
Committee Date:	19/09/2013	Application Number:	2013/05594/PA
Accepted:	26/07/2013	Application Type:	Full Planning
Target Date:	20/09/2013		
Ward:	Soho		

Former Bass M&B (Portland Pavilion), 241 Portland Road, Birmingham, B17 8LS

Demolition of existing pavilion and boxing club building and construction of new cricket pavilion, installation of cricket nets and associated engineering works.

Applicant: Warwickshire County Cricket Club & Persimmon Homes (South Midlands) Ltd
Edgbaston Stadium, Edgbaston Road, Birmingham, B5 7QU
Agent: GVA Grimley
3 Brindley Place, Birmingham, B1 2JB

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This current application follows various planning consents for house building across the former M&B brewery site. These preceding consents are subject to S106 legal agreements which amongst other obligations required the house builder to provide enhanced sports playing fields at the existing M&B sports grounds to a specification to be agreed by the Local Planning Authority. The house builder is also obligated to secure the long term management of these improved facilities through a Sports Facilities Management Plan. The original sports facilities specifications set out in the S106 agreement had a football focus, and the overall purpose of this planning obligation was to ensure the long term future provision of sports facilities at this site given these are no longer provided by M&B brewery.
- 1.2. The former M&B (Portland Pavilion) sports grounds site is currently within the ownership of Persimmon Homes. Persimmon Homes would be carrying out all necessary works to improve the existing sports facilities at this site, subject to the specification of these works being agreed though the S106 process. It is now proposed that there would be a change in focus at this site from football to cricket and as such the specification of these alternative works is also to be agreed though the S106 process. In order to ensure the long term management of the sport facilities at this site Persimmon are seeking to transfer the sports facilities, once improved, to a suitable sports organisation. Persimmon propose to transfer this site to Warwickshire County Cricket Club (WCCC) and its partnership organisation, the Warwickshire Cricket Board (WCB). WCCC has a need for additional facilities to deliver its cricket development and competitive cricket programmes and has a proven ability to manage sports sites in the long term.

- 1.3. This current planning application is based around WCCC proposals to reinstate cricket on the former cricket pitch at this site. This current application seeks to demolish the existing pavilion building and erect a new smaller pavilion in its place. The proposed cricket pavilion would provide changing rooms for two teams; umpire and officials changing rooms; food/ drink preparation area and servery; equipment stores; administration/ office space; and a refreshment/ social space.
- 1.4. The proposed cricket pavilion would be 22m in width and 9m in depth. The building would be single storey and constructed with a mono-pitched roof. The maximum height of the building would be 6m.
- 1.5. It is proposed that the cricket pitch would be prepared to 'first class' standard as it is intended that this would be used by WCCC 2nd XI for competitive cricket as well as by members of the 1st XI that are recovering from injury. It is also proposed that this would be used by the WCCC's Academy and Age Group development squads. A programme of community engagement is also being drawn up in line with the existing S106 agreement for a Sports Facilities Management Plan at this site. This includes details of community access proposed at the site once transferred to WCCC. The laying out of the pitch itself does not require consent.
- 1.6. An area to the south of the main cricket oval approximately 42m in width and 29m in depth has been identified on submitted plans for the siting of proposed cricket nets. This part of the site is bounded by dense trees adjacent to City Road. Details of the position and layout of cricket nets are proposed to be provided in due course as the provision of cricket nets is subject to future funding being found. The applicant has requested that these details are agreed by condition.
- 1.7. This proposal includes the demolition of an existing boxing club building on the site. The boxing club building is in a poor state of repair. Under the original outline planning consent for housing development across the former brewery site, the applicants entered into a Section 106 Agreement to pay a sum of £35,000 for the Council to spend on either the improvement and maintenance of the existing boxing club; to fund an extension to the boxing club; or to part fund the construction of a replacement building on the site of the boxing club. The sum of £35,000 was agreed in 2006 prior to a survey of this building being undertaken. To date the Council has not utilised this sum. The £35,000 sum is in itself unlikely to cover the cost of improvements needed at this building. Local Services are also not in a position to take this building on as an asset with the future costs that running this establishment would bring. Since the submission of this application the applicants have met with the boxing club that have been training at this site and it is understood that the boxing club are to relocate to training facilities within Warley Rugby Club at Tat Bank Road, Oldbury. This relocation is subject to works being completed on the Warley Rugby Club building which has a valid planning consent granted by Sandwell Borough Council. Since meeting with the Warley Boxing Club, the applicants propose to delay the demolition of the boxing club building until January 2014 to give Warley Boxing Club more time to relocate their operation.
- 1.8. The cost of the demolition of the boxing club building is to be met by the house builder. Given that this proposal seeks to remove the boxing club it would no longer be possible to spend the £35,000 boxing club sum for its originally intended purpose. As part of this application the applicant seeks a deed of variation to enable the boxing club sum to be spent on an alternative sports enhancement at this site or, if this is not possible for this to be spent within the Ward for the same purpose.

