
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 18-Nov-2021

Subject: Planning Application 2021/90357 Works to existing sports facilities including erection of a clubhouse, additional changing facilities building, boundary treatments, storage facilities and floodlighting, works to existing pitches, and creation of new hybrid and five-a-side pitches and car park East Bierley Playing Fields, Hunsworth Lane, East Bierley, BD4 6PU

APPLICANT

East Bierley Community
Sport Associates

DATE VALID

24-Feb-2021

TARGET DATE

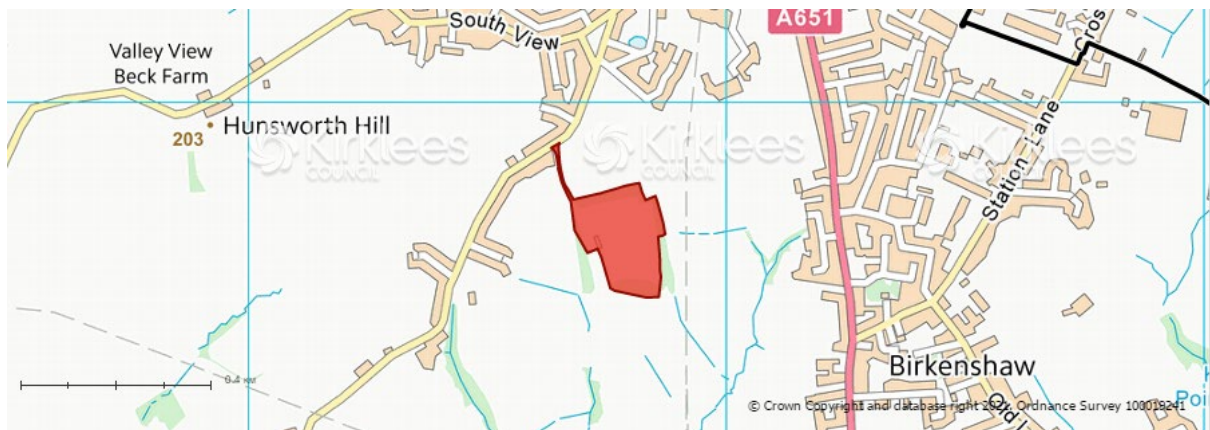
26-May-2021

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Birstall and Birkenshaw

Ward Councillors consulted: Yes

Public or Private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission for works to existing sports facilities including the erection of new buildings and the creation of new pitches.
- 1.2 This application is presented to Strategic Planning Committee as the proposal relates to a site larger than 0.5 hectares in size.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 3.3 hectares in size (officer's measurement) and comprises East Bierley Playing Fields and the track that runs northwards from the playing fields to Hunsworth Lane.
- 2.2 Two grass pitches exist within the application site. The site's only permanent building is a single-storey structure accommodating changing rooms, referee rooms, toilets, a store and a tea room / tuck shop. Various boundary treatments and barrier railings exist within and around the site. The track is gated close to the southeast corner of the curtilage of 612 Hunsworth Lane.
- 2.3 The site is surrounded by agricultural fields. Beyond a field to the north is allocated site HS89. Further north is a recreation ground (designated as urban green space in the Local Plan) and the village of East Bierley. There is also residential development to the west of the application site, beyond agricultural land.
- 2.4 The application site generally slopes downhill from north to south, with its highest point (approximately 197m AOD) close to the junction of the track and Hunsworth Lane, and its lowest (approximately 180m AOD) at its southern tip.
- 2.5 The application site is not allocated for development in the Local Plan. Almost all of the application site is within the green belt, as is all land surrounding the main part of the application site. Part of the track is not within the green belt.
- 2.6 The application site red line boundary meets the boundary of the East Bierley Conservation Area at the junction of the track and Hunsworth Lane. There are no listed buildings within or close to the application site. Historic field boundaries surrounding the site are undesignated heritage assets.
- 2.7 No public rights of way cross or meet the application site.
- 2.8 No trees within or immediately adjacent to