
Appeal Decision

Inquiry held on 14 to 16 October 2025 and 24 to 25 November 2025

Site visits made on 13, 14 and 16 October and 24 November 2025

by R Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2026

Appeal Ref: APP/C4615/W/25/3368014

Former Kingswinford Youth Centre, High Street, Kingswinford DY6 8AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Churchill Living Ltd against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/1100.
 - The development proposed is described as 'demolition of the existing former youth centre and erection of 49 Retirement Living apartments with associated communal facilities, vehicular access, car parking and landscaping. Provision of a new multi-use games area and children's play area to the southwest of the existing former youth centre'.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 11 February 2026.

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing former youth centre and erection of 49 retirement living apartments with associated communal facilities, vehicular access, car parking and landscaping. Provision of a new multi-use games area and children's play area to the southwest of the existing former youth centre at former Kingswinford Youth Centre, High Street, Kingswinford DY6 8AP in accordance with the terms of the application P24/1100 subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made in writing by Churchill Living Ltd against Dudley Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural and Preliminary Matters

3. The Council's Decision Notice set out 10 reasons for refusal (RfR). A Case Management Conference (CMC) was held on 20 August 2025 at which representatives of all main parties were in attendance. At the CMC, the administrative and procedural arrangements for the Inquiry were discussed and it was agreed how the evidence should be heard.
4. Following the CMC and as a result of ongoing discussion between the parties and the submission of further information from the appellant, subject to appropriate conditions and obligations, the Council did not pursue RfR 3 (living conditions),

5 (access), 6 (drainage), 7 (effect on protected trees), 8 and 9 (biodiversity and ecology) and 10 (affordable housing). Interested persons maintained objections with regard to RfR 3 to which I return to below.

5. A general planning Statement of Common/Uncommon Ground (SoCUG) along with additional SoCUGs covering Design, Viability and Highway matters were submitted along with Topic Papers (TP). Given the Council's status as landowner an agreement under s.111 of the Local Government Act 1972 to allow for the s.106 was also submitted. The Council submitted a statement setting out the justification for the obligations in the s.106 agreement including an off-site affordable housing contribution and Biodiversity Net Gain (BNG) monitoring contribution and delivery of the new play facilities.
6. Consequently, there was agreement that the obligations would comply with the requirements of Regulation 122 of the Community Infrastructure Regulations 2010. Discussions continued before and during the Inquiry, including at a Round Table Discussion (RTD). By the end of the Inquiry however completion had not been possible and there were outstanding matters with the suggested draft planning conditions. I therefore allowed a period for the agreement to be completed and conditions amended. Both were duly submitted within the deadline imposed and I return to them as necessary below.
7. The emerging Dudley Local Plan (ELP) was submitted for examination in February 2025 and hearing sessions were held in the Summer and are ongoing. In accordance with the requirements of paragraph 49 of the National Planning Policy Framework (the Framework) the ELP carries limited weight as a whole at this stage although I return to any relevant specific emerging policy considerations as necessary below.
8. On the morning of the third day the parties drew my attention to further evidence relating to the third main issue. Having further reviewed their case the Council requested that the first sentence in RfR 2 that '*The proposed development will result in the loss of playing field, impacting on provision of an existing pitch and will reduce the capacity of the playing field to provide pitches*' be struck out. It was also clear to me the evidence would be material to my consideration of the issue and despite the helpful approach and contributions of the parties and Sport England (SE) at the Inquiry, further submissions were necessary. These could not be submitted within the original programme so the Inquiry was adjourned to enable clarification to be sought and updates to be provided.
9. At my request, a TP was prepared setting out and clarifying the updated positions of the parties. Sport England provided additional comments and despite the withdrawal of the Council's objections regarding the re-provision of the pitches the comments of SE remain an important material consideration in my determination of this appeal. The Inquiry then resumed on Monday 24 November 2025 and sat for two days closing on Tuesday 25 November 2025.
10. The Inquiry was served by a series of Core Documents and further Inquiry Documents were submitted during the proceedings. The information for the was all made publicly accessible during the course of the event and I sought to ensure that opportunities for views to be shared and, where appropriate, for any interested persons to participate. I visited the site and the surrounding area on a number of

separate occasions including observing and travelling around the local streets and highway network.

Main Issues

11. Given the above, the main issues in this appeal are:

- The effect of the proposal on the character and appearance of the appeal site and area.
- Whether the proposed parking provision would be acceptable and highway safety.
- Whether there would be a loss of playing pitch provision and whether any associated effects would be acceptable.
- If conflict with the development plan, when taken as a whole is identified, whether such conflict is outweighed by other material considerations.

Reasons

Character and appearance

12. Paragraph 137 of the Framework requires that design quality should be considered throughout the evolution and assessment of individual proposals. Reaching conclusions on the various aspects of design and its impacts often involves a level of subjective judgment but the design analysis and evaluation that underpins such proposals is an objective process that should be based on a thorough and detailed understanding of a site's context.
13. As well as being an iterative process, good design embraces all elements of a scheme, such as form, function, aesthetic, detailing, durability, sustainability, local and wider context, an appreciation of the environment. There are many other factors in trying to satisfy all these requirements and to ensure a viable and deliverable scheme. Contemporary design can develop a further layer of townscape which complements, rather than competes with the past. However, it is critical to understand how the proposals will spatially and visually engage with their context and how new development responds to and addresses the constraints and opportunities of the site and locality.
14. I have been provided with numerous examples of other schemes built by the operator and other appeal decisions have been put before me to inform and support the appellant's case. I am not aware of the wider context in which these developments are located but I have had regard to them so far as necessary, mindful that the facts and matters in this case turn on materially different considerations, either by geographical location and associated effects or the main issues and the evidence presented to that decision maker.

The appeal site and its surroundings

15. The appeal site (the site) comprises a vacant 2 storey brick former youth centre building with associated parking, a children's play area and an existing basketball court and parking to the front and rear of the building. There are 4 mature Lime

trees contained within the frontage onto the High Street and with vehicular access off directly off it. To the south of the site, there is an area of public open space which contains the relevant facilities and playing pitches. The space is part of the wider Black Country Millenium Forest.

16. To my mind it is obviously wrong to look at character based on a plan alone¹, which should actually be determined by the context of the site. The scale and height of the site's immediate context include single and 2 to 3 storeys and with a variety of detached, terraced, and semi-detached houses, bungalows, and large flatted developments as well as commercial and healthcare buildings. It is a townscape of significant variation with both urban and suburban characteristics and features with no prevalent building form, size or appearance.
17. This is commensurate with its location close to transport routes and on a busy thoroughfare into and out of this part of the settlement. It is apparent when travelling past the site as the eye is drawn to various building types, including Kingswinford Health Centre and the 4-5 storey Larch House with its prominent Grey mansard upper storey. To a lesser extent, the 3 storey E-on commercial office also reveals itself across the corner with Standhills Road. A similar sense of variety and transition of built form is experienced when travelling in the opposite direction towards the centre.
18. Frontages are generous with parking in front and opposite the back edge of the footway. Development gives way to a generous grassed frontage with mature street mature trees opposite. I observed a similar space in front of Kingswinford Health Centre and on the corner with Standhills Road with mature street trees providing a partly landscape context to the single storey dwellings and healthcare and community facilities.