- 1.9. In support of this application the applicant has submitted a Design and Access Statement; a Planning Statement; Statement of Community Involvement and an Ecological Appraisal.
- 1.10. Site area is 0.99 ha.
- 1.11. A screening opinion has also been carried out as part of the assessment of this application. It has been determined that no Environmental Impact Assessment is required.

[Site Layout Plan](#)

[Proposed Pavilion Elevation Drawings](#)

[Proposed Pavilion Floor Plans](#)

2. Site & Surroundings

- 2.1. The application site comprises of the existing pavilion building, boxing club building and the access and parking area for the overall sports facilities at the former M&B (Portland Pavilion) sports grounds.
- 2.2. The existing pavilion building is significantly larger than the building now proposed at this site being 35m in depth and 40m in width. In addition to changing facilities the existing pavilion building provides a large bar area and a social/function room.
- 2.3. To the north of the proposed pavilion site is an existing cricket pitch which has in more recent years been used for football. To the east of the site is a mini-football pitch and to the west are existing bowls greens. Access to the site is via Portland Road to the South. Portland Road is primarily residential in character.

[Site Location](#)

[Street View](#)

3. Planning History

- 3.1. Outline planning approval was granted under application reference C/05974/04/OUT on the 16.01.06 for residential redevelopment and the provision of enhanced sports and community facilities at the former brewery site. The approval was subject to a S106 agreement. Amongst other planning obligations, this agreement secured the following: To offer to lease the sports and social club and environs to the City Council; to provide and implement a playing field enhancement package prior to occupation of the 150th dwelling; a commuted sum of £60,000 (index linked) to fund the provision of a sports development officer (5 years part time); and a commuted sum of £35,000 (index linked) to fund renovation to the boxing club building.
- 3.2. Four subsequent Reserved Matters applications were agreed for house building phases 1A, 1B, 2A and 2B of the Cape Hill site.
- 3.3. The time to implement the final phase of housing development at Cape Hill lapsed resulting in the need to submit a full planning consent. Many of the S106 trigger points set out in the original outline consent particularly with regard to the provision of sports development at the site had not been met under the reserved matters

development. As such through application reference 2012/07634/PA the erection of 73 dwellings was approved as a final house building phase at the brewery site subject to a deed of variation to the S106 Agreement secured under application reference C/05974/04/OUT. The deed of variation secured the following:

The provision of enhanced sports playing fields with works to include: the realignments and resurfacing of the senior football pitch and part of the former cricket ground (to include new drainage infrastructure, regarding of play surface, and dugouts); installation of 60mx40m sand based artificial turf pitch with flood lights; installation of two porous macadam tennis courts with floodlights; installation of 36m x 10m multi court; demolition of squash courts and provision of new changing rooms within the existing clubhouse building and the provision of any ramped access needed to provide disabled access from the clubhouse/ car park area to the playing pitch and erection of fencing to the sports pitches, or any alternative specifications of works that may be agreed in writing with the Local Planning Authority.

