the restriction of the use of the clubhouse in 2014 for purposes ancillary to the WGAA sporting activity was imposed. Queries whether this is justified for this proposal given the clubhouse will be sited closer to Four Winds than the previous permission.
- The impact of the M42 Junction 6 scheme on the WGAA site is acknowledged however any proposal to remedy that impact should not have a detrimental impact on Four Winds.
- This proposal will have a detrimental impact on Four Winds and the applicant has failed to acknowledge this, and has ignored recommendations in their own NIA.
- The applicant has failed to provide any justification for the proposed development in this location, and has not submitted the full and accurate information required in order to fully understand the impact of the development.
- The application therefore fails to comply with Policies P14, P15 and P17 of the Solihull Local Plan 2013, Paragraph 92, 97, 127, 145, 146, 170 and 180 of the NPPF, and Policy Exceptions E1, E4 and E5 of the Sport England Playing Fields Policy and Guidance.

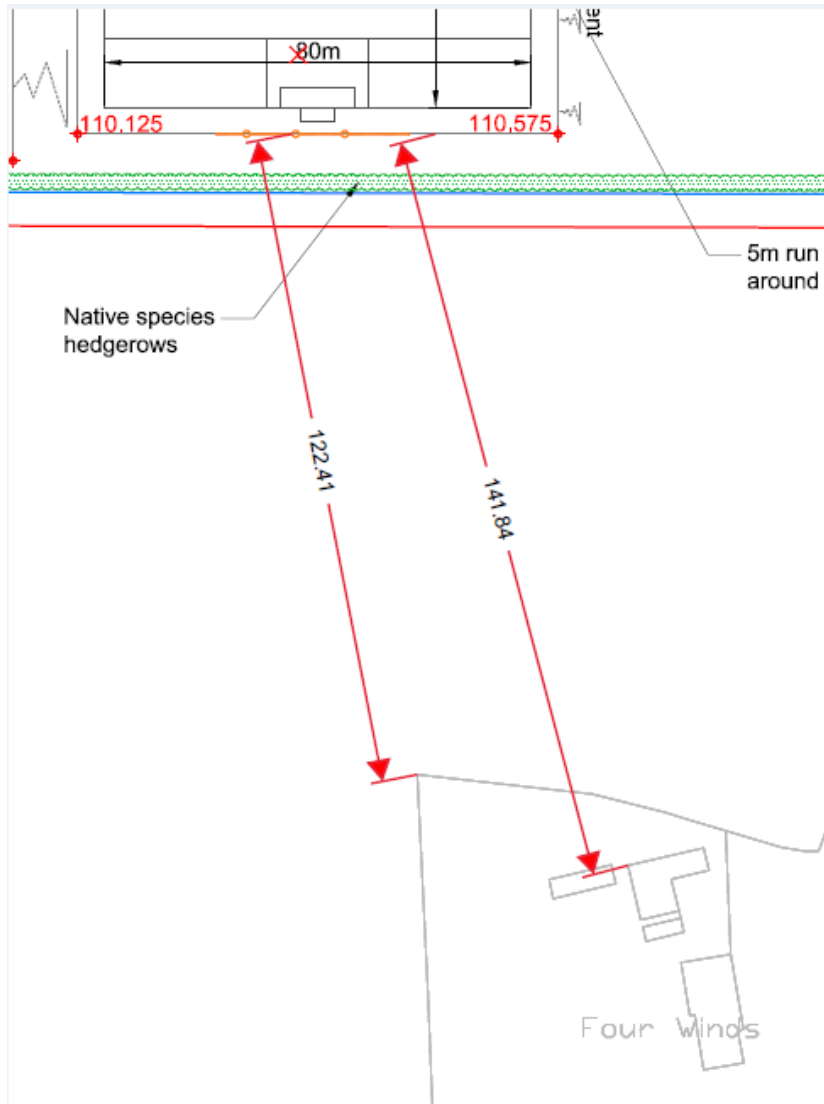
A further public consultation has been undertaken in light of the late submission by the applicant of information to address the initial Sport England objection. Should any responses be received raising new issues, these will be summarised in an update note for members.

UPDATE NOTE FOR 3rd MARCH 2021 COMMITTEE (Relevant extracts).

Following a further period of public consultation which ended on 27th February 2021, one additional planning objection has been received from a local resident who has submitted three previous written objections to this application.

The local resident raises concern regarding the submitted Noise Impact Assessment and the 2018 baseline data used by the applicant. The local resident states that a natural grass pitch provides greater noise reduction when compared with artificial grass as it has the ability to absorb sound. The local resident therefore considers that the applicant has incorrectly modelled the noise impacts from the proposal, and does not agree with the officer conclusion that the main impact on the amenity of the occupiers at Four Winds will be the new clubhouse and car parking area.

The further objection suggests that the committee report incorrectly states the distance between Four Winds and the southern pitches to be 140 metres but this is actually 120 metres. For clarity, the distances are detailed below;



The Proportionate Reconfiguration scheme has been detailed in the committee report. It is clear that this application is intrinsically linked to the DCO. For member's information, in determining the DCO the Examining Authority stated the following in respect of the WGAA site (also known as Páirc na hÉireann);

Páirc na hÉireann is recognised as a regionally important community facility with a membership of over 2000 and the principal location for Gaelic games in the West Midlands. It hosts numerous Warwickshire Gaelic football and hurling matches as well as the provincial knockout championships and the British University Gaelic football Championships. It is acknowledged that there is a local and regional need for the facility and that all reasonable efforts should be made to mitigate the impact of the Scheme on the club.

The original intention (back in 2017) had been to relocate the facility in its entirety on a site to the south-west of Páirc na hÉireann. That remained the case in the consultation brochure and during the statutory consultation process in spring 2018, as well as in the Preliminary Environmental Information Report. In the event, the Applicant believed that the compulsory acquisition of land to provide for the relocation could not be justified and instead pursued various options for the reconfiguration of the pitches at Páirc na hÉireann, culminating in the currently proposed 'Proportionate Reconfiguration' within the DCO.

Paragraph 5.8.68 of the Examining Authority's Report states that "it is also agreed that the 'legacy' scheme is to be pursued in the context of a separate planning permission, which will not be made before the close of the Examination. It is the intention that the 'legacy' proposal should not give rise to any environmental impacts on Four Winds or other neighbouring properties that are materially new or materially different from those set out in the Environmental Statement."

The Examining Authority made it clear that it would be the responsibility of the Local Planning Authority to determine the impacts of the legacy scheme. The committee report, having taken into account all matters raised by consultees and third parties, concludes that there will be no materially new or materially different environmental impacts on neighbouring properties to those considered as part of the DCO.

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and

decisions must also reflect relevant international obligations and statutory requirements.

On the 13th May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination.

This marks the next stage in the preparation and adoption of the plan. The advice in the NPPF at paragraph 48 states “Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2019, the National Planning Practice Guidance.

Further, the Hampton in Arden Neighbourhood Development Plan (NDP) Referendum was held on Thursday 6 July 2017. The referendum result showed clear support for the NDP. The Hampton in Arden Neighbourhood Plan was therefore adopted in December 2017 and it is now formally part of the statutory Solihull Local Plan (i.e. the development plan) and are material considerations.

The proposed development

UPDATE

Following members decision to defer the planning application at committee in March 2021, the applicant has provided additional justification regarding the proposed location of the new clubhouse;

The physical features of the site have influenced the proposed layout of the pitches and location of the clubhouse. First and foremost the sports pitches have been orientated with the direction of play in a north - south axis to minimise the risk of players looking directly into the sun when it is low in the sky, in line with Sport England

recommendations. Allowing the sport pitches to take precedence ensures the future sporting experience is of a higher standard.

The topography of the site has been used to best advantage when developing the new clubhouse. Siting a building on land higher than the field of play provides an improved player/spectator experience compared to the existing situation. The Clubhouse Lounge has been strategically located to deliver strong views across the sport pitches to the west. The natural change in site levels, falling from east to west, allows for naturally elevated views and delivers the best possible outlook from the Sport Pavilion location. The chosen location also reduces the potential for flooding.

The fundamental driver for the site plan arrangement was to organise a collection of objects to deliver optimal orientation, spatial adjacency, functionality and visibility. The central location provides a smooth transition from all the main amenities. Should the clubhouse remain in its existing location, there would be a limited spectator experience compared to the proposed location. Furthermore, the new pitches, including the main artificial pitch would be in a location a significant distance away from the clubhouse should it remain in the existing location. In line with Sport England guidance creating easy access for all to the clubhouse, the pitch and the car park is essential, and facilities should function well in order to retain existing members and attract new ones.

Locating the buildings closer to the diverted Catherine De Barnes Lane could also help to design out crime.



ORIGINAL REPORT

The existing WGAA facility is a regionally important sports landmark and is the principal Gaelic games sports facility in the West Midlands. It is currently the home ground of Britain GAA and hosts numerous football and hurling matches as well as the provincial knockout championships and the British University Gaelic Football Championships. It is considered to be a sporting facility of regional significance and value to the community.

The WGAA is one of the county boards outside Ireland, responsible for Gaelic Games in Warwickshire. There are currently six team categories who play at the existing facility:

- Senior;
- Intermediate;
- Minor;
- U21;
- Junior; and
- Juvenile.

At the existing facility, matches are usually scheduled on the weekend. It is understood that normal conditions would see a squad of approximately 30 players and 30 spectators on site per team, equating to 120 people on site per match. The site consists of a clubhouse, car parking and three pitches.