The effects

19. The building has been vacant for approximately 6 years and the Council has not sought to impose a site-specific design solution through the development plan nor has it set down a list of requirements for this site or the general area. That said, the appellant also did not enter into pre-application discussions, chose not to amend the design and neither witness was involved in the evolution of the design of the building and site layout prior to the appeal being made.
20. Whatever the case may have been given the variety in built form that I observed the building appeared somewhat neutral given its low scale and set back from the highway behind its parking area and mature street trees. I did not find it to be an eyesore or particularly harmful to the appearance of the street scene, albeit it is in a vacant and boarded up state and has been for some time.
21. The Design and Access Statement (the DAS) sets out that the vision is to deliver a development that meets customer needs and the local need the appellant has identified and that this should be a high-quality development that embraces sustainable design. The first part of the DAS however sets out information relating to retirement living and focuses on the brief which appears to be more focused on achieving the specific requirements of the appellant for such units.

¹ ID5 Character Map.

22. There are clearly operational requirements that inform the design in addition to many other factors but the form and layout of the building and its immediate surroundings very much reflects its function as specialist retirement accommodation. These are typically not schemes which are solely design led because once the requirements have been set the design challenge is often no more than seeking to demonstrate suitable external finishes to the elevations. By the close of the Inquiry the Council's objections had narrowed to the density, scale/height and appearance from some of the materials of the proposal. These are matters to which I now turn.

Density

23. The Council refer to the quantitative density of the proposal in an edge of centre location and there is no dispute it would be 148 dwellings per hectare (dph), a density that appears typical of such specialist schemes, which are often targeted on accessible previously developed but often constrained sites, albeit it would be toward the upper end of any range.
24. The Council's Residential Design Guide² 2023 (the RDG) is a material consideration but the site does not fit neatly into the characteristics set out in Table 1 for edge of centre locations because there are some older terraced dwellings in the vicinity in Water and Cottage Streets along with some small villas and apartments. There is also Larch House a converted office building and buildings of between 2 to 4 storey with no typical or prevailing heights apparent. It also lies on a busy transport corridor. I acknowledge that in numerical terms the density would be significantly in excess of the 'typical density' advised. However a number alone is not helpful and simply applying that to this guidance and an 'edge of centre' categorisation is also not helpful 'on the ground' or determinative in this particular location and in assessing the actual effects.
25. In any event, Footnote 1 is clear that density ranges are only indicative and the density of any scheme should respect the local character of the area. This is the important point because a design led approach requires a number of less calculated considerations and judgements than simply applying a density figure to any particular parcel of land. Density is only one measure in assessing design acceptability. For high density developments the RDG guides proposals should be well designed, respect the character and identity of the surrounding area and create a sense of place. Further, density cannot be considered separately from its resulting impacts and I now turn to matters of scale, height, and appearance.

Scale and height

26. The proposal uses a larger footprint building, set back from the road and separated from it by a generous grassed frontage with mature trees and partly behind the parking area. It would be a somewhat squat 4 storeys and articulated in brick with uPVC windows under a low-pitched roof. It would be a substantial building and over such an extent of the front and side boundaries, the scale of the block would be conspicuous on a number of approaches to the appeal site both by vehicles and pedestrians and from the open space to the rear. This would be slightly exacerbated from the High Street because the site slopes across it and the site sits approximately a metre above the carriageway, at its highest point.

² CD5.6.

27. The Council have referred me to examples of buildings in the immediate vicinity such as Hampshire House, a setback former commercial building with 2 storey equivalent height facing the High Street and with planning permission for redevelopment³. This building would be at odds with heights and scale directly opposite but not unduly so and this is an area of significant variety in the form, layout, height and appearance of buildings and with notably different buildings and uses on both sides of this section of the High Street.
28. The variety of built form is evident from certain viewpoints as low scale but changes at others as the environment is experienced kinetically. Larch House and the E.ON Kingswinford offices are prominent examples of significant built form which can be clearly appreciated across the open frontage on the corner of Standhills Road and are seen in association with the expansive built form of the health centre. I do not therefore share the Council's view that it is a distinctive area of low density character⁴.
29. The Council referred to Larch House as a 'bad precedent' for development, with no urban design input necessary given its conversion under permitted development rights. Such criticism is of no real significance because it still forms an inherent part of the character and appearance of the area and appearance of the High Street and Standhills Road streetscenes. To exclude it on this basis would not result in an accurate assessment. The streetscene will be subject to further change by the 3 storey flat roof Hampshire House proposal, if constructed.
30. The building line of the proposal would not extend significantly beyond the adjoining community building and it would be sited just behind the adjoining the health centre to the east. It would retain spacing to the boundaries and retained and replacement landscaping would, over time, serve to further soften the overall appearance of the building in certain views, in particular its upper floors.
31. The shallow pitch roof form would not be discernible other than in longer distance views but it could not be said to be unreflective of the roofs of larger buildings in the immediate locality in terms of expanse or composition. From the open space to the rear the building would be clearly visible but it would be seen in association with some retained views of landscaping across the site. The building would be seen in association with the significant built form of Larch House and the E.ON commercial building and in combination from the open space at the rear the building would not appear detrimental to the visual interests of its surroundings.
32. From the east the building would be a sizeable addition to the streetscene at certain points but the alignment of the carriageway, presence of mature landscaping and 2 storey buildings on the northern side of High Street means views would be fleeting and channelled for a short section of the curve before mature trees come back into view. The building would be seen but its scale and height would not be unduly prominent or overly dominant including during those seasons when there would be reduced leaf coverage.
33. The verified visual montages produced by the appellant assist in helping understand the proposed building in context from key viewpoints. They confirm my own views that the visual impact of the appeal scheme principally arises from the presence of a large new building. The contention that it would 'tower' over

³ ID1.

⁴ Paragraph 5.12 of Mr Chi Man Chan's PoE.

surrounding buildings⁵, perhaps unduly influenced by the blank photomontages as opposed to the more useful verified views, is not borne out in the evidence before me or my own observations.

External appearance

34. External appearance cannot be separated from consideration of the scale, form and layout of the building which limits the usefulness of the photomontages provided by the Council. The detailed appearance of a scheme has an important role to play in responsiveness although in many cases where other considerations prevail it often becomes a mere by-product of the proposal. The Council do not object to the materials proposed per se and are probably correct that a lighter brick is proposed to reduce massing effects.
35. However, the brickwork is used both in a variety of ways and a variety of colours to help define individual elements, so its design is not read as a single mass. Individual panels of white brick reflect the existing building and also help break up the overall mass of the building. Elements such as white painted brickwork on the northeastern corner could not be said to be out of keeping given the prominent yellow and blue rendered walls of properties on the northern side of High Street and the patterned west facing 4 storey facade of Larch House.
36. Detailing of brick bands, heads and cills in soldier course add elevational detailing and there would be neutral grey architectural metalwork and white proportionate fenestration and external balconies on the front elevation. Visual interest would be created by the articulation and the use of materials which would not be out of keeping or harmful to the extent they should be regarded as being unacceptable in this location and context.