That these sports facilities be provided on the occupation of the 30th dwelling approved under the 2012/07634/PA consent.

The provision of a Sports Facilities Management Plan which is to include details of how the facilities are to be laid out, who the future lessee of the site is to be and how they propose to ensure the future long term use and maintenance of these facilities prior to the occupation of the 60th dwelling approved under this consent reference 2012/07634/PA.

The transfer of the sports facilities is to be carried out in accordance with the approved Sports Facilities Management Plan prior to the occupation of the 60th dwelling approved under consent reference 2012/07634/PA and shall be managed and monitored in accordance with the plan.

4. Consultation/PP Responses

Pre- application consultation

- 4.1 Prior to the submission of this application the applicant undertook a pre-application consultation exercise in the form of a public exhibition held at the existing pavilion on the 3rd July 2013.

The public exhibition was advertised by means of a leaflet drop to 1000 of the closest residents a week before the event. Letters of notification to Ward members of the Soho, Harborne and Edgbaston wards and to local residents associations were also sent.

The applicant states that 36 individuals attended the event. Those who attended were a mixture of local residents, users/ employees of the existing facilities, members of a local neighbourhood forum and Councillor James McKay (Harborne Ward). Below is summary of the comments made through this event:

Support:

The proposal would retain the bowling greens;
There are merits in the ownership of the site going to WCCC who could bring about improvements of facilities and security of tenure; and
The proposal provides a clear future for the site.

Objections:

The function space will be reduced in size;
The pathways around the bowls greens need to be improved;
General security at the site needs to be improved;
Loss of main pitch from football to a cricket pitch is unacceptable to local football teams;
Pavilion should be made available to local community; and
The proposal would result in the loss of a bar.

The applicant has sought to address the concerns raised. These are discussed in detail in section 6 of this report.

Planning Application Consultation

- 4.1. Regulatory Services – No objections subject to conditions for flue installation and noise installation of the pavilion building.
- 4.2. Transportation Development – No objections.
- 4.3. Local Services - No objections in principle to this proposal which will, with the involvement of the WCCC, provide a long term sustainable future for this site and its users.
- 4.4. Strategic Sport – Support this proposal.
- 4.5. West Midlands Fire Service – The turning head is adequate for fire service vehicles to turn within. The fire hydrant appears to be in excess of the recommend 90m from the entry point to the building and the applicant should meet the guidance on this matter.
- 4.6. Environment Agency – No objection.
- 4.7. Sport England – Support – Sport England have been working with a number of sports governing bodies; the Football Association, the Rugby Football Union, the English Cricket Board and England Hockey as well as the city council's leisure department to develop a framework for sports within the City Road area of Ladywood and Edgbaston. This site was identified as a critical site for the delivery of sport. In the Birmingham Playing Pitch Strategy 2012 this site is identified as L8. Currently there is crown green bowling and football played on the site, however the site was originally a cricket and bowls site. Sport England has been involved over many years with the owners, Persimmon, and Birmingham City Council planning and leisure officers, to develop the best sporting package for both the city and local residents. Sport England believes this to be a fantastic opportunity for local residents and George Dixon Academy to play cricket.
- 4.8. Severn Trent – No objections.
- 4.9. Wildlife Trust – No comments received.
- 4.10. Ward Councillors for Soho, Ladywood, Edgbaston and Harborne Wards, MP Shabana Mahmood, and local occupiers notified. Site notice displayed. The following comments have been received:

Councillors James McKay and Elaine Williams

This proposal represents a significant upgrading of local sporting facilities. The bowling greens will be retained at a time when such facilities are under pressure. The cricket and mini-football facilities will be accessible to local schools and clubs.

However, it should also be recognised that currently there are open-access facilities used by the community at large, rather than specific clubs. There is a bar, and rooms for hire, utilised by a range of community groups. The current proposals would limit these facilities. This is in the context of the recent loss of the open field across the road at the Portland Centre site, on which the planning committee recently granted permission for development for housing.

In light of the above, we would prefer to see the application revised to allow for larger rooms available for community hire, and that clear expectations are set out around the degree of community access to the facilities as a whole.

Warley Boxing Club

This application suggests knocking down the Boxing Club which has been in existence on this site for over 8 years. The boxing club have been renting this building and have carried out their own repairs and improvements to the building. This is a vibrant club with full membership, averaging between 12 and 16 Juniors per session and 10 to 16 Adults per session. The facilities are used on other days including week ends in order to offer specialist training, especially when boxers are competing in the nationals. Specialist training is also offered to boxers during pre arranged days, however this will never impede upon the club training sessions.

NorthWest Edgbaston Neighbourhood Forum (NWENF) – Object

There was no official notification sent to the NWENF through the applicants community consultation process. The NWENF regularly meet at the Portland Pavilion. The proposed pavilion would result in little provision for community space. The timetabling proposed for the social space will be heavily used on some dates precluding use for community activities that currently meet at the Portland Pavilion. Part of the existing pavilion building should be retained, refurbished and made available for community use.

Objection from 6 local residents on following grounds:

This proposal would result in a parking problem when matches are held on the site;
The site should remain un-floodlit to avoid light pollution to local residents;
There have been a lack of consultation by Persimmon, WCCC and BCC on these proposals;

The opportunity has not been given to local residents and the NWENF to put into action Community Rights as per the Localities Act 2011, towards a possible Community Interest Company (CIC) and towards a possible Community Sports Hub (Multi Sports);

Portland Pavilion has a covenant for its use as a venue for sports and not for housing development, we are concerned that if this is transferred to WCCC that after a period of time the covenant for sports use will be lifted and the WCCC could sell this site to developers for further housing development;

There is a lack of green sports and community space in the area (due to pressure for housing development) and more and more sites are being purchased and boarded off from community use;

Portland Pavilion and facilities could be sustained by the local community for local and wider community, if Persimmon would assist and pass on covenant and facilities to a CIC;

Concerned this proposal will limit opportunities for local residents to continue with full access and use of the proposed mini pavilion and that this would result in hefty increases in expenditure of individual/family/community budgets to partake of the proposed WCCC facilities as evidenced in the costs charged at their main Edgbaston ground;

A large range of community facilities would be lost if this proposal goes ahead;

Structurally the current pavilion seems sound with some parts relatively modern. It should be enhanced and decorated with improved facilities not demolished;
 Available funds from Persimmon should be used to bring the existing building back up to a good standard of use;
 Due to the industrial history of this site it is considered the existing building is worthy of listing and protection and should not be demolished;
 Access to the facilities has become more limited since Persimmon took over;
 More and more recreational and community facilities are being eroded. If Portland Pavilion goes where are community groups going to meet?;
 Concerned that due to the financing needed for Edgbaston that WCCC will not have the additional money needed for the Portland Pavilion site enabling them to provide community activities;
 The existing manager of the pavilion is losing her job and her home because of these plans;
 What is going to happen to the existing football clubs who use the Portland Pavilion?;
 Who will manage the Bowling Greens? ;
 Will the WCCC / Persimmon allow any extensive community involvement in the proposed small pavilion in the future? ;
 Will the sport facilities be available outside of the cricket season? ;
 How will the area of hardstanding to the rear of the Pavilion be used ?; and
 The Victorian industrialists (M&B and Avery) set up recreational and sports facilities for the improvement of their workers' health. These facilities were open to the local community. Now we are in the 21st century and all they created is being taken away from us.

5. Policy Context

5.1. *Planning Policies:*

Birmingham Unitary Development Plan (2005); Draft Birmingham Development Plan; Places for All and NPPF

5.2. *Other relevant guidance:*

Playing Pitch Strategy 2012, Adopted by cabinet in February 2013 and sets out the sports strategy for the City.

6. Planning Considerations

6.1. In accordance with the NPPF this proposal should be considered in terms of whether it achieves the social, economic and environmental objectives of sustainable development and whether the proposal is in accordance with the Development Plan. Taking into account the policy context, the main issues for consideration are the impact of the loss of facilities from the existing pavilion, the loss of the boxing club and tennis courts from this site and the impact of the proposed new pavilion on the character of this area. All other existing sports facilities within the wider sports grounds are to be retained, with some of the existing facilities to be improved under previously agreed S106 planning obligations.

Reduction in size of the pavilion

6.2. This proposal would result in the loss of the existing pavilion building. The applicant has stated that the pavilion was originally developed to serve a much larger sports facility which included pitches on the opposite side of City Road including on land that has now been developed. It was also the social club for the Cape Hill brewery which was a very significant employer around which the local area developed. The applicants state that the existing pavilion is now too large to support the sporting

uses of the residual site and it is in a poor state of repair. The applicants state that refurbishment would not represent value for money, and is not affordable, so demolition is the only feasible and viable option.

- 6.3. The proposed replacement pavilion would provide specific facilities associated with the main use of the overall site for cricket. There would be a small social area but this would not provide the same level of social bar and function space that has previously been available at this site. Local objection has been raised to this application on the grounds of the loss of this space for community use. The applicant has stated that the social space within the proposed new pavilion can be made available, subject to timetabling, to other community users to hold meetings, fundraising and other functions. The applicants have also provided a list of all the other drinking establishments and function facilities available within this area. The list includes 18 establishments which are between 0.7km and 1.8km away from this site. Half of these facilities have community or function room space available to hire within them. I consider that although the proposed pavilion will be much smaller than the existing pavilion it would represent a sustainable solution for providing both sports and community facilities at this site. On this basis I do not consider that refusal of this scheme on the basis of a loss of community facilities at the pavilion could be warranted.

Design

- 6.4. In terms of design, the proposed sports pavilion has been designed to be fit for purpose. The proposed building would be centrally located within the existing sports grounds and would not appear obtrusive to the character of the area. This proposal therefore meets with policy 3.8 and 3.10 of the UDP which seek to protect and enhance the character and quality of the built environment.

Community Access

- 6.5. The house builder is obligated through S106 to provide a Sports Facilities Management Plan for the proposed future development and management of this sports site. The intention of this Sports Facilities Management Plan was to provide details of the future owners/ tenants of the site and provide details of how this site would be managed. The final details of the Sports Facilities Management Plan will be agreed through the S106 process, however the applicants have provided details of the proposed management and operation of this site by WCCC in support of this proposal.
- 6.6. Once all agreed works are completed on this sports site by the house builder the sports grounds will be transferred to WCCC. WCCC have a strategy to maximise the number of 'home grown' players in its professional squad. To help deliver this objective the Club has a policy to broaden participation and access to facilities for local people and this site is seen as key to helping to achieving this goal. WCCC seek to ensure that this site will become a "buzzing hub for community sport and a cricketing centre of excellence". In the summer WCCC plan to host cricket matches five days a week. There will be a combination of users on a full cricket development spectrum from primary Schools using the outfield to Warwickshire 2nd XI. WCCC plan to run school finals on the ground, such as the Birmingham Schools under 15 cup – the Docker Shield.
- 6.7. WCCC operate a "Chance to Shine" coaching programme for both Primary and Secondary schools. Through this programme this site would be used as a home for the community Clubs set up to provide exit playing routes and more playing, coaching and competition opportunities for local children. This will be via highly accessible cricket coaching nights where interested players can gain access to

qualified coaches. The provision of the proposed cricket nets would also aid in this objective.

- 6.8. The cricket ground will be used solely for cricket so that its quality can be assured, however the existing small pitch at this site will be used for multi-sports (including mini-junior football and tag rugby, training and coaching). WCCC are also in contact with local schools (including George Dixon) to ensure that they can regularly utilise the site for the cricket and other sports requirements. WCCC have developed a good relationship with the Council and the Birmingham Sports and Physical Activity Partnership and so can engage with the most appropriate groups to get to use the grounds for other sports such as junior football and tag rugby. WCCC are seeking to run holiday coaching programmes, weekly after school coaching clubs and community fun open days to engage with the local population.
- 6.9. WCCC state that they will be working with the existing Bowls Club at the site to ensure that their needs are met and agree how their development needs can be addressed.
- 6.10. Objection has been raised that this proposal would result in the loss of football use from this site. This proposal is based around the reinstatement of cricket on the former cricket pitch which has in recent years been used to support football. The applicants recognise that a number of football teams that currently play on the cricket pitch will no longer be able to play at the site. There remains scope for significant use for mini-football, which existing users may take advantage of. Whilst this proposal would result in the loss of football space there is a demonstrable need for cricket provision within this part of the City as supported by Sport England and the Councils Sports Strategy Officer. This proposal is also compliant with policy 12.31A of the UDP which seeks the retention of the cricket ground, playing fields and formal recreation areas at Cape Hill.
- 6.11. Objection has been raised stating this proposal should be refused to enable time for a possible Community Interest Company (CIC) and Community Sports Hub (Multi Sports) to be considered for this site. The original S106 agreement had envisaged that the improved site would be offered on a lease to the City Council, however during the current economic climate, Local Services have expressed that the City Council is not seeking to increase its responsibility for sports provision where continued revenue streams would be needed in order to maintain the facility. On this basis the house builder has been seeking a suitable partner who is capable of delivering the sustainable future of this site once obligated improvements have been made to the site. The applicant has continued discussion on this basis with the City Council and Sport England to find a suitable partner who has the proven ability and capacity to manage and maintain the site. This current proposal represents a viable opportunity for continued sports provision at this site and has support from Local Services and Sport England. The proposals are in line with the Sports Pitch Strategy for this area. The applicants are seeking to enter into a Community Use Agreement and as such I consider that this proposal represent a viable long term solution of this site.

Provision of Cricket Nets

- 6.12. The area for the proposed cricket nets is sought to enable the training and development of the Second XI, and for community engagement activities. It is proposed that this part of the site would comprise of nets to allow for continuous use outside of the main cricket season. The area proposed for these cricket nets would replace disused tennis courts. The tennis courts and surrounding associated hard standing would be re-engineered to provide grass and artificial turf. It appears that

these tennis courts have not been used for some time. I consider the principle of the erection of cricket nets in this existing sports ground is acceptable and would add to the community based sports offer at this site. Details of the laying out of this part of the site can be required by planning condition to ensure the satisfactory development of this aspect of the proposal.

Loss of the boxing club

- 6.13. This proposal seeks to demolish the existing boxing club building. The Warley Boxing Club have sought alternative premises in neighbouring Sandwell. The existing building is in a poor state of repair and the secured S106 sum for improvements to this building would not in my view cover the cost of bringing this building back into a good standard of use. The purpose of securing the boxing club sum was to ensure the continued use of this site for sports provision. The applicant seeks a deed of variation for the spend purpose of this boxing club sum so that this sum can be spent on enhanced sports provisions at this site or if a suitable sports improvement cannot be found for this site then it is proposed that this sum is spent on improved sports or community improvements within the Ward.
- 6.14. Enabling an alternative spend purpose for this sum should ensure added sports benefit to this site that could not be achieved by other means. The applicant has proposed that this sum could be spent on the provision of the cricket nets which cannot be funded though the overall sports enhancements at the site. The details of this would be secured though the S106 process. In the event that the money is not used to fund the cricket nets it is proposed to spend this sum on alternative sports or community facilities elsewhere within the ward.

Other matters

- 6.15. Objection has been raised that this proposal would harm parking and traffic to this area on match days. This proposal does not seek to intensify the sports facilities on offer at this site but does seek to improve them. The use of the site for 2nds cricket is not expected to generate significant numbers of spectators that would generate additional parking. Transportation Development have raised no objection to this scheme and I concur with this view.
- 6.16. I note concerns raised regarding flood lighting. No new flood lights are proposed as part of this application and as such this is not a matter for consideration as part of the assessment of this application.
- 6.17. Regulatory Services have considered this proposal and raised no objections subject to the imposition of a condition requiring noise insulation works and submission of flue details for the proposed pavilion. I consider these conditions are reasonable and would ensure the satisfactory development of the pavilion. I do not consider that this proposal would result in an increase in noise and disturbance to local residents and as such concur with the views of Regulatory Services.

7. Conclusion

- 7.1. Throughout the planning history of this site the objective has been to ensure the continued use of this site for sports provision. This proposal provides a solution that would provide a sustainable sports and social future at this site that will be of benefit to the local community. There have been meetings and consultations for several years regarding the future of this site with the current user groups, England Cricket Board, Persimmon Home, local Schools, the Football Association, Sport England and Birmingham City Council. However until now no one has been able to make the commitment that WCCC is proposing to ensure the sustainability of sports at this

ground. This proposal meets with the objectives of sustainable development and as such is inline with the NPPF and the Development Plan.

8. Recommendation

- 8.1. Approve subject to conditions and completion of a suitable legal agreement.
- 8.2. That consideration of Application No: 2013/05594/PA be deferred pending the completion of planning obligations via Section 106 of the Town and Country Planning Act to include the details of this application and to secure the following:-

A deed of variation to the S106 Agreement attached to application reference C/05974/04/OUT for the spend purpose of this boxing club sum so that this sum can be spent on enhanced sports facilities at this site either to be provided by the Council or through an agreed sport partner. Access to these approved sports facilities and to the pavilion shall be subject to a Community Use Agreement. The approved sports facilities should be provided on the site within 5 years of the date of this consent. If it has not been possible to agree enhanced sports facilities within 5 years at the site then these funds should be spent for improved sports or community facilities within the Soho Ward within 7 years of the date of the consent.

- 8.3. In the absence of the completion of a suitable planning obligation to the satisfaction of the Local Planning Authority by the 19th September 2013, planning permission be REFUSED for the following reasons:

In the absence of a suitable planning obligation to secure the deed of variation of for the alternative spend purpose of the boxing club sum, there would be a loss of sports provision which would conflict with paragraphs 3.55-3.63A, 8.50-8.54 of the adopted UDP 2005 and guidance contained in the NPPF.

- 8.4. That the Director of Legal and Democratic Services be authorised to prepare, complete and seal the appropriate planning obligation under Section 106 of the Town and Country Planning Act.
- 8.5. That in the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority by the 19th September 2013, favourable consideration will be given to the application subject to the conditions listed below:

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- 1 Requires the prior submission of extraction and odour control details
 - 2 Limits the noise levels for Plant and Machinery
 - 3 Details of the layout and design of cricket nets
 - 4 Requires the prior submission of sample materials
 - 5 Requires the scheme to be in accordance with the listed approved plans
 - 6 Limits the approval to 3 years (Full)
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Reason for Approval

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- 1 Birmingham City Council grants Planning Permission subject to the condition(s) listed below (if appropriate). The reason for granting permission is because the development is in accordance with:
Policies 3.8, 3.10 , 3.14 and 12.31A of the Birmingham Unitary Development Plan 2005; Places for All (2001); and the National Planning Policy Framework.
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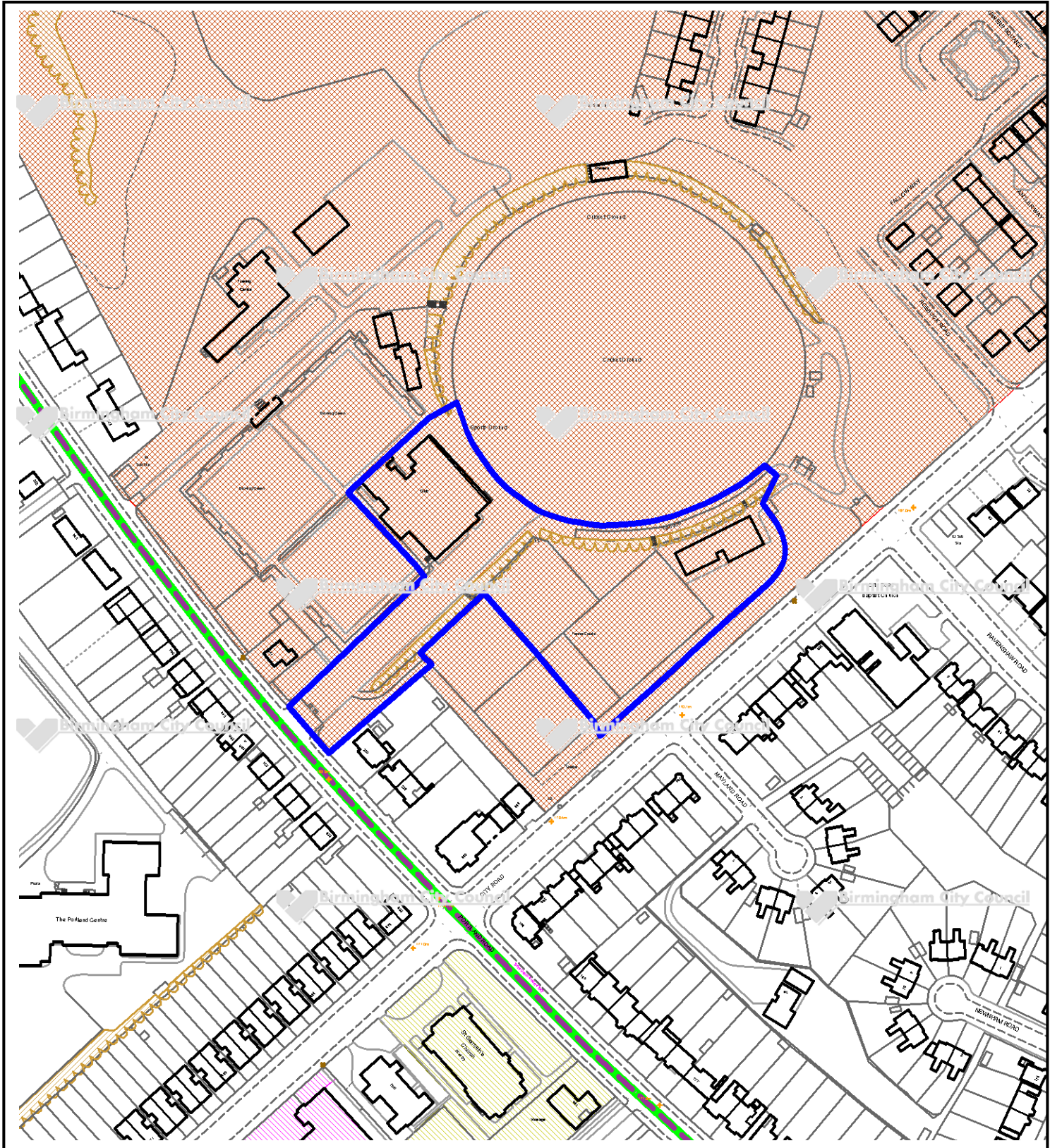
Case Officer: Victoria Chadaway

Photo(s)



Fig1. View of existing pavilion

Location Plan



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