The approved M42 Junction 6 DCO link road will sever the existing access to the WGAA facility from Catherine-de-Barnes Lane and will require land that is currently used for sports pitches. A summary of the impact of this consented scheme on the WGAA facility is as follows:

- The main access from Catherine de Barnes Lane being severed;
- The parking along the club's main access and adjacent to pitch 2 (north-eastern pitch) being lost;
- Pitch 2 (to the east of Pitch 1) being lost; and
- Pitch 3 (southern pitch) being potentially impacted.

Highways England has sought to mitigate the impact of the consented DCO scheme on the operation of the club by identifying land within the DCO limits to re-provide the facilities that will be impacted or lost to ensure the continued operation and viability of the WGAA.

During the determination of the DCO application, Highways England and the WGAA recognised that the need to reconfigure the existing facility created an opportunity to provide a positive legacy for the WGAA. This legacy involves improving the WGAA facilities further than what is required through the DCO consent, and making these facilities available for wider community use.

The legacy scheme, which forms the basis for this planning application, includes the relocation of the clubhouse and the provision of a new all-weather pitch and a grass pitch to the west of the new clubhouse. The clubhouse includes changing rooms, a club lounge, kitchen and associated storage, WC and plant facilities. There would be community benefits arising from the improved facilities on the site, and these are addressed in detail further in the committee report.

The legacy scheme will require the acquisition of land from a neighbouring land owner and this land does not fall within the limits of the DCO consent. The DCO decision letter issued by the Secretary of State in May 2020 grants consent for a 'Proportionate Reconfiguration' of the existing WGAA facilities but this reconfiguration was deemed

unacceptable to both the WGAA and Sport England. The letter also notes that Highways England, the applicant for the M42 Junction 6 improvements DCO, and the WGAA have pursued the opportunity to develop a legacy scheme which will require separate planning consent through the Town and Country Planning Act 1990.

The Proportionate Reconfiguration scheme (fall-back position) and the approved M42 Junction 6 Highways England Development Consent Order (DCO)

UPDATE

Following extensive representations from a third party regarding the Proportionate Reconfiguration scheme and the deviation of limits afforded to the applicant through this consent, the applicant has provided a legal response clarifying matters.

The applicant notes the comments made in relation to the identified works area and Figure 8.2.1 of the DCO documentation regarding the WGAA. With regard to the delivery of a mitigation through the Proportionate Reconfiguration, the applicant states;

The DCO does not require the proportionate configuration scheme to conform to that set out in Figure 8.21 and does not preclude an alternative design for the proportionate mitigation under the DCO within the works area should that be required. In the event a revised proportionate mitigation scheme was designed then it would not require Secretary of State approval if it was “compatible” with that shown on the work plan.

It would be a matter of judgement whether the alternative proposal was compatible or not, and whether consent would be required from the Secretary of State under Requirement 3 of the DCO (extract attached). If consent was required then it does not follow that we would not be able to secure it within the identified works area providing it does not give rise to any materially new or materially different environmental effects in comparison with those reported in the environment statement.

Accordingly, the environmental statement assessed a range of options relating to the WGAA facility [the applicant has provided this document].

The Council's planning solicitor has provided comments on the DCO decision in relation to the WGAA and the statements made. The Council's planning solicitor advises that the DCO and the Examining Authority's Report are material planning considerations and should be treated as such in the planning balance. However the DCO decision cannot bind the Council to make a particular decision, particularly as the Inspector acknowledges that the legacy scheme will be determined via a separate planning application to SMBC under the Town and Country Planning Act 1990 (as amended).

The M42 Junction 6 Development Consent Order 2020 (the decision notice) states that any deviation from the preliminary scheme design should not give rise to *any materially new or materially different environmental effects from those reported in the environmental statement (Schedule 2 Requirements, Part 1 Requirements, Requirement 3, Pg 47)*. The Council's planning solicitor considers that the intention is that the legacy scheme does not create any new or different environmental impacts.

Should any new or different impacts arise as a result of the legacy scheme proposal, these should be considered by the Council as part of the planning balance. The decision is for members to take having account of all the material planning considerations not the DCO.

ORIGINAL REPORT

The 'Order Granting Development Order Consent (DCO) for the Highways England M42 J6 Improvement Scheme' was granted by the Secretary of State on 21st May 2020. The DCO and subsequent works were implemented at the end of 2020 by Highways England.

The DCO comprises the following key components:

- a new junction on the M42 approximately 1.8km south of the existing Junction 6 (referred to as M42 Junction 5A) arranged as a 'dumbbell' with 2 roundabouts either side of a new bridge across the M42 providing south-facing slip roads only to connect the motorway to a new dual carriageway link road to the A45 Coventry Road;
- a new 2.4km 2-lane dual carriageway link road largely in cutting between the M42 Junction 5A and the Clock Interchange on the A45, with a free flow slip road to the A45 Coventry Road westbound;
- capacity and junction improvements at the Clock Interchange, including the widening of the central roundabout to 3 lanes, incorporating a free-flow link road to Birmingham Airport and realigning, as well as widening, the existing 2-lane dual carriageway immediately to the north of the Clock Interchange (somewhat incongruously known as Bickenhill Lane);
- modifications to Junction 6 entailing new free flow links between the A45 eastbound and the M42 northbound and from the M42 southbound to the A45 eastbound: the closing of the existing free-flow link from the M42 to Airport Way and the widening to 4 lanes of the slip road from the M42 northbound to the A45 westbound: a new slip road from the M42 southbound via a realigned East Way roundabout to provide access to the NEC and the upgrading of the loop connecting East Way to the settlement of Middle Bickenhill to accommodate 2-way traffic;
- the realignment and modification of several local roads including the severance of the connection between Catherine-de-Barnes Lane (B4438) and the Clock Interchange, the insertion of Bickenhill and Barber's Coppice roundabouts and alterations to St Peters Lane west of the M42 together with East Way and the Middle Bickenhill Loop to the east of the motorway;
- modifications to the location and spacing of emergency refuge areas, overhead gantries and message signing along the M42 motorway;
- modifications to the local public rights of way (PRoW) with a new footbridge crossing the A45 to the west of Junction 6 and a footbridge across the new dual carriageway linking Junction 5A and the Clock Interchange; and
- the reconfiguring of the Warwickshire Gaelic Athletic Association (WGAA) sports facility.

The DCO approved scheme known as the 'Proportionate Reconfiguration' in terms of the WGAA would provide a new access from Catherine-de-Barnes Lane that would run parallel with the new dual carriageway and provide access to the existing car park and clubhouse facility to the north of the existing retained pitch. Two pitches to the

south would be re-provided and re-orientated to face in a north/south orientation. This is a fall-back position, which is a material consideration in the determination of this proposal. The Proportionate Reconfiguration and the corresponding powers afforded within the DCO does not allow for a new clubhouse.

Whether the proposed development would constitute appropriate development in the Green Belt

It is necessary to assess whether the proposal constitutes appropriate development in the Green Belt, having regard to the NPPF and the relevant development plan policies. If it is considered that the proposal is not appropriate development, it is then necessary to consider whether the harm caused to the openness of the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

The adopted Solihull Local Plan 2013 identifies that the application site is located in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (Paragraph 133 of the NPPF).

Paragraph 134 of the NPPF confirms that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (Para 144).

Paragraph 145 confirms that Local Planning Authority should regard the construction of new buildings as inappropriate development. The exceptions to this are: -

- the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Paragraph 146 confirms that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- engineering operations; and
- material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

Policy P17 of the Solihull Local Plan in relation to the Countryside and Green Belt confirms that the Council will not permit inappropriate development in the Green Belt, except in very special circumstances. Policy P17 is in conformity with the NPPF, but gives additional guidance to national policy in a small number of areas.

Policy P20 of the Solihull Local Plan in respect of Provision of Open Space, Children's Play, Sport, Recreation and Leisure at criteria a) Existing public open spaces, sports and recreational recognises the importance and multi-functional benefits of public open space, sports and recreational facilities in the Borough and will support the enhancement of existing facilities and open space.

There is a strong presumption against new development in the Green Belt unless it is considered to be appropriate as defined by the policies in both the NPPF and Policy P17 of the Solihull Local Plan.

The Hampton in Arden Neighbourhood Plan (NDP) adopted in May 2017 now forms part of the Development Plan and is relevant to the application given that the site lies within the Neighbourhood Plan Boundary.

The Hampton in Arden Neighbourhood Plan identifies key objectives in order to meet the Parish needs. This includes Objective 5 which seeks to:

- Safeguard the Green Belt within the Parish as an integral and important part of the local Arden landscape and heritage.

Paragraph 3.1.6 of the NDP states that the major part of Hampton in Arden was made an Inset Area within the strategically important area of Green Belt (known as the Meriden Gap) in 1997 and which emphasises the importance of the village's rural setting, its historic buildings, open spaces, density of development, landscape and townscape all of which contribute to its special character. Immediately beyond the Inset Area strict Green Belt policies apply.

The NDP contains no specific policies in terms of Green Belts and development within it.

In terms of background, it should be noted that a full planning permission (PL/2012/01288/FULL) was granted October 2014 for the erection of a single storey rear extension to the existing clubhouse building. That proposal amounted to a 404 m² extension to the existing clubhouse. Whilst this planning permission has lapsed, it does indicate that considerable extensions to the existing clubhouse were not considered to harm the openness of the Green belt and were considered to be policy compliant.

The planning permission referred to above (PL/2012/01288/FULL) sought to replace extant planning approval 2010/1791. This gained consent to relocate another extant approval for a detached new Sports Academy building, to form an extension to the existing clubhouse. That application therefore sought to group the activities of the existing clubhouse and the extant Sports Academy building onto one location.

It is noted that an extant Sports Academy building granted planning consent in April 2003 (Reference: 2003/580) for a coaching and training centre for youth in soccer, rugby and Gaelic games remains at the site. That scheme included a clubhouse with four changing rooms, academy arena area, equipment store, kitchen, toilets, ref room and store, car parking, access road, football pitch, five-a-side pitch and children's play zone. The application was a resubmission of an application, which was refused on February 2003 (Ref: 2002/2470) on the grounds of the prominence of the clubhouse at the front of the site and its impact on the openness of the Green Belt.

The essential difference between the 2003 and 2002 applications was the relocation of the clubhouse to the rear of the site. Whilst the building has not been constructed the application is still live because the access track has been implemented together with other site works including the laying out of the sports pitches. Whilst this extant planning permission is a fall-back position, the re-configuration of the pitches granted consent under the DCO would preclude such a building being erected on that part of the site.

It is considered that the proposal constitutes appropriate development in the Green Belt in accordance with Paragraphs 145 and 146 of the NPPF. The proposed new clubhouse will be used in association with the existing use of the site and will provide appropriate facilities in connection with outdoor sport and recreation. The proposed siting of the new clubhouse, adjacent to the access and car parking area, is considered appropriate. This siting would limit the encroachment of built development into the Green Belt thus addressing paragraphs 134 and exception b) of paragraph 145 of the NPPF ensuring that the proposed development does not conflict with the purposes of including land within the Green Belt, in this case to assist in safeguarding the countryside from encroachment.

It is concluded that the principle of development is established as detailed above. It is considered that the proposal accords with the NPPF and the principles of Policy P17 of the Solihull Local Plan 2013. This should be afforded neutral weight in the planning balance.

Whether the proposal complies with Sport England policy

UPDATE

A draft of the Heads of Terms for the Community Use Agreement has been submitted by the applicant. It is understood that there are on-going discussions between the applicant and the WGAA regarding some of the content however this document provides confirmation of the commitment from the applicant and the WGAA that the proposed facilities will be available for use by the wider community across the week and throughout the year. Sport England, the statutory consultee for planning applications which affect sporting provision in England, has advised that they are

unable to support the arrangements within these documents. Sport England is satisfied that the community use agreement condition as previously drafted for the March 2021 committee should be retained to enable matters to be resolved post-consent without delaying a decision on this planning application.

To address the previously proposed condition 27 (Phasing Plan), the applicant has submitted a Construction Sequence Plan. The Construction Sequence Plan indicates that the WGAA will always have 2 pitches available during the playing season. However, Sport England is seeking further clarity in relation to the natural turf pitch as to a) when construction commences on the pitch b) when pitch construction will be completed c) when the 52 week maintenance grow in period d) when the pitch will be ready for. Sport England advises that the details should be in line with the submitted White Horse: An Outline Specification for Sports Field Construction document. The provision of this additional information within the Construction Sequence Plan will provide greater assurances as to when the full replacement provision will be provided by. To ensure that the Construction Sequence Plan can be revised to address Sport England's comments, it is proposed to include the previous condition on this consent.

ORIGINAL REPORT

Sport England is the Government's regulatory body responsible for growing and developing grassroots sport and getting more people active across England. Sport England is a statutory consultee when assessing developments which will affect sports pitches or facilities.

The Proportionate Reconfiguration scheme and the corresponding powers afforded within the DCO does not allow for a new clubhouse. The DCO Examiner's report acknowledged that a detached clubhouse from the reconfigured pitches was a shortcoming of the Proportionate Reconfiguration and therefore a significant negative which was taken into consideration in the assessment of impacts and the overall planning balance of the DCO scheme.

Sport England submitted a recommendation to the DCO Examiner that should the planning application for this legacy scheme fail to materialise, then the Secretary of State in determining the DCO scheme should seek to secure an agreement between the parties capable of delivering a re-sited and rebuilt clubhouse within the confines of the Proportionate Reconfiguration scheme of the DCO. This recommendation was not taken forward by the Secretary of State. Therefore Sport England raised an objection to the proposed reconfiguration of the WGAA facility as the scheme failed to provide for a relocated clubhouse. Sport England also raised concern that the pitch was to be sited over an ESSO fuel pipeline.

The applicant has submitted an outline specification for the playing pitch and a Condition Report to demonstrate that the natural turf pitch would be appropriately constructed and that it will be of equivalent or better quality to the pitches proposed to be lost. The Condition Report details the findings of its site investigations and performance tests on the WGAA existing pitches and concludes that the pitches do not meet the GMA Basic requirement standard. The Condition Report reviewed the playing pitch Specification document and establishes that the replacement natural turf

pitch (which will be greater in size than the existing pitch) will meet the GMA Standard requirement, which exceeds the playing quality measurements taken for the existing pitches. The Condition Report also sets out an outline management programme to ensure the new pitches are managed correctly to maintain the required standards.

The second natural turf pitch is proposed to be replaced by a 3G pitch (all-weather pitch). The pitch is to be constructed in accordance with the national governing bodies design guidance. Sport England note that the Council's Playing Pitch Strategy does not identify a strategic need for a 3G pitch at the site to meet WGAA demand though there is a need for football 3G pitch within the sub area the site is located within. Sport England consider that the proposed pitch will not meet the identified football 3G pitch need nor would it prevent other projects coming forward to meet this need, due to the limited hours of usage as a result of the provision not benefiting from sports lighting and it being predominately being utilised for GAA purposes. However, Sport England acknowledge that the 3G pitch will provide benefits which would outweigh the loss of the natural turf sport with it being capable of more intensive use than the existing natural turf pitches (which would assist in making it available for the community beyond GAA usage and for it to cater for any additional play as a result of any reinstatement works to the replacement natural turf pitch) and be capable of use during winter months when the natural turf pitches are more susceptible to adverse weather resulting in fixtures being cancelled.

Sport England are concerned that, similar to the Proportionate Reconfiguration scheme, this proposal seeks consent for the natural turf pitch to be sited over an ESSO fuel pipeline and close to a Severn Trent manhole. Sport England note that ESSO and Severn Trent have raised no objection to the siting of the pitches though the WGAA will be subject to any potential reinstatement costs in the event that repair works are required to the utilities. The submitted statement from the WGAA highlights that the Club had held a series of meetings with ESSO to understand the implications of the pipeline being beneath or in close proximity to a pitch and that it understood the likelihood of ESSO needing to carry out physical works to the pipeline would be very remote. WGAA also considered that the potential revenue from the community use of the site could be used to offset the potential reinstatement costs (and liability of the 3G pitch). A letter has been provided to Sport England from the GAA, the sport's Governing Body, which states that the Body will make the required additional supporting funding to Warwickshire GAA to ensure the full re-instatement of the pitch and any related works in the event that repair work is required to the said pipeline. The letter from the GAA continues to state the Body along with Warwickshire GAA and the Provincial Council of Britain GAA, feel that the identified risk is mitigated by the enhanced quality and size of the new pitch. Notwithstanding the GAA's and WGAA's position on the ESSO pipeline the replacement pitch would not fully meet Sport England Exception Policy E4, despite the pitches being constructed to an equivalent or better quality, as WGAA could be liable to additional costs for any reinstatement costs of the natural turf pitch.

Sport England note that unlike the consented Proportionate Reconfiguration scheme, this legacy scheme planning application provides a modern replacement clubhouse and car park adjacent to the replacement pitches, which is a similar layout to the current site with direct access from the clubhouse being provided to the main pitch. Sport England considers that the location of the clubhouse will also assist with

accessibility, provide a spectator and sheltered area and also enables greater income generation from the bar. Sport England considers that the provision of the clubhouse as part of the legacy scheme ensures that replacement provision is more compliant with Sport England Exception Policy E4 than the consented Proportionate Reconfiguration scheme.

In relation to the delivery timescales of the replacement pitches Sport England understands that the construction of the replacement pitches will commence at the time and the construction management of the project will ensure that WGAA will always have 2no pitches available for use, which has been agreed with WGAA. This legacy scheme proposal will result in the early delivery of the 3G pitch with the lead in time for the construction of the pitch being less than a natural turf pitch, which will take over a year. Whilst the replacement provision will not be provided prior to the loss of the playing field site in line with Sport England Exception Policy E4, this approach will ensure that a pitch will be delivered earlier than it would be delivered as part consented Proportionate Reconfiguration scheme which will deliver two natural turf pitches.

Sport England concludes that this legacy scheme proposal fails to fully accord with Sport England Policy E4, for the reasons set out above. However the legacy scheme proposal does make provisions for an appropriately located clubhouse and will result in the earlier delivery of a replacement pitch in comparison to the consented Proportionate Reconfiguration scheme, thus providing a greater sporting benefit for the WGAA. Sport England also acknowledges that the legacy scheme will provide greater benefit through the provision of a 3G pitch and wider community access to the clubhouse, 3G pitch and natural turf pitches.

In light of the detailed commentary provided by Sport England, it is considered that the proposal satisfies the statutory consultees requirements as set out in the Sport England Exception Policy E4.

The effect of the proposal on the character and appearance of the area.

UPDATE

In respect of the design of the clubhouse, the applicant has reviewed alternative roof forms. To enable this, the rotated lounge block previously proposed has been discarded and a simpler rectangular form is now proposed. A simple shallow pitched roof profile is introduced, with the lowest eaves facing the most sensitive receptors to the site at the south. The applicant states that the overlapping element of the design creates a focal point to the building, which defines the entrance. Alternative materials have been reviewed by the applicant and the schedule of materials (colour to be agreed via condition 3) consists of brick, render and Serbian Larch vertical timber boards. The applicant states that this will create interest to the building, whilst the softer pallet of materials is akin to a rural farm building. It is anticipated that this will make the building appear softer in the landscape than the previous proposal.

The proposed WGAA sport pavilion has been conscientiously sized in footprint to provide suitably proportioned spaces that are sufficient for their intended uses only. The clubhouse will total 890 sqm in gross external floor area, and it will consist of a lounge, kitchen,

management office, toilet and changing facilities, first aid and physio facilities and storage rooms.

Access and circulation dimensions have typically been governed to be in accordance with The Building Regulation's Approved Document Part M as a minimum standard. Sport England recommended design guides have also been applied to deliver a sequence of spaces that are appropriate for their intended uses.

The proposed building is single-storey throughout. The main changing wing has a consistent internal ceiling height of 2.7m and is enclosed by a pitched roof. The building volume increases for the main Entrance Lobby and Clubhouse Lounge area. The resultant roof is a pitched solution, with maximum ridge height achieving circa 6.4m above external ground level.

It is considered that the revised design of the new clubhouse addresses the concerns that members raised at committee in March 2021. As such, it is concluded that the proposal complies with Policy P15 of the Solihull Local Plan and the NPPF in this regard. This should be attributed neutral weight in the planning balance.

ORIGINAL REPORT

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 127 of the NPPF advises that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 of the NPPF confirms that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Policy P15 of the Solihull Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances the local character, distinctiveness and streetscape quality and ensures that the scale, massing, density, layout, materials and landscape of the development respect the surrounding natural, built and historic environment. Further, developments will be expected to contribute to or create a sense of place.

Policy HOU2 – Design in the Hampton in Arden Neighbourhood Plan requires that all new developments will have regard to the Hampton in Arden Village Design Statement and where appropriate, the Conservation Area Appraisal. The policy seeks to ensure that new developments achieve the highest possible standards of environmental performance through sustainable design and construction including Secured by Design.

The proposed new clubhouse is single storey and will be located centrally within the application site, directly south of the existing pitch and adjacent to the access. The clubhouse will total 854 sqm in gross external floor area, and it will consist of a lounge, kitchen, management office, toilet and changing facilities, first aid and physio facilities and storage rooms. The building has been designed to allow for the clubhouse lounge to front onto both pitches, allowing for the engagement of views with external sports activities taking place.

The main changing element of the proposed clubhouse has a flat roof and is 3.85 metres in height. The height is increased over the main entrance lobby and lounge area to create some interest and variation in the design of the building, and the maximum ridge height of this part of the clubhouse is 5.9 metres. A subtle palette of materials is proposed, although a condition is proposed seeking a schedule and sample of materials to ensure a high quality finish to the proposed clubhouse.

The clubhouse lounge has been strategically located to deliver strong views across the sport pitches to the west. The natural change in site levels, falling from east to west, allows for naturally elevated views and delivers the best possible outlook from this siting.

In terms of the impact on the character and appearance of the area, it is acknowledged that the proposed re-siting of the clubhouse from the north-west corner of the application site to a more central location will ensure that there are more public views of the building within the public domain including along the re-routed Catherine de Barnes Lane. However visibility of the clubhouse does not necessarily result in an

unacceptable impact on the character and appearance of the area. It is therefore considered that the proposed development will have a limited impact on the character and appearance of the area due to its scale and appearance which is appropriate and modest given the site and use. It is concluded that the proposal complies with Policy P15 of the Solihull Local Plan and the NPPF in this regard. This should be attributed neutral weight in the planning balance.

The impact of the proposal on the amenities of adjacent neighbours

UPDATE

The applicant has provided additional information in relation to noise to address the concerns raised by members at the March 2021 committee.

The Council's Public Protection Officer has reviewed the updated environmental submissions and commitments, and has provided the following update;

Some information had been requested previously, and a number of ongoing concerns have now been addressed in these latest supplements. Documents that address issues such as lighting and construction / demolition environmental management have been provided along with additional supporting detailed noise information.

Noise;

An updated Noise Impact Assessment (NIA) has been prepared alongside a Noise Management Plan and other documents. Submissions include additional modelling that had been requested and further details on various aspects of the scheme.

Some additional noise mitigation measures have been included in updated modelling while other measures are qualitative, being of a more practical nature and aimed at minimising potential noise concerns. These are detailed below:

- Previous submissions and noise modelling of this scheme sought to compare this scheme's impacts against current (as is) WGAA pitch use and activity but projections did not also reflect the (approved) M42 DCO pitch scheme.
- The applicant was requested to carry out additional assessment in order to quantify any difference in impacts of this development against the approved M42 DCO scheme. This has now been completed and submitted, allowing that necessary comparison to be made, and differences to be quantified.
- Comparisons indicate that impacts presented by this legacy scheme would be no worse than those modelled for the approved DCO Proportionate Reconfiguration scheme. As such the Council's Public Protection Officer raises no objections to the proposed two pitch configuration as submitted.

It is noted that the applicant has made a number of clear commitments associated with the uptake and use of the development site. While some will form the basis of recommendations for conditioning, it is assumed all such commitments form part of the formal submission and as such shall govern future compliance aspects.

The Council's Public Protection officer has discussed the proposed legacy scheme with a local objector to the application who has submitted representations consistently in objection to the legacy scheme. These representations state that the DCO decision fixes the position of the replacement pitches and that these positions cannot be deviated from within the Proportionate Reconfiguration scheme. The representation considers that the applicant is misleading the Council regarding this matter, and that is resulting in the Council determining the application incorrectly. The representations also state that the installation of a 3G artificial pitch as part of the Proportionate Reconfiguration scheme is also outside of the limits of deviation and does not form part of the DCO consent. The Council's Public Protection Officer has advised that whilst these objections are noted, the officers must determine the application based on the information submitted by the applicant particularly given that the applicant has confirmed their position on these matters.

A comprehensive noise management plan has now been submitted in support of this application. The plan is considered to adequately identify:

- the nearest noise sensitive receptors to the site
- noise generating sources and activities, including potential antisocial aspects that could lead to loss of amenity or disturbance
- notifications to nearby sensitive receptors (of events, programmes and competition)
- a complaints procedure (and disciplinary action plan) should requirements not be met

It stipulates:

- clear and specific hours of use for the various areas of the site
- that activities must be completed, cleared and users vacated within specified time periods (and for no whistles to be sounded outside certain times)
- restrictions seeking to maintain the extents to which members make use of clubhouse areas, in particular external clubhouse amenity areas.
- that the clubhouse and external areas shall be used for purposes ancillary to the use of the ground for outdoor sporting activity, or community meetings as specified within community use agreement but shall not be open for activities or events for the purposes of 'public entertainment' (this has been recommended by PP for conditioning separately, as an added safeguard)

The Council's Public Protection Officer has confirmed that no further information is required on this matter, and therefore no planning conditions are required.

Clubhouse;

The Council's Public Protection Officer previously raised concerns regarding the clubhouse design and orientation that had not been adequately addressed. While the applicant has not re-orientated external clubhouse patio areas, changes have now been made to the clubhouse design and construction, external areas now include additional features to restrict movement south of the patio area and additional noise mitigation has been presented.

As such proposals now:

- remove all openable windows and doors on the south facing clubhouse facade (and other vents /openings)
- define patio areas with fencing and landscaping features (post and rail fencing defining southern edge of patio then attenuation pond feature to the south of that limiting access further)
- include an environmental bund (with a 1.8 boarded fence a top) directly south of the clubhouse and patio area, on the southernmost boundary of the site

While previous submissions did assert that due to separation distances between the clubhouse building and the nearest noise sensitive receptors, clubhouse noise levels would fall within acceptable parameters, the above measures are welcomed.

Comments submitted by a local resident in relation to the proposed earth bund are noted but it is understood that this earth bund was never intended to provide noise mitigation and is a landscape feature approved by the DCO. It is not considered as part of this application but it is noted.

Construction / Demolition Environmental Management Planning;

The Council's Public Protection Officer, through ongoing dialogue with contractors involved in the M42 Junction 6 DCO construction phases, is confident that impacts in relation to construction will continue to be appropriately appraised, managed and reviewed in line with recognised standards and good practice. It is therefore considered that the previously requested condition in relation to demolition and construction practices is no longer required.

Lighting;

Lighting impacts have now been assessed by the applicant. Levels of overspill are minimal and fall off (to levels of very low brightness, less than associated with normal street lighting) are noted at some considerable distance from receptors. As such no loss of amenity aspects are raised by the Council's Public Protection Officer. No planning condition prohibiting the erection of floodlighting is required because the applicant has stated that floodlighting is not proposed as part of this application.

As a result of the extensive suite of documents now provided by the applicant, the Council's Public Protection Officer is satisfied that the number of conditions previously requested can be significantly reduced. No concerns remain outstanding from the Council's Public Protection Officer.

ORIGINAL REPORT

Policy P14 of the Solihull Local Plan 2013 seeks to protect the amenity of existing and potential occupiers of houses and businesses when considering new developments. Careful consideration must be made to the amenity of both existing neighbours as well as future occupiers. This policy is consistent with the NPPF and therefore carries significant weight.

The nearest residential receptor to the proposed development is Four Winds. This property is approximately 140 metres south of the boundary of the proposed eastern pitch. In terms of impact, the greatest impact will be from the relocated clubhouse and car parking area.

The Council's Public Protection Officer has reviewed the Noise Impact Assessment (NIA) submitted in support of the application. Further information was initially requested and this was provided by the applicant during the determination of the application.

With regard to pitch use noise, the applicant has submitted further technical documents that have sought to demonstrate the noise implications of relocating the current WGAA pitches and uses to a more southerly location. In assessing the implications of all the various activities presented, the Council's Public Protection Officer notes that pitch use impacts will be as relevant to the existing on-site configuration as they would be to any relocation of the pitches within the site boundary. However some elements of the proposed development such as the community use aspect presents a potential for the increase in frequency of use across the site. The Council's Public Protection Officer also notes that the calculations provided by the applicant demonstrate and quantify pitch noise increases for the current pitch position and not the consented Proportionate Reconfiguration scheme. As such these submissions represent a worse case existing vs proposed assessment.

Short term and instantaneous noise predictions have been modelled and it has been concluded that these will not exceed the target value at any sensitive noise receptors. These outcomes are therefore in line with Sport England Artificial Grass Pitch Acoustics – Planning Implications, Design Guidance Note 2015. The Council's Public Protection Officer also notes that previous monitoring results recorded at nearest noise sensitive receptors in 2018 as part of the M42 DCO submissions demonstrate that there were many events recorded well in excess of the levels that this proposal is likely to generate.

In order to minimise pitch related noise disturbance and to guard against antisocial behaviour aspects, the Council's Public Protection Officer has recommended that it is conditioned that two noise management plans – one addressing pitch related noise and the other clubhouse noise – are imposed on the planning consent.

The existing and proposed hours of use have been clarified by the applicant.

The applicant has advised that the existing hours are on an ad-hoc basis throughout the calendar year and are dependent on the training schedule and fixtures list. It should be noted that no opening hours have previously been conditioned through any past planning permissions associated with the site. Typically, the hours of use during the summer months are 09:00-22:00 at weekends and 17:00-22:00 on weekdays, and in the winter periods usage typically ceases by 18:00 due to lighting conditions.

The applicant has proposed the following hours of use, which take into account any community use:

Period		Pitch Operation		Clubhouse and Site	
		Opening	Closing	Opening	Closing
Winter (December – February)	Weekday	11.00	17.00	10.00	18.00
	Weekend	10.00	17.00	09.00	18.00
Summer (March – November)	Weekday	11.00	21.00	10.00	22.00
	Weekend	10.00	21.00	09.00	22.00

The Council's Public Protection Officer notes that an extension on weekdays is proposed from 11:00 to close, the latest of which is 22:00. However given there are no hours of restriction applicable to the site at present, the proposed hours could be utilised by the WGAA without the need for planning consent. In this regard, the Council's Public Protection Officer is seeking to set specific hours of use via a planning condition for this application. This is considered a betterment of the current no restriction usage position with regard to amenity of neighbouring occupiers.

It is noted that comments have been received from third parties regarding the earth bund. This feature has not been modelled by the applicant in the NIA. The applicant has advised that an environmental earth bund is proposed to be located on the southern site boundary. Planting will be established on top of the bund and it will be approximately 1 metre in height. The earth bund design is under consideration by the applicant however its main purpose is to provide visual screening between the reconfigured pitches and the nearest residential property, Four Winds. The earth bund will also provide some ecological benefits. The applicant states that the earth bund may also provide minor acoustic benefits however this is not the primary design aim.

The proposed use of the clubhouse has been confirmed by the applicant, who states that the clubhouse use will be ancillary to support the sporting activities being played on the proposed pitches. The principal use of the clubhouse lounge area is therefore to provide ancillary space and facilities for light refreshments to users of the sports pitches and spectators.

The applicant advises that proposals for the clubhouse use do not include the use of amplified music (pre-recorded or live) within or external to the clubhouse. The only exception to the use of music would be a low-level pre-recorded background music internally within the clubhouse lounge area. This background music would be at a level to allow conversation using normal voices between users of the space. The Council's Public Protection Officer welcomes the clarification on the proposed use of the clubhouse, and has proposed a planning condition to ensure the use is as stated.

With regard to the design and orientation of the proposed clubhouse, the applicant has stated that the worst case assessment indicates that noise from the use of the clubhouse will not result in noise levels that exceed guidance values for an external amenity area or will significantly alter the ambient noise environment at nearest sensitive receptors. The Council's Public Protection Officer notes that the assessment of clubhouse impacts has sought to quantify a number of scenarios ranging from 'loud' to 'very loud' noise sources (voices) accumulated around the external areas of the

building. The nearest affected residential property identified at Four Winds has been subject to previous noise measurement in 2018 as part of the submission for the M42 DCO consented scheme. Whilst the Council's Public Protection Officer recognises that levels represent pre-M42 DCO road amendments, there remains an outstanding concern surrounding the cumulative impact of the proposed legacy scheme noise on this nearest residential receptor. The Council's Public Protection Officer has therefore requested further planning conditions on the consent relating to noise mitigation to secure the confidence that appropriate and acceptable levels can be achieved.

Subject to the imposition of conditions as discussed above on the consent, it is considered that the proposed development accords with Policy P14 of the Solihull Local Plan 2013 and the NPPF. This should be attributed neutral weight in the planning balance.

What effects does the development have on highway safety and the free flow of the road network?

Paragraph 108 of the NPPF advises that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy P8 of the Solihull Local Plan requires all development proposals have regard to transport efficiency and highway safety.

Within the Hampton in Arden Neighbourhood Plan there are no specific policies on the matter, but a number of key actions are identified in terms of road safety, parking and traffic management to alleviate the problems within the Parish.

The development proposals include the demolition of the existing and construction of a new clubhouse and the relocation of the existing playing pitches for the Warwickshire Gaelic Athletic Association (WGAA). As part of the approved Development Consent Order (DCO) scheme to improve Junction 6 of the M42, the scheme includes the provision of a new dual carriageway that will cut through the grounds of the existing WGAA site. The current proposals therefore seek to relocate the existing facilities on to the adjacent plot of land to the south.

A Transport Statement (TS) prepared by Mott MacDonald has been submitted in support of the proposals. The TS indicates that the new WGAA clubhouse and car parking areas will be accessed off a new private road, which in turn will be accessed

off a new junction onto the realigned Catherine De Barnes Lane. Appendix B of the TS provides details of the proposed vehicular accesses and demonstrates that adequate visibility splays can be achieved at the new vehicular accesses, and that 15m long coaches can manoeuvre within the site and can exit using a forward gear. With regards to traffic generation, the TS indicates that the proposed development will be used in the same vicinity as the current operations, and should therefore not result in an increase in vehicle trips. The TS does acknowledge that additional community uses will occasionally be provided at the proposed site however, these are likely to take place outside of the peak hours. The Council's Highway Engineer is therefore satisfied that the development proposals will not generate a significant increase in vehicle trips to have a severe impact on the operation of the local highway network.

A new car parking area is proposed to the frontage of the new clubhouse, which will accommodate 100 car parking spaces and four coach bays. The parking accumulation assessment indicates that during the sites' busiest periods, the site could generate a demand for approximately 140 car parking spaces. Although this exceeds the number of car parking spaces proposed, the Council's Highway Engineer notes that additional parking demand can be accommodated in the overspill car park to the north of the proposed clubhouse.

It is considered that the proposed development is acceptable in highway terms because it is unlikely to create a severe impact on the operation of the local highway network and is in compliance of Policy P8 of the Solihull Local Plan 2013 and the principles of the NPPF. This should be attributed neutral weight in the planning balance.

Other Considerations.

- Landscape.

UPDATE

As part of the suite of updated documents, the applicant provided an Arboricultural Report (P03) and an Arboricultural Method Statement (P02). The Council's landscape architect has reviewed these documents and is satisfied that the content of these reports addresses the outstanding information previously identified hence the request for a significant number of landscape-based planning conditions. The Council's landscape architect has requested a condition to ensure that works on-site are undertaken in accordance with the submitted reports as well as a condition relating to hard and soft landscaping.

ORIGINAL REPORT

Paragraph 170 of the NPPF confirms that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing value landscapes.

Policy P10 of the Solihull Local Plan recognises the importance of a healthy natural environment in its own right and requires new developments to safeguard important trees, hedgerows and woodlands.

Policy ENV1 –Trees of the Hampton in Arden Neighbourhood Plan requires that all development proposals should include a landscaping scheme that;

- Wherever possible retains existing mature and established trees;
- Provides for additional tree planting to enhance, soften and screen the development;
- Utilises tree species that reflect the existing pattern of tree cover in the Parish; and
- Wherever possible includes for some semi-mature trees to aid the early maturity of the landscaping.

The submitted Design and Access Statement sets out the landscape strategy for the site. The landscape proposals seek to integrate the replacement sports pitches, clubhouse and car park into the landscape while reducing the potential for visual impacts associated with the development.

A comprehensive landscape scheme would be produced for the scheme at the detailed design stage and it is considered that this could be secured through an appropriately worded planning condition.

The proposals include for a belt of trees and shrubs as structure planting to the west of the pitches and diverted watercourse. This would provide replacement native species planting that links with the existing retained vegetation pattern of hedgerow, tree-lined and wooded field boundaries.

New hedge planting is proposed to the south side of the pitches, using non-thorny native species given the proximity to players and spectators. This would provide softening of the fenced edge to the pitches and maintain visual separation from the land to the south, reflecting the character of the existing southern-most WGAA pitch to be replaced.

To the east, part of the existing hedgerows along Catherine de Barnes Lane would be removed to enable the development of the New Link Road and re-aligned Lane, part of the M42 J6 improvements.

This vegetation is proposed to be replaced with mixed native species hedgerows alongside the new Private Means of Access east of the pitches, reflecting the existing character of road-side hedged boundaries.

Additional scattered tree planting is proposed east and south of the proposed new car park, to contribute to softening of the built edges and reconfigured pitches. Where practicable, species rich grassland would be established to promote biodiversity. There would also be a requirement for replacement hardwearing amenity grassland to allow for pedestrian movement, standing spectators and the operational and maintenance requirements of the WGAA.

An Arboricultural Report has been undertaken in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations by Mott MacDonald and is submitted as part of this application.

The proposed development will impact on 12 Category B: trees of moderate quality and the partial removal of one Category B tree group of moderate quality; three Category C: trees of low quality and the partial removal of one hedge of low quality; and one Category U: tree to be removed for Arboricultural reasons.

The report sets out the trees that will be retained and require protection during construction. It confirms that general protection measures will be undertaken in accordance with the recommendations set out in BS5837:2012 and will be detailed within an Arboricultural Method Statement (AMS). This will be prepared by a qualified arboriculturist prior to commencement of construction activities by the construction contractor and it is suggested that such measures could be secured through appropriately worded planning conditions.

Note, the removal of T177 will be required as it is in direct conflict with the footprint of the proposed access track. T177 was recorded as supporting a confirmed brown long-eared bat day roost and will therefore require a bat licence in order to facilitate its removal.

- Ecology

UPDATE

The latest information submitted shows that the current proposal will result in a loss of 5.06 Habitat Units and a gain of 0.33 Hedgerow Units. This is a change from the 6.65 Habitat Unit loss and -1.64 Hedgerow Unit loss previously reported. Further habitat enhancements have been provided on the site which has resulted in these changes. As there is now a net gain in terms of Hedgerow Units, this is not considered further. The figure of 5.06 Habitat Unit loss is accepted as a reflection of what is feasibly possible on the site given the current design of the scheme and the constraints identified. The Council's Ecologist is satisfied that the Mitigation Hierarchy has been suitably applied and that no further habitat enhancement is possible on the site itself.

The Council's ecologist has given further consideration as to how the Habitat Unit Loss can be compensated for. The applicant states that it is not possible to provide the financial contribution required to provide an offset scheme (£163,636) as this will make the development financially unviable. Instead the applicant is proposing to link with the adjacent DCO area and use some of the Habitat Unit credits generated from that scheme.

The M42 J6 DCO scheme has used the Defra metric as a mechanism to calculate its Biodiversity Net Gain. Whilst the metric was not formally submitted within the DCO process (Nationally Significant Infrastructure Projects are not required to achieve Biodiversity Net Gain in the same way as other developments which fall under the NPPF), the Council's Ecologist has had sight of a recent version (April 2021) which is being constantly updated as and when amendments are made to the scheme.

The Council's Ecologist notes that whilst a significant amount for off-site compensation, the financial viability of a scheme should not be used as a justification for non-compliance with national and local planning policy in relation to Biodiversity Net Gain (NPPF and P10). However it is understood that this planning application has

only been submitted as a direct result of the M42 Junction 6 DCO scheme and the Council's Ecologist agrees that this creates an unusual and exceptional circumstance. It is also recognised that there is likely to be enough Habitat Unit gain within the DCO scheme to accommodate the 5.06 Habitat Unit loss from this application. Whilst it is not possible to be fully assured of this, as the DCO scheme is still undergoing revisions which result in changes to the biodiversity net gain calculation, it is highly unlikely that no biodiversity net gain will be provided by the wider DCO scheme.

In conclusion, the Council's Ecologist, in balancing the above information, is satisfied that in this exceptional circumstance, it is acceptable for Habitat Unit gain from the M42 J6 DCO to offset the Habitat Unit loss on this site. Additional information has been submitted which has clarified the Habitat and Hedgerow Unit loss/gain for the site. The Council's Ecologist has also confirmed that the revised Landscape Masterplan is also sufficient as a post-construction habitat plan.

An external lighting plan has been submitted which shows the level of light spill to be at an acceptable level around the building and car park. No floodlights are proposed around the pitches. No further information relating to lighting is required.

ORIGINAL REPORT

Paragraph 175 of the NPPF advises that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Policy P10 of the Solihull Local Plan also seeks to conserve, enhance and restore biodiversity across the Borough.

The Council's ecologist has reviewed the proposals and has commented on the detailed information submitted including a Preliminary Ecological Appraisal, Biodiversity Net Gain calculations and a Biodiversity Impact Assessment. Overall, the biodiversity calculations are showing a net loss for the WGAA legacy scheme of just under 5 biodiversity units primarily due to the loss of species rich grassland in the south west corner of the scheme. There is an overall increase in this habitat being planted (1.32ha) compared to the existing area (1.17ha) however the proposed value will be less than the existing value.

To address the inability to provide a net gain on the application site, the applicant has requested that the Council considers the proposed development in the context of the approved M42 DCO scheme and the corresponding net gain that will be delivered when considering the wider scheme and mitigation strategy due to their connectivity. In considering this approach, it is necessary to consider the fall-back position of the proportionate reconfiguration scheme. The proportionate reconfiguration scheme will

allow for the re-provision of the two pitches which are severed by the DCO, without the benefit of the new clubhouse. The biodiversity impacts, including biodiversity net gain, have therefore been calculated for the DCO scheme which demonstrates an overall biodiversity net gain of 20%. This biodiversity net gain would include the element attributed to the proportionate reconfiguration scheme.

The applicant has investigated potential off-site enhancements which include land to the south of the application site as a potential option for provision of the required 2.4ha of additional species rich grassland. However this option is unviable because the land is outside of the control of the applicant and is under the ownership of a third party. The applicant states that further land associated with the M42 DCO consent has also been assessed and there are no other areas that could accommodate off-site planting as mitigation across the scheme has been maximised.

The applicant notes that the request for a financial contribution in-lieu of on or off-site mitigation in accordance with Policy P10 of the Solihull Local Plan. This financial contribution would amount to £410,782. The applicant stresses that such a contribution would have significant financial implications for the project and would render the scheme unviable.

The applicant maintains that whilst this proposal is the subject of a separate planning application under the Town and Country Planning Act 1990, it is intrinsically linked to the wider M42 scheme and associated DCO, and seeks an improvement scheme to that already consented as part of a legacy project to provide a greater quantum of benefits for the WGAA and wider community. The M42 DCO results in a 14.35% habitat gain and 27.17% hedgerow gain, with an overall 20% net gain in area habitat biodiversity units. This proposal would result in a 13.44% habitat loss of species rich grassland, with a gain of 90.48% in hedgerows due to the level of new planting proposed. Combining the schemes, this would result in an overall net gain being achieved of 19% (12.66% for habitats, 21.72% for hedgerows). The proposed development would still seek to maximise mitigation across the site. The applicant considers it appropriate in this unique scenario that it should be viewed in the context of the wider M42 DCO where an overall biodiversity net gain would be achieved. Whilst such an approach is not usually acceptable, it is considered that this proposal is unique given the fall-back position of the Proportionate Reconfiguration scheme and because the proposal is intrinsically linked to the M42 Junction 6 DCO consent. This is therefore a material planning consideration. It is considered that there would be an element of 'double counting' if this scheme was required to provide the full biodiversity net gain given that the Proportionate Reconfiguration scheme is already contributing to the gain provided by the wider DCO scheme.

The Council's ecologist has requested conditions regarding biodiversity management and protected species.

On balance, it is considered that the approach taken by the applicant in this instance is acceptable and that the proposal complies with the principles of Policy P10 of the Solihull Local Plan 2013 and the wider NPPF guidance. Despite the unique method taken to calculate and provide BNG, the overall benefits of the scheme are considered

to outweigh those impacts and the reduction in the biodiversity provision. The combined scheme, the DCO and this proposal, delivers an overall BNG of 19%.

- Drainage

UPDATE

The applicant has submitted a Flood Risk Assessment and Drainage Strategy for review. The modelling associated with the drainage works is, at the time of writing, undergoing an independent review, the outcome is unknown. It is therefore proposed that planning conditions are imposed on any consent to safeguard the Council's position with regard to drainage and flood related matters for this scheme.

ORIGINAL REPORT

Paragraph 163 of the NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 165 of the NPPF advises that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

Policy P11 of the Solihull Local Plan advises that all new developments shall incorporate sustainable drainage systems, unless it is shown to be impractical to do so. Developers shall ensure that adequate space is made for water within the design layout of all new developments to support the full use of sustainable drainage systems, and shall demonstrate that improvements to water environment will be maximised through consideration of a range of techniques.

On consultation, the Council's drainage engineer initially requested further information on modelling due to concerns relating to flooding of the site. The applicant has submitted a flood modelling report, however the model has not been submitted for review neither has an independent verification report to confirm that the model is performing as described within the report.

The Council's drainage engineer notes that the channel realignment does not reduce or significantly alter the flood risk extents within the site and thus could render the proposed pitches unusable for parts of the year. Notwithstanding this, the modelling report suggests that the modifications to the ordinary watercourse would be unlikely to result in significant flooding upstream or downstream of the site and as such, the principle of watercourse realignment at this location could be acceptable.

The Council's drainage engineer raises no objection subject to pre-commencement conditions relating to both the flood risk and drainage elements to ensure that no scheme progresses until such time as the appropriate detailed designs are made available and thoroughly reviewed.

In light of the above technical response, it is considered that the proposed development accords with Policy P11 of the Solihull Local Plan 2013 and the wider NPPF. This matter is afforded neutral weight in the planning balance.

- Heritage

Policy P16 'Conservation of Heritage Assets and Local Distinctiveness' of the SLP 2013 is consistent with national guidance on this matter. This policy states that the Council recognises the importance of the historic environment to the Borough's local character and distinctiveness, its cultural, social, environmental and economic benefits and the effect this has on civic pride.

The Council's Conservation Planner has reviewed the legacy scheme proposals and notes that the possible permanent adverse impacts on heritage assets could occur due to the building construction and the alteration of areas to parking or all weather pitch surface. However, no objection is raised as the building moves slightly further from Bickenhill Conservation Area and Castle Hills Farm, and neither this or the new pitches would give rise to any harm to their settings.

- Loss of agricultural land

DEFRA classifies agricultural land by grades according to the extent to which its physical and chemical characteristics impose long term limitations on agricultural use for food.

Policy P17 of the Solihull Local Plan confirms that the Council will safeguard the "best and most versatile" agricultural land in the Borough and encourage the use of the remaining land for farming. Development affecting the "best and most versatile" land will be permitted only if there is an overriding need for the development or new use, and there is insufficient lower grade land available, or available lower grade land has an environmental significance that outweighs the agricultural considerations, or the use of lower grade land would be inconsistent with other sustainability considerations.

Paragraph 112 of the NPPF confirms that local authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poor quality land in preference to that of a higher quality.

National Planning Practice Guidance (NPPG) at Paragraph: 026 Reference ID: 8-026-20140306 states that the NPPF expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. It continues to state how important this allocation is and local authorities are encouraged to seek to use areas of lower quality land in preference to that of high quality. The Solihull Countryside Strategy 2010-2020 indicates that the best and most versatile land should be protected, citing it as an irreplaceable resource.

The Agricultural Land Classification (ACL) grades the land. The best and most versatile soils and agricultural land are Grades 1, 2 and 3a. Moderate quality soils and agricultural land are Grade 3b and lower quality soils and agricultural land Grade 4.

The objection response received from the adjoining land owner is noted. This raises the issue of the viable use of the adjacent land because the land parcels will be severed by the proposals with no indication of how the remaining areas will be accessed. The objector states that the applicant does not have the power to deliver the scheme as designed.

The applicant has reviewed the objection response received and advises that no formal discussions have taken place with the adjacent land owner. The cattle access track is shown on the submitted Environmental Masterplan and on the submitted proposed layout plan. In terms of fencing, the applicant proposes a post and rail fence to the western boundary and the same fencing on the eastern bank of the new ditch to prevent access to cattle. A new steel field gated access point will be provided to the field on the north of the access track.

Given the fall-back position of the proportionate reconfiguration, it is considered that the further encroachment of this proposal outside of the DCO limits is minimal.

Clearly, the loss of agricultural land cannot be mitigated for and would cause limited harm to be put into the planning balance. However, the remaining areas around the development site would be used for ecological and landscape mitigation as set out in the sections above. Thus, the majority of the land would only experience a long term reversible change rather than being irreversibly lost. It is concluded that the residual impact to the agricultural land would be minor adverse and thus the effects of the development would not be significant in this regard.

- Public Rights of Way

There is a public footpath which currently runs through the site, Path ID113a. This footpath has permission to be rerouted by the DCO consent as part of the proportionate reconfiguration scheme.

- Community Use Agreement

UPDATE

To provide further clarity, the applicant has submitted an updated Community Use Agreement with a Heads of Terms. It is understood that discussions between the WGAA and the applicant with regard to some of the details of the Community Use Agreement are on-going however the submission of this document demonstrates a commitment by the applicant to this legacy scheme for the wider community's benefit. The Community Use Agreement demonstrates the availability of the facility to the local community and it highlights that two football clubs have expressed an interest in utilising the 3G pitch.

Sport England have reviewed the submitted Community Use Agreement. In relation to the submitted Heads of terms/draft Community Use Agreement Sport England are unable to support the proposed arrangements as currently set out due to the following reasons:

- The proposal will result in the loss of a natural turf playing field for an artificial surface. Whilst an artificial surface can sustain more intensive use it is unsuitable to accommodate some grass pitch sports or the standards of play or grades of competition required for some sports. Therefore to outweigh the loss of the natural turf pitch Sport England would expect a community use agreement which would operate for so long as facility is provided in accordance with the Planning Permission. As set out the community benefits of the scheme will only be secured for 11 years as this is when Highways England transfer the legacy assets to the WGAA. To ensure that the benefits are secured in perpetuity the LPA should be a signatory to the agreement. Should the LPA consider that the 11 years is an appropriate timeframe then it is noted that the community access will be secured at the site for period of time where there is presently no such arrangement in place.
- The community use agreement potential hours of use is fairly vague and limited (noted the heads of terms sets out greater hours of usage for the AGP than draft community use agreement). The agreement should clearly set out the hours the WGAA facility will be available for community use – informed by a usage plan for the site which sets out the hours of use by WGAA and then the available slots for the community. This would then provide greater clarity as to when the site is available for community use, with the income of bookings helping to ensure that there is adequate maintenance and sinking fund for the pitch.
- Schedule 1 should specifically state the facilities available for community use with an accompanying plan displaying the location of them.
- Schedule 2 should set out the pricing from the outset to ensure the pricing is comparable to other local facilities in the locality. The pricing can then be reviewed annually.

Sport England recommend that, should the Council be minded to approve the application, the community use agreement condition as previously proposed should be retained to enable the above matters to be resolved without delaying a decision being made on this application.

ORIGINAL REPORT

The proposed development will be the subject of a Community Use Agreement. This will provide opportunities for the local community and sports organisations to participate in physical activity using the improved facilities that will be delivered through the proposed development. The community use element will be available to accommodate a range of different sports and will not be limited to Gaelic sports.

The Community Use Agreement remains in draft form. Schedule 2 of the draft agreement confirms that the all-weather pitch will be made available for a minimum of twenty hours per calendar month, with a minimum of five of these hours per month on a Saturday or Sunday, or after 6pm Monday to Friday. Each of the turfed pitches will be made available for a minimum of 10 hours per calendar month. The clubhouse will be made available for a minimum of 16 hours per calendar month for community use, with a minimum of four of these hours made available on a Saturday or Sunday or after 6pm Monday to Friday. The use of the clubhouse facility will be ancillary to the sporting function of the main site.

The proposed development will provide an improvement to an existing facility that will have a series of local community benefits. A flexible arrangement will be provided for use of the facility by the local community secured through a Community Use Agreement and it will provide a betterment to the use of the existing facility where there is presently no community use arrangement in place. The proposed condition regarding the production of the Community Use Agreement has been requested by Sport England. To discharge this condition, the applicant will need to work with Sport England to ensure the community use element is fair and achievable. It is understood that this community use element may not run in perpetuity but this is to be confirmed through the production of the user agreement.

- Site security

It is acknowledged that a representation has been submitted querying the site security and use of the facilities outside of the hours specified by the applicant. It is proposed that the use of the site is restricted to specific hours of use specified by the applicant and secured via planning condition. This will ensure that the WGAA or community users would be in breach of this condition should the site be used at any other time. This would then be an enforcement matter for the Council to review and action as necessary.

In terms of unauthorised access to the facilities, in accordance with the consultation response from West Midlands Police, the applicant is proposing a CCTV system in and around the clubhouse. Site security will be as per the existing arrangements and it is not considered that the design of the legacy scheme will give rise to an increase in anti-social behaviour.

It is proposed at condition 13 that boundary treatment details are submitted as part of the hard landscaping scheme to be approved in writing by the Council.

- Public sector equality duty

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors. It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

- Human rights

In determining this application, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

CONCLUSION

The principle of this upgraded outdoor sports facility proposal for the WGAA is considered to be policy compliant, creating a legacy scheme comprising of a new re-sited clubhouse, an all-weather sports pitch and the reconfiguration of two playing pitches.

In terms of Green Belt, it is concluded that the proposal is appropriate development. It is considered that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it in accordance with the requirements of the NPPF on this matter.

The revised design of the new clubhouse meets Sport England requirements and will allow for an element of community use which the current facilities do not provide. The layout is functional and the addition of the all-weather pitch will benefit both the applicant and the wider community. It is considered that the revised design is acceptable and seeks to address the concerns raised by members during the March 2021 committee.

The additional information submitted by the applicant has addressed a number of outstanding concerns raised by the Council's Public Protection Officer. Despite local

objection, the Council's Public Protection Officer is satisfied with the methodology used by the applicant in the Noise Impact Assessment and Noise Management Plan. It is considered that the proposal complies with Policy 14 of the Solihull Local Plan 2013 with regard to the amenity of existing occupiers subject to limited conditions requested by the Council's Public Protection Officer.

A Flood Risk Assessment and Drainage Strategy have been submitted by the applicant. These are currently undergoing independent review. The Council's drainage engineer is satisfied that the imposition of planning conditions will safeguard the Council's position on this matter until the outcome of the modelling review is known.

In terms of ecology and biodiversity net gain, the Council's ecologist is mindful that the way in which net gain for the site has been achieved is unique to this proposal and its association with the M42 DCO. In this instance, it is accepted that the proposal accords with Policy P10 of the Solihull Local Plan 2013 in this regard.

The proposal would have no material impact upon the local highway network, and subject to conditions the Highway Engineer has raised no objection. The proposal therefore accords with Policy P8 of the Solihull Local Plan 2013.

Therefore in summary, the proposal accords with the development plan as a whole and benefits from a presumption in favour of sustainable development in accordance with the Framework and it is for these reasons that the application should be approved.

In coming to this recommendation, your officers have also taken into consideration all of the representations made in respect to the proposal. In view of the matters set out above however, they do not alter the overall conclusion.

The proposal is therefore recommended for approval subject to the imposition of appropriate conditions.

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. CS00 – compliance with plans
2. CS05 – commencement in 3 years
3. CS06 – materials to be submitted
4. The hours of use shall be restricted as follows:

Period		Pitch Operation		Clubhouse and Site	
		Opening	Closing	Opening	Closing
Winter (December – February)	Weekday	11:00	17:00	10:00	22:00
	Weekend	10:00	17:00	09:00	18:00
Summer (March – November)	Weekday	10:00	21:00	09:00	22:00
	Weekend	10:00	21:00	09:00	22:00

With no access, use or activity to take place on the respective areas of the site, hereby approved, outside of those hours detailed above.

In order to protect the neighbourhood from any increase in ambient noise levels in accordance with Policy P14 of the Solihull Local Plan 2013

5. Unless otherwise agreed in writing with the Local Planning Authority no fixed amplified sound systems (for the amplification of either music or sound) shall be installed or used on site. Any non-fixed systems shall only be used internally, and shall be kept at such levels so as to be considered as background levels, and at levels that do not require patrons to raise voices. No personal amplification, loudspeaker, ‘tannoy’ or any other such equipment shall be used externally at any time.

In order to protect the neighbourhood from any increase in ambient noise levels in accordance with Policy P14 of the Solihull Local Plan 2013.

6. Unless otherwise agreed in writing with the Local Planning Authority the use of the clubhouse and external areas shall be strictly limited to activities that directly support, and are ancillary to, the sporting activities on site or the associated community use aspects. The use of any part of the clubhouse or any external areas for parties, celebrations, weddings, be they ‘in-house’ or external functions, are prohibited. No ‘Public Entertainment’ shall take place on site at any time or on any part of the development site subject to this permission.

In order to protect the neighbourhood from any increase in ambient noise levels in accordance with Policy P14 of the Solihull Local Plan 2013.

7. The use of external areas shall be restricted to sporting activities and not any other community use or charity use that is not directly related to and supported by a sporting activity. As such no car boot sale, market event, charity fete or gala, or other such external community or charity event shall take place on site at any time or on any part of the development site subject to this permission.

In order to protect the neighbourhood from any increase in ambient noise levels in accordance with policy P14 of the Solihull Local Plan 2013.

8. The development shall not be used until the new junction off the realigned Catherine De Barnes Lane and the new private road approved as part of the DCO scheme have been provided.

In the interest of highway safety and to ensure suitable access can be provided to the site in accordance with Policy P8 of the Solihull Local Plan 2013.

9. The development shall not be used until the new vehicular accesses off the new private road have been provided in general accordance with Drawing Number HE551485-MOTG-HGN-WGAAG_WGAA-DR-AX-00102.P02 (Proposed Layout Option A V2).

In the interest of highway safety in accordance with Policy P8 of the Solihull Local Plan 2013.

10. The development shall not be used until a detailed scheme for the provision of secure cycle parking has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

In the interest of satisfactory parking and to encourage sustainable travel in accordance with Policy P8 of the Solihull Local Plan 2013.

11. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; hours of operation and deliveries; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway.

In the interest of highway safety in accordance with Policy P8 of the Solihull Local Plan 2013.

12. All works to and around existing/retained trees including tree protection measures and future maintenance works are carried out strictly in accordance with the arboricultural information provided within the application as follows;

- Warwickshire Gaelic Athletics Association Legacy Scheme Arboricultural Report ref P03 dated 3/6/21.

- M42 Junction 6 Improvement Scheme Arboricultural Method Statement ref P02 dated 3/6/21.

To minimise the impact of the development on trees and hedgerows and significance in accordance with Policies P10 and P14 of the Solihull Local Plan 2013.

13. CL04 – Hard and soft landscaping scheme to be submitted.

14. CL06 – Implementation of approved landscaping scheme.

15. The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the Local Planning Authority expect to see details concerning method statements for badgers, bats, breeding birds including pre-commencement checks and appropriate working practices and

safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Ecological Management Plan shall thereafter be implemented in full.

To ensure that protected species are not harmed by the development in accordance with NPPF, ODPM Circular 2005/06.

16. The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan covering a period of no less than 30 years has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

To ensure a net biodiversity gain in accordance with NPPF.

17. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the legacy scheme provisions including the clubhouse, all-weather pitch and two natural pitches and include details of pricing policy, hours of use, access by non-GAA users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

18. The development hereby approved shall be implemented either as a whole or in phases, in accordance with a phasing plan to be submitted to and agreed in writing by the Local Planning Authority and wholly in accordance with this permission. The phasing plan shall include the delivery timescale for the provision of the clubhouse, the natural turf pitch (in accordance with the submitted document White Horse Contractors document titled An Outline Specification for Sports Field Construction) and the artificial pitch in line with the statement provided within Section 4 of the document titled Sport England Response PL202002279PPFL dated 12th February 2021.

In order to secure a comprehensive redevelopment of the site in accordance with Sport England Exception Policy E4 and to respect the amenity of local residents in accordance with Policy 14 of the Solihull Local Plan 2013.

19. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts (1) to (4) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part (4) has been complied with in relation to that contamination.

(1) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - (a) human health,
 - (b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - (c) adjoining land,
 - (d) groundwaters and surface waters,
 - (e) ecological systems,
 - (f) archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

(2) Submission of Remediation Scheme

Where necessary following (1) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(3) Implementation of Approved Remediation Scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

(5) Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of any proposed remediation over a period of to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority before the development hereby approved is first used or occupied.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P14 of the Solihull Local Plan 2013.

20. Within 3 months of occupation of the clubhouse building shown on drawing number HE551485-MOTG-HGN-WGAAG_WGAA-DR-AX-00102 Proposed Layout P02, the existing clubhouse building as identified on drawing number HE551485-MOTG-HGN-WGAAG_WGAA-DR-AX-00003 Planning Boundary and Existing Site P01 shall be demolished. The existing clubhouse building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before the development took place or to such a condition as may have been agreed in writing between the Local Planning Authority and the applicant.

To avoid the proliferation of buildings in the Green Belt in accordance with Policy P17 of the Solihull Local Plan 2013.

21. Before the development hereby approved commences a Crane Management Plan pursuant to the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of crane height and lighting and shall be implemented as approved.

To ensure that crane activity and crane height would not compromise aircraft operations in the interests of aerodrome safety and in accordance with Policy P1 of the Solihull Local Plan.

22. No above-ground work shall commence until such a time as a scheme to manage the surface water runoff from the development has been submitted to and approved

in writing by the Lead Local Flood Authority in conjunction with the Local Planning Authority, with no occupation until the scheme is operational. The submitted details shall include, as a minimum:

- a) Drawings showing overall site concept design principles
- b) Site layout plan, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.
- c) Surface Water Drainage Design including:
 - Confirmation of the lifetime of the development
 - Design storm period and intensity (1 in 1, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice [Flood risk assessments: climate change allowances'](#)),
 - Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology;
 - Confirmation of discharge rates and volumes (both pre and post development)
 - Confirmation of proposed discharge location.
 - Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMPC Policy P11 and DEFRA's Non-statutory technical standards for sustainable drainage systems to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus climate change critical event storm.
 - Engineering details for all surface water drainage features
 - Temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of finished floor levels in AOD;
 - Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site
- d) Surface Water Drainage adoption and maintenance strategy
- e) On and off site extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding
- f) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

The scheme shall be implemented, maintained and managed in accordance with the approved details.

23. The development shall not be commenced until such time as the detailed design of the river realignment scheme to manage the fluvial and surface water flows and associated storage through the site has been submitted to, and approved in writing by, the Local Planning Authority and Lead Local Flood Authority. The submitted details shall include:

- a) Detailed hydraulic modelling confirming the appropriate sizing of the watercourse channel and associated features, including for, but not limited to scour and planting and the provision of any structures necessary.
- b) Full detailed design drawings
- c) Design reporting including methodology and maintenance commitments.
- d) An independent model verification report to confirm the modelling is as per the designs and reports and there are no fundamental errors that could alter the outcome of the design and increase flood risk

The scheme shall be fully implemented/operational and subsequently maintained, in accordance with the timing / phasing arrangements to be agreed, in writing, by the Local Planning Authority.

24. No above-ground works shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

25. No occupation shall take place until a Verification Report for the river realignment and installed surface water drainage system for the site based on the approved documentation has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority and Lead Local Flood Authority. The details shall include:

- a) Any departure from the agreed design is in keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) Confirmation that the system is free from defects, damage and foreign objects