Conclusions on first main issue

37. There would undoubtedly be a notable change to the appearance of the street scene from this proposal but even so, such change does not automatically mean harm. If a building is intended to be visually integrated into its surroundings it is important that it has a family resemblance to its surroundings and in this case there is undoubtedly a mix of form, function, scale, mass, materials and appearance and a somewhat indistinctive character and appearance.
38. Do I consider this would be a beautiful building, fulfilling the Vitruvian principle of delight as contended by the appellant? That position is an overestimation of the quality of design of a building that is heavily influenced, perhaps overly so, by its functional and operational requirements along with economic viability and other considerations. Nevertheless that is the challenge laid down and there are, and will always be, competing and conflicting considerations and requirements to satisfy throughout the planning process.
39. Overall, the proposal would be well related to its surroundings and would result in an improvement to the site, adding another layer to this area by delivering a sufficiently balanced architectural and design solution for this vacant and underused site that appropriately balances visual interest, modernity, and contextual references. Need does not justify any development, in any form but the

⁵ Paragraph 5.11 of Mr Chi Man Chan PoE.

design would be of a sufficiently high quality for its context and would not cause unacceptable harm to the character and appearance of the appeal site or the area.

40. Policy CSP4 of the Black Country Core Strategy 2011 (the CS) relates to place making but I find nothing special in the heritage and urban structure of this part of the Black Country to indicate conflict with its requirements. It also requires a mix of building designs and types that are influenced by their context whilst responding to current day needs and changes in society, amongst other things, which would be the case here.
41. Policies ENV2 and ENV3 which relate to design quality in accordance with other guidance and documents such as 'By Design', and protection including where appropriate, enhancement of the historic character and local distinctiveness of the Black Country. Much in Policy ENV3 relates to the historic locally distinctive elements of the Black Country including the surviving pre-industrial settlement centres of medieval origin, including Kingswinford. It would be fair to conclude however that much of that heritage is not evident on the appeal site or in the immediate area given my findings above and the proposal should not be regarded as being in conflict with their requirements.
42. Policies HOU1 and HOU2 of the CS are spatial policies relating to the delivery of sustainable housing growth but do refer to housing density, type and accessibility requiring high quality design considering the characteristics of land mix of uses in an area. I have found that would be the case here so the proposal would not be in conflict with their requirements.
43. Turning to the Dudley Borough Development Strategy 2017 (the DBDS) it gives support to appropriately designed, sustainable development which is responsive to character and/or visual amenities of the area. Policy L1 supports such development where it is of an appropriate form, siting, scale and mass with the use of appropriate materials which respect and are responsive to the context and character of the surrounding area.
44. Overall, I have found that the proposal would not cause harm to the character and appearance of the appeal site or area that should be regarded as bringing it into conflict with the design policies and requirements of the CS and DBDS. The RDG is a material consideration and adds further detail to the policies of the development plan but it is not part of it. Given my overall conclusions on this issue I find no unacceptable conflict with the guidance of such significance as to alter or override my views on this issue.

Parking provision and highway safety

45. Following the RTD this dispute can be narrowed to the effects of the proposed parking provision for the retirement units and sports pitches, the layout/design of the parking and internal access road/spaces. For this issue it is ultimately a consideration of the resultant highway safety effects.
46. A total of 61 spaces would be lost associated with the existing Youth Centre and the overflow parking currently taking place on a concrete playing court to the rear. Accordingly, 22 spaces would remain mainly within the Community Centre (CC) but there is no guarantee these are available for users of the open space. The appellant refers to 88 spaces existing on site split between 6 areas for the purposes of their assessment and with 83 available for use.

47. It is common ground that the proposed development would be for C3 dwellinghouses⁶ and that such a use would require 62 parking spaces to be provided in accordance with the Parking Standards Supplementary Planning Document (the SPD). The appellant's proposal is for 18 on site vehicles spaces. For the units themselves, the appellant relies firstly upon parking ratios for similar retirement living apartment developments that they control to justify a provision well below what the adopted parking standards required. Reference is made to research into demand for parking spaces undertaken at some of the appellant's other operational sites, which concluded that the proposed 18 spaces would be sufficient to avoid any overspill parking on the local road network.
48. Other Churchill Retirement Living schemes that were surveyed demonstrated the average parking demand to be 0.27 spaces per unit. Each of these individual sites will have some minor differences in relation to accessibility to public transport and to local services and facilities, I consider them to be a broadly comparable representative sample of retirement living schemes and have no doubt that the units would be managed by a long established and market leading developer with a successful record in delivering and operating such schemes nationally.
49. That said, the application of parking standards for the proposed development is clearly necessary in this case. This is with regard to the scale of the proposal and likely number of vehicular trips generated; the nearby residential and non-residential uses; any existing parking restrictions and other roads nearby. However, a more bespoke approach is necessary here given the nature and day to day use and management of the proposal.
50. The Council acknowledged at the RTD that 62 spaces was no longer appropriate for such specialist accommodation and that the number could be reduced to 40⁷. This reduction is based on an assessment of the likely age and mobility of residents accounting for those more active within the lower age bracket would be considered more appropriate. A waiver of the visitor requirement could also be considered given the nature of the development. The difference was therefore agreed to be 22 spaces but it is not just about a number per se it is also the cumulative effects from the changes to the current parking situation and any associated effects.
51. The SPD clearly states that the Council may apply different minimum standards based on evidence from local surveys or ONS data. Departures from these standards can therefore be justified but it is ultimately a question of highway safety because a balance has to be struck between encouraging new development and investment by providing adequate parking levels and potentially increasing traffic congestion and the potential for unacceptable conflicts to occur in surrounding streets. The evidence does not suggest 40 spaces would be required and even in accepting there could be some overspill from visitors and future residents, parking appears to be a function that is subject to close management and operation so the impacts of any overspill would be limited to modest.
52. At my visits and despite no formal or legal agreement to do so, I observed parents and guardians dropping children off and parking both on the appeal site and in a small access area to the west of the community centre. Further, at no point in seeking to dispose of the site has any requirement for replacement parking been

⁶ Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO).

⁷ HH in response to Inspector's questions at RTD.

requested or considered. It is also of note that at no point have any parking surveys of the site's car park usage been undertaken by the Council⁸.

53. Parking surveys were carried out by the appellant within a 500 metre walking distance of the site, on a Sunday and on a neutral weekday (when football training and matches take place) as a comparison. It was applied using a standard methodology (Lambeth) to which the Council have not objected. Whilst that guidance is mainly for commercial developments it provides a reasonable basis to assess the effects and no other detailed surveys are before me.
54. Surveys carried out on Sunday 4 May and Thursday 8 May 2025 between the hours of 0700-1900 were at a time football matches were being played on Sunday morning, and again on a Thursday evening. The study area included Cottage Street, Water Street, Park Lane, Windermere Drive, Greystoke Drive, Wasdale Drive, Ambleside Way, Greenfield Road, Sycamore Road, Laburnum Road, Firs Road and Hazel Road. This did include spaces half on the pavement half on the road and standard spaces but the former were then excluded to seek to provide a more robust assessment.
55. There are no widespread controlled parking areas which indicates to me parking is not an issue in this area, other than in specific sections close to main junctions. I observed that some vehicle parking half on and off the pavement does occur in the locality. However, parking in this manner does not impede the movement of users of the pavement, particularly older and disabled persons and parents with children other than in sections of Windermere Drive and beyond where the footway widths are less generous. This is also a general problem of a driver's self-awareness and inconsideration for other highway users and cannot be directly attributed as an anticipated specific impact of the proposed development.
56. The surveys show that on Sunday between 67 and 95 standard spaces were available. There would a 2-hour period where the retained provision of 22 spaces would not completely accommodate all demand, with 0900 hours requiring 2 on street parking spaces and 1000 hours requiring 22, before demand reduces again. The Thursday comparison demonstrates even when discounting the observed 'half on half off' spaces, that there is adequate capacity in the surrounding area to accommodate the demand in the future scenario. Residual demand on site is higher on average than the weekend, however there is only a single period across the day where 22 spaces is not suitable to completely accommodate all demand, with 1400 hours requiring 4 on street parking spaces.
57. Further sensitivity testing was also carried out assessing parking availability within a 300 and 200 metre walking radius measured from the northern car park access. The surveys show adequate parking capacity within 300 metres of the northern area of the site. The majority of parking demand could be accommodated within 200 metres but there is one period where approximately 5 vehicles would need to park between 200 and 300 metres, which in any event could be accommodated. On a Thursday this would be 2 vehicles.
58. The Council's evidence estimated that displacement parking would be at least 8 to 10 vehicles for the residential, with greater numbers when the recreation ground is in full use, although what full use could be was not qualified. For those accessing the site and recreational ground, there would be various and accessible choices; to

⁸ HH at paragraph 3.5.4 of PoE.

walk or use public transport and for those that choose to drive, to park in the surrounding streets for what would typically be a short period of time. In particular, a short accessible walk is Greenfields and Sycamore Road with generous unrestricted streets and sufficient space to accommodate displaced parking and drop offs without any material increase in conflicts between all users of the highway and local residents.

59. There is also some space within the existing access and turning areas for those that need it, to be dropped off at the site. This could also include the CC car park given the Council's position and interest in the site and wider open space. Drop offs would be modest and with collaborative management I see reason why it would impact the safe and efficient of operation of High Street. As a local club it is also reasonable to expect that some users would live within walking distance of the site and I observed this taking place during my visits.
60. Personal injury accident data shows that whilst there are minor incidents that have occurred along the A4101, there was no on street parking identified here across the survey period. It is common ground that the data shows that there is no pattern of accidents occurring in the identified areas where on street parking already occurs.
61. Ultimately, the lack of unacceptable effects is demonstrated in the appellant's uncontested evidence of available and suitable spaces and which concludes that all overspill parking can be accommodated within the local highway network at the times it would be required and within an accessible distance. I have no substantive evidence to indicate it would be otherwise on the days/evenings of the week when the pitches are or could be in use by the club or other users of the open space.

Internal layout

62. Achieving high quality of design is not just centred around what a place or development looks like – aesthetics – but also how users experience it and encompasses function and the creation of safe, quality, and accessible places that optimise the potential of a site.
63. The layout comprises both a segregated footway, as well as a shared surface route which both lead to the main entrance to the building. The internal road consists mainly of one aisle, with all the parking is located off of this. There are no secondary parking aisles, and therefore the forward visibility along the internal access road allows drivers to see the entirety of the parking layout.
64. Spaces would fall slightly short of the Council's 5.3 x 2.5 metre standard in the SPD and a 6-metre reverse distance. Some spaces may result in larger vehicles slightly overhanging the space but not significantly so and the geometries proposed would still be broadly in line with Manual for Streets guidance. The layout has been demonstrated to adequately track the layout using a suitably sized vehicle.
65. There are no dedicated disabled parking spaces because the threshold for providing a single space based on the 5% of unallocated spaces is not met. There is also no requirement for powered two-wheeler spaces and none are proposed. Management of access for any disabled persons or with other mobility needs would need to be, and no doubt would be, addressed through the operational management of the accommodation.

66. The car park is modest in size and there would be a very low chance of any conflict between site users, especially considering the clear forward visibility through the access and into the car parking area. The number of movements would be low and vehicles would be manoeuvring in and out of the spaces at a low speed. Whilst the layout may not fully meet the Council's expectations or guidance with care and caution, users would not find it challenging to manoeuvre in and out of the spaces. The layout would not result in danger to pedestrians or other users within the appeal site that it should be regarded as unacceptable in highway safety terms.

Conclusions on second main issue

67. In determining highway safety effects judgement is required taking account of the evidence. This may include the recommendations of the highway authority, information about traffic flows and speeds, any record of crashes in the vicinity, representations by local people and observations on the ground. Increased congestion does not automatically correlate to increased highway safety risks.
68. Having regard to the likely age of future occupiers, and the location of the site within walking distance of the town centre, the level of provision for the retirement units seems appropriate. There could reasonably be a modest overspill from the units, particularly from visitors but this must be balanced against the site's accessible location and existence of realistic alternative choices. Any parking overspill would not be material and the streets are wide and sufficient standard on street spaces, have been demonstrated by the appellant to be available.
69. Further, that any on street parking would be to an extent that it would cause unacceptable conflicts and harm to highway safety or the safe and efficient flow of traffic on the local highway network is not borne out in the evidence before me. This would be the case in the scenario where the CC car park is made unavailable and the combination of the limited to modest overspill from the residential units and displaced parking from users of the open space/pitches.
70. In reaching this view I have had regard to the representations from a user of the CC⁹ and concerns regarding their use of the car park and accessibility considerations. Although I have no doubt that on certain days the car park is well used, it had a generous access and internal space that would still allow for drop offs, including from larger vehicles or for those users who require more accessible access. The site lies in an accessible location with public transport options, the parking spaces would still remain, which the Council ultimately own and manage. I have also been mindful that there is no requirement for users other than in relation to the sports facilities to be provided with equivalent or better provision.
71. Despite some small differences and conflicts with certain guidance the layout would still allow for safe and suitable access to the site can be achieved for all users. It would not give rise to any material conflicts that should be regarded as resulting in an unsafe space for those users to share or harm to highway safety.
72. Turning to the development plan, Policy TRAN2 of the CS does not give support to proposals with significant transport implications and requires safety by all modes of transport to and from the development. As the proposal would not result in

⁹ u3a Kingswinford and District.

significant transport implications the proposal would not be in conflict with its requirements.

73. Policy S17 of the DBDS requires development proposals should have full regard to the Parking SPD. It also requires adequate provision is made on site for the managing of delivery operation and the servicing of new properties and businesses. In this case regard has been had but a different conclusion on its interpretation and significance given the specific circumstances of this proposal has been reached, a view I have preferred. The proposal would not be in conflict with this policy or the guidance to the extent it should be deemed unacceptable.
74. Policy S28 of the DBDS relates to proposals for new indoor sports halls, new sports stadiums and other new sports developments being sufficiently well designed and subject to a number of other considerations. Relevant to this issue it includes adequacy of parking provision but given my findings parking provision would be adequate with no unacceptable highway impacts the proposal would not conflict with the policy.
75. Overall, the proposal would be acceptable with regard to its parking provision and the effects on highway safety. It would not conflict with the development plan policies set out above. I return to the Council's remaining concerns relating to the changes to the parking situation and the Framework below.

Playing pitches and associated effects

76. The site and open space is owned by the Council and includes football pitches currently used by Kingswinford Knights Football Club (KKFC). The part of the recreation ground included within the application redline for the new children's play area and Multi Use Games Area (MUGA) is adjacent to a public footpath and residential properties in Windermere Drive. It is largely a grassed area of informal recreational open space bordered by mature trees and soft landscaping.
77. Policy S33 of the DBDS has similar aims and refers to the loss of any playing field will be resisted in accordance with the Framework. The Framework sets out in paragraph 104 that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*
78. The re-sited MUGA would be an enclosed area providing football goals and basketball hoops with multi-purpose posts to allow with a net for it to be used for tennis, badminton or volleyball. The new children's play area would include ten pieces of play equipment and seating. From what I saw the combination of the two it would be a significant improvement over the existing facilities and would significantly enhance sporting and recreational opportunities.

79. However, the key consideration is whether there would actually be a loss of anything as a result of the proposal. The July 2025 SE comments¹⁰ to the application were made in response to a revised drawing from the appellant. Sport England concluded that the drawing served to demonstrate that the re-sited MUGA would reduce the width of the playing field to accommodate playing pitches and therefore they would be undersized to Football Association requirements when they currently do not need to be.
80. However, the TP confirmed that the Council no longer raised an objection in terms of the unacceptable loss of playing fields and that the proposal would, after all, not impact on the loss of any existing pitch because it would not reduce the effective capacity of the playing field area to provide the necessary pitches. This was on the basis that the MUGA could be moved northwards or re-sited within the red line of the application site and that this could be satisfactorily demonstrated and resolved by a planning condition. On this basis, the second part of the relevant RfR was withdrawn by the Council.
81. Sport England provided additional comments¹¹ on the TP prior to the Inquiry which I summarise as:
 - *The provision of capacity for playing pitches would be impacted by the sighting of the MUGA resulting in the loss of the existing 5v5 pitch or may require pitch dimensions to be reduced in size or further overmarking to take place should 11v11 pitches be required in the future.*
 - *It would no longer be possible to accommodate those and a separate 5v5 pitch within the available space once the MUGA is constructed as proposed*
 - *Unclear as to the approach that moving the MUGA northwards the 5v5 pitch could be retained and that in the absence of a plan, this could be dealt with by condition.*
82. Sport England also questioned whether KKFC as users of the pitches had been consulted it was clear at the Inquiry that the chairperson of the club was aware of the application, that comments had been made, but to the Football Association and not directly to the Council in response to the application. I therefore gave further opportunities for participation.
83. It became clear from my own questioning at the Inquiry that SE had not actually been sent a plan showing any pitches. The Council objection was withdrawn on the basis of furthermore detailed discussions with the appellant and a plan which showed other pitches including 11 v 11, a size of pitch that does not currently exist, as confirmed at the Inquiry by the Chairperson of KKFC.
84. There is no substantive evidence before me that additional 5 v 5 or 11 v 11 pitches are or would be required in future. Nor is there evidence to demonstrate that more intensive use of a smaller area of playing field could adversely impact on the quality of the playing field. Whilst any issues of quality and condition have not been substantiated in the evidence before me it is also reasonable that there are other avenues available to address such issues, not least given the Council's position as landowner.

¹⁰ CD6.16.

¹¹ Email to the LPA on Monday 10 November 2025 (copying in the appellant).

85. There is also no requirement in local or national policy for betterment of the pitches and on the evidence before me the existing pitches could be provided of equivalent quality. The principal parties agree there would be no loss and that this can be demonstrated on a plan, secured by a planning condition. I agree and any such plan should be carried out in consultation with KKFC as current users of the pitches.
86. As a result of the proposal there would still be access to a network of high-quality open spaces, a significantly improved MUGA facility. Opportunities for sport and physical activity, including football would remain and for some, be enhanced which is important for the health and well-being of communities.
87. The relevant guidance is clear that in considering exception b) this includes ancillary and associated facilities such as car parking. Here, the car parking is taking place on an informal basis due to the site being vacant and in theory could cease at any time although there was no indication the Council, as landowner would do this. However, the fact a proposal to effectively remove this parking has been negotiated with the Council, a scheme submitted and is now at appeal indicates to me that at some point it was the clear intention to redevelop the site. This is not a speculative residential development and the loss of the existing parking arrangement with dispersal onto surrounding streets was somewhat inevitable. Whether alternatives were, should have been, or should be explored has no bearing on the merits of the appeal proposal before me.
88. There would be a change in location but no loss in quantitative terms. Some space for drop offs would appear to be retained and available to access the KKFC building with space for vehicles to manoeuvre at the rear. For those children who require dropping off and picking up because of their personal or other needs it is feasible this could be arranged with the agreement of KKFC or even in the CC car park with prior agreement. Those wishing to use the facility could also safely park in surrounding streets, streets which are close by with adequate access and therefore in a suitable location.

Conclusions on third main issue

89. The Government is clear that existing sport and recreational provision should be protected unless one of three specific circumstances are met. This protection is afforded to all provision irrespective of whether it is in public, private or educational ownership and regardless of the nature and level of use. It also relates to ancillary facilities including clubhouses, changing rooms and parking facilities.
90. I have found that there would be no loss of the pitches as a result of the proposal, subject to condition equivalent re-provision would be secured. Sufficient parking provision would still be in a suitable location within accessible distance for users. It would not be as close physically but overall the pitches would still be accessible to all and I do not regard this change as being of a lesser provision in either qualitative or quantitative terms and I regard it as equivalent.
91. I accept that even with no loss of pitches a proposal could still result in a prejudice of use. However I also heard it was a successful and well-run football club so I doubt that patronage or users of the space would suffer because of having to park slightly further away and walk a little further or make bespoke arrangements, which in my experience is also entirely typical of similar club facilities in such areas. Moreover, the evidence before me does not demonstrate substantively in any way

the Council's view that the proposal would prejudice the future of the club or the use of the open space and facilities. There would be no loss and the associated effects would not be unacceptable. The proposal should not be regarded as being in conflict with Policy S33 of the CS or paragraph 104 of the Framework, the requirements of which are set out above.

92. The courts have determined that considerable weight should be given to SE's comments as a statutory consultee and only departed from for good reason. Even if my views are somehow to be interpreted as such, I have held a Public Inquiry, which although supported by written comments, SE declined to attend. I also heard directly from the representative of KKFC and other witnesses and my decision is based on the evidence before me and my own observations. I have given the comments the necessary weight but do not consider they are worded as such that my findings on this issue should be regarded as having departed from them. In no way do I read that the response(s) dictate that I should automatically decide or conclude one way or the other. I have been satisfied as the decision maker that the pitches would be re-provided so there would be no loss and I consider good reason has been set out above why I find the proposal would not be unacceptable in terms of this issue.
93. Whilst I have also had regard to a recent Written Ministerial Statement published during the adjournment¹² where it is proposed SE could be removed from the list of statutory consultees it is a consultation at an early stage. I therefore give it very little weight and in no way has it influenced my consideration of their comments in this appeal.

Other considerations

Living conditions of neighbouring occupiers

94. Two local residents attended the Inquiry in person throughout and helpfully assisted at a number of points. They did not object to the proposal in principle but raised concerns regarding the relocation and use of the MUGA and potential effects on living conditions, with regard to noise and anti-social behaviour and surface water flooding.
95. There is an existing play area but this would be relocated closer to residential properties in Windermere Drive, with an improved MUGA facility and play facility proposed in proximity to the western boundary of the recreation ground. I observed the open space to be an attractive public space, accessible at all times and well used by dog walkers, footballers, children in the play area and those using the ground for general and other recreational purposes.
96. The Council referred me to there being no intensification of the use of the site as a whole in comparison to the existing and there is nothing to suggest that noise is a particular existing issue with no record of noise complaints or anti-social behaviour before me. However, re-siting a new and much more attractive MUGA and play area closer to the western boundary could reasonably result in some increased use at certain times and therefore an increase in general noise and disturbance, closer to residential properties.

¹² ID 14.

97. The materiality of those impacts is however dependent on its final siting, design and management. A condition has been proposed by the parties to agree the necessary final details and delivery is secured in the agreements. No floodlights are proposed and there would also be some additional surveillance of parts of the open space from the upper floors of the building. Construction impacts would be temporary and could be mitigated by a condition. With the correct design, implementation and management, including in consultation with local residents and those who might use the facilities, I see no reason why the effects would be so material that it would cause unacceptable harm to the living conditions of neighbouring or future residential occupiers.

Surface water flooding

98. Concerns were raised that surface water from the MUGA could flood properties in Windermere Drive. However, the approach for the proposed play area and MUGA will seek to replicate existing conditions, with the use of permeable surfacing and/or clean sub-base stone to promote infiltration as far as practicable. Any residual flow from these areas would continue overland and would be reflective of the existing greenfield conditions.
99. There is no substantive evidence of previous flooding occurring in this location and there are no objections from the relevant statutory consultees. Given its distance from those properties and the grassed nature of the ground, subject to conditions, the proposal would not result in, or materially increase, surface water flooding to those properties in Windermere Drive that it should be regarded as being unacceptable in such terms.

The legal agreements

100. A party cannot covenant with itself (this is required as s.106 obligations are entered into as a deed per s.106(9) LPA 1990). Therefore, other avenues must be explored to see who can give said covenants to bind successors in title. Section 111 of the Local Government Act 1972 entitled 'Subsidiary powers of local authorities', is a catch all provision which gives local authorities power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of their functions. It is drafted very widely, and applies to all local authority functions, including their planning functions.
101. The s.111 agreement dated 3 December 2025 provides that the developer executes the s.106 (a draft copy of which will be appended to the s.111 agreement) once it acquires the Council's freehold interest in the site, following the grant of planning permission. The s.106 agreement requires the affordable housing contribution¹³ to be used towards the provision of off-site affordable housing and secures a BNG Land Monitoring contribution for the submitted Biodiversity Gain Plan. It also requires no occupation until the play area and MUGA have been delivered. I am satisfied the obligations have been evidenced and meet the tests in the Framework and the Regulations.

Conditions

102. Following a RTD at the Inquiry the parties agreed a final list of conditions¹⁴. I have considered them against the tests in the Framework and the advice in the Planning

¹³ £40089.00.

¹⁴Received by PINS 9 December 2025.

Practice Guidance (the PPG). I have made such amendments as necessary to comply with those documents and in the interests of clarity, precision, and simplicity. The appellant confirmed acceptance of any pre-commencement conditions. A condition is required to ensure compliance with the approved plans for the avoidance of doubt as this provides certainty **(2)**. To protect the natural environment from pollution and flooding conditions are required for contamination and for sustainable surface water drainage **(3, 4, 5, 6 and 19)**.

103. A Construction Method Statement **(7)** is necessary in the interests of highway safety and living conditions although I have amended it to avoid repetition with other conditions and removed some superfluous details. Details of materials to be used in the external surfaces, including fenestration are required in the interests of the character and appearance of the area **(8)**.
104. A detailed scheme for the details, positioning and a programme for the ongoing operation and management of the MUGA is necessary to protect the living conditions of neighbouring occupiers and the amenities of the area **(9)**. Details of soft and hard landscaping, implementation in accordance with the submitted arboricultural assessment and retention and protection of existing trees are necessary in the interests of the character and appearance of the area **(10, 17 and 18)**. I have amended the proposed 5-year replacement period in the condition to 10 years to ensure sufficient opportunity is afforded for the landscaping scheme, including the establishment of proposed trees to be successful and serve its intended function.
105. Compliance with the submitted Energy Assessment for a scheme demonstrating delivery of 10% of energy supply from on-site renewable or low carbon energy sources is necessary to reduce impacts on climate change **(11)**. In the interests of highway safety details of visibility splays are required to be agreed **(12)**. Cycle storage details are also required to promote more sustainable modes of transport and for the health and wellbeing of future occupiers **(13)**. To ensure appropriate parking spaces are made available a condition is required that these be laid out and surfaced prior to occupation **(14)**. A Construction and Environmental Management Plan and Habitat Management and Monitoring Plan are necessary to protect and enhance the natural environment **(15 and 16)** during construction and beyond.
106. Suggested condition **(20)** is typically requested on such schemes as it seeks to restrict vehicle ownership as parking is often provided significantly lower than any plan requirement. It is necessary to ensure that the development is carried out in accordance with the application and delivers age restricted housing on the grounds that insufficient parking space are provided other than for elderly persons. A condition **(21)** is necessary to require detail of the location of the re-provided pitches at existing dimensions and including overlays. Given the Council's position as landowner and operator of the land in question there is a reasonable prospect of it being performed within the time limit imposed by the condition.
107. Conditions 3, 5, 7, 8, 9, 10, 15, 16, 19 and 21 are conditions precedent and I am satisfied that they are fundamental to the development to ensure that it does not occur until such matters relating to pollution control, character and appearance, living conditions, appropriate provision and operation of the existing pitches and MUGA, biodiversity/ecology and flooding are resolved.

Other considerations – The Framework

108. Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to, amongst other things, the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Framework is a significant material consideration but does not change the statutory status of the development plan as the starting point for decision making.
109. In this appeal I have not found the extent of harm or conflicts contended by the Council, and that the proposal should not be regarded as being in conflict with the development plan, as a whole. However, for the purposes of this decision the Council scored 63% in the December 2024 Housing Delivery Test results so in accordance with Footnote 8 of paragraph 11 d) of the Framework the presumption in favour of sustainable development in 11 d) ii. is also engaged. It is not disapplied by paragraph 11 d) i.
110. For decision taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
111. The policies referred to are those in paragraphs 66 (major development) and 84 of chapter 5 (isolated homes); 91 of chapter 7 (sequential for town centres); 110 (managing patterns of growth) and 115 of chapter 9 (highways development proposals); 129 of chapter 11 (achieving appropriate densities); and 135 (well-designed places) and 139 of chapter 12 (not well designed to be refused).

The adverse impacts

112. High quality design has always been an objective of the Framework and more recently the National Design Guide (NDG). Whilst not a detailed set of criteria against which to assess the design of a proposed development at a local level, sets out broad principles to achieve the well-designed places that the Framework expects new development to deliver. The Framework is clear that permission should be refused for development of poor design which fails to take the opportunities available to improve the character and quality of an area and the way it functions. I have not found that would be the case here and the character and appearance effects would be acceptable. The proposal should not be regarded as being in conflict with the design objectives of the Framework, in particular paragraphs 135 and 139, or the NDG.
113. Although I have not found harm that would result in conflict with the development plan with regard to parking and highway safety effects, in removing the informal spaces on the appeal site and requiring on-street parking to increase at certain times, some conflicts could reasonably occur in the surrounding local network. However my own observations and the evidence indicates they would occur on a limited basis and more as a result of local driver and resident behaviour.

114. In Framework terms these impacts would not amount to an unacceptable impact on highway safety. It is of no surprise given the construction of the appellant's case that mitigation is not included, as it was not deemed necessary, but the residual cumulative impacts would in no way be severe. There are no reasons to prevent or refuse development on highway grounds. Nonetheless, as adverse impacts they are still relevant to this planning balance although I regard any such impacts as weighing no more than a limited to modest amount against.
115. Even if some additional and greater impacts on living conditions occurred from an intensification in the use of the new MUGA and play facility at certain times overall the effects would be limited. I have identified no other adverse impacts that could not be addressed through the use of planning conditions and obligations.

The benefits

116. The Framework seeks to significantly boost the supply of housing and decisions should support development that makes an efficient use of land taking into account certain factors. Paragraph 125 c) states that '*planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused*'. The proposal would make a more effective use of previously developed land in an accessible location, meeting the need for new specialist homes and it is important that decisions in such locations avoid such homes being built at low densities. I have not identified any harm that could reasonably be regarded as substantial.
117. The provision of 49 specialist residential units would contribute to the supply of housing and in meeting the unmet needs for market housing, older persons housing in Dudley. In this authority the evidence indicates there is clearly a growing and pressing need for such accommodation with the Housing Market Assessment 2021 identifying that the population over 65 will increase by 15,753 persons between 2020 and 2039.
118. There is also requirement for a further 4,907 additional units of specialised accommodation for the elderly. For market provided retirement living the need is over 1000 units. The parties agreed no other similar schemes are in the system in Kingswinford to meet this need. There is no guarantee that upon release the homes would be more fully occupied but opportunities to enable more efficient use and effective occupation level of the overall housing stock would result. The PPG describes the need for such specialist accommodation as 'critical'. Overall and in such a context I give these benefits considerable weight.
119. There would be a maximum viable and agreed financial contribution towards delivery of affordable housing, agreed between the parties. However the type and location of such housing, and the timescales for any delivery are simply unknown. I therefore attach modest weight to the contribution to affordable housing.
120. Economic benefits arising primarily relate to the construction stage, and the longer-term boost to local spending power. This could arise from any similar development but new residents would generate spending in local shops and services. Some of the benefits would be temporary and short term, but others would be longer lasting and permanent. They weigh moderately in favour.

121. The appellant provided a revised Biodiversity Net Gain calculation for the entire site demonstrating a total net gain of 11.08% for habitats subject to a landscaping condition securing the planting of 6 additional trees, a small positive benefit. The proposal would also result in enhancement of the site and townscape and sustainable construction which would represent small but positive environmental benefits. I ascribe little additional benefit in respect of accessibility to local services, or compliance with other development management standards and policies as I consider this to be an absence of harm.

The balance and overall conclusion

122. In carrying out the necessary balance it has become all too common practice for a party to apply numerous and separate, often finely calibrated and carefully chosen weightings to the benefits and/or harms they identify in order to seek to irrefutably demonstrate how tipped the weighting scales are in favour of their case. In this case the Council's final position was that a range of substantial (1), significant (5), moderate (3) and limited (1) positive weightings¹⁵ should be given to the benefits. Ultimately, and even in the context of the final weightings to the impacts of significant (2) and moderate (2) contended by the Council, what is required is a single exercise of planning judgement.
123. In doing so this is a proposal with benefits that clearly weigh heavily in its favour and where I have identified only limited to moderate adverse impacts. Whilst I may not agree with the level of weight given to all of the contended harms, conflicts and purported benefits and the balance is not a mathematical exercise, the adverse impacts would not significantly and demonstrably outweigh the benefits of this proposal, when assessed against the policies in the Framework taken as a whole, having particular regard to those key policies referred to.
124. The proposal would therefore be the sustainable development for which Paragraph 11 d) ii. of the Framework indicates a presumption in favour. This is a material consideration which indicates that planning permission should be granted.
125. For the avoidance of doubt even if I had found with the Council regarding their remaining parking provision objection in the third main issue, given the weight of the benefits the outcome of this balancing exercise would have been the same.
126. There are no other material considerations that indicate to me planning permission should be withheld. Having considered all other matters raised I therefore conclude that the appeal should be allowed.

R Aston

INSPECTOR

¹⁵ Paragraph 63-64 of LPA's closing submissions.

FOR THE APPELLANT:

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FOR THE LOCAL PLANNING AUTHORITY:

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Peter Chi Man Chan
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Dudley MBC

Henry Hoggarth FIHE

Amey on behalf of Dudley MBC

Local residents and interested persons

Mrs R Hickling
Mr D Stanley

Local resident
Local resident

DOCUMENTS SUBMITTED TO THE INQUIRY

Document Number	Document name	Submitted by
Documents 1a and b	Hampshire House Decision Notice, Officer Report and Plans	Council
Document 2	Appellant's opening statement	appellant
Document 3	Council's opening statement	Council
Document 4	KKFC training schedule	Both
Document 5	Character Map 400m radius	Council
Document 6	Emails between LPA and SE	Council
Document 7	EHO note on noise	Council
Document 8	Agreed land levels	Both
	<i>Submitted after the Inquiry adjourned on Thursday 16 October 2025</i>	
Document 9	TP on second main issue	Both
Document 10	SE response to TP	SE
Document 11	Appellant comments to SE and plans	appellant
Document 12	Addendum to PoE of Mr Shellum	appellant
Document 13	Addendum to PoE of Mr Mead	Both
Document 14	Reforms to statutory consultee system	appellant
Document 15	Guidance for Outdoor Sport and Play	Council
Document 16	Email correspondence re: Conditions 9 and 21	Both
Document 17	Council closing submissions	Council
Document 18	Appellant closing submissions	appellant
Document 19	Updated final written costs application	appellant
Document 20	Council's written response	Council
	<i>Submitted after the Inquiry closed</i>	
Document 21	Completed S111 and accompanying draft S106 agreement	appellant

SCHEDULE

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The proposed development shall be built in accordance with the following approved plans:

Site Location Plan	30053KW – PL 401 PLOC
Site Layout Plan	30053KW – PL 402
Ground Floor Plan	30053KW – PL 403
First Floor Plan	30053KW – PL 404
Second Floor Plan	30053KW – PL 405
Third Floor Plan	30053KW – PL 406
Roof Plan	30053KW – PL 407
Elevation Sheet 1	30053KW – PL 409
Elevation Sheet 2	30053KW – PL 410
Elevation Sheet 3	30053KW – PL 411
Elevation Sheet 4	30053KW – PL 412
Elevation Sheet 5	30053KW – PL 413
Topographical Survey	30053KW – PL 420
Play Drawing	26199 Rev 2 V2
Play Drawing	26199 Rev 2 – Picture Sheet

unless the prior written approval has been obtained from the Local Planning Authority.

3. No development of the MUGA or replacement children's play area shall take place until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with the Environment Agency' Land Contamination Risk Management Framework.
4. Where the approved risk assessment (required by condition 3 above) identifies contamination posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by the Local Planning Authority. A validation and verification plan must be formulated, form part of the remediation scheme and be approved by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority. The approved verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

5. No development shall take place until a detailed remediation scheme to protect the development from the effects of ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. A validation and verification plan must be formulated, form part of the remediation scheme and be approved by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.
6. Following implementation and completion of the approved remediation scheme and the associated approved validation and verification plan (required by condition 5 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.
7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the demolition and construction period. The statement shall provide details for:
 - The parking of vehicles of site operatives and visitors.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development.
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - Wheel washing facilities.
 - Measures to control the emission of noise, dust and dirt during demolition and construction works.
 - A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - Details a Construction Surface Water Management Plan, to demonstrate how flood risk will be managed during construction prior to the completion of the approved drainage strategy.
 - Details of hours of construction.
8. No above ground development shall take place until a schedule of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. No development shall commence until details, positioning and a programme of works to include the ongoing use and management of the facility to secure the delivery of the multi-use games area and play area has been submitted to and approved in writing by the Local Planning Authority. The multi-use games area and play area shall be implemented in accordance with the agreed programme and shall be operational prior to the closure and removal of the existing

basketball court and play area. The facilities shall be maintained for the lifetime of the development.

10. No development shall take place (excluding demolition, site clearance and initial ground works) until full details of soft landscaping works and hard surfacing and details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, colours, textures and materials of hard surfacing, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features. The agreed scheme shall be implemented in accordance with the approved details and the soft landscaping works within the first planting season following the first occupation of the development. Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of 10 years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place.
11. In accordance with the submitted Energy Statement (September 2024) details of a scheme to ensure at least a 10% supply of energy from on-site renewable or low-carbon energy sources shall be submitted to and approved in writing by the Local Planning Authority prior to commencement (excluding demolition, site clearance and grounds works). The development shall be implemented in accordance with the approved details and retained as operational thereafter or the use of the building.
12. No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4 metres and a 'y' distance of 43m. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
13. The development shall not be occupied/used until details of secure and covered cycle storage facilities for two cycles have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.
14. The development hereby permitted shall not be occupied until the parking space(s) shown on the approved plans have been laid and surfaced in accordance with the details shown on the approved plan 30053KW-PL402.
15. No development shall take place (including further demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local

Planning Authority. The CEMP will be informed by updated surveys where any previous surveys are out of date and shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). Drainage, dust, noise and pollution control measures and sensitive lighting schemes for the duration of the construction phase should be implemented specifically to protect the adjacent designated site. General precautionary working measures for faunal species should also be detailed as recommended within the Preliminary Ecological Appraisal by Tetra Tech.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

16. Prior to the commencement of development hereby permitted, a Habitat Management and Monitoring Plan (HMMP), using the relevant template developed by Natural England, shall be submitted to and approved in writing by the Local Planning Authority. The habitat retention, creation and enhancement specified within the HMMP shall then be implemented in full and managed for a period of at least 30 years (secured via planning obligation) in accordance with the agreed HMMP from completion of the habitat creation and enhancement works, of which the Local Planning Authority should be notified and evidence provided in writing in order to establish a start date for management and monitoring. Monitoring reports shall be submitted to the Local Planning Authority in accordance with the monitoring intervals set out in the agreed HMMP.
17. No development or other operations shall take place except in complete accordance with the tree protection measures identified in the Arboricultural survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan - Ref: *J5708_AIA_ Rev C June 2025_Former Youth Centre* Dated: June 2025 with measures to be implemented under Arboricultural supervision in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. Any pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998:2010 Tree work – Recommendations under Arboricultural supervision.

18. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the Local Planning Authority.
19. Before the development hereby approved is commenced, including any site clearance, preparatory, groundworks or any breaking ground, a detailed surface water drainage design to discharge at a rate of 2.0l/s and management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority.
20. Each dwelling hereby permitted shall be occupied only by;
- (i) A person aged 60 years or over;
 - (ii) A person aged 55 years or older living as part of a single household with the above person in (i); or
 - (iii) A person aged 55 years or older who were living as part of a single household with the person identified in (i) who has since died.
21. No development shall take place, until a plan showing the positioning of 9 v 9; 7 v 7 and 5 v 5 football pitches at their existing dimensions including overlay has been submitted to and approved in writing by the Local Planning Authority. The pitches shall be made available for use in accordance with the approved plan and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

----- End of Schedule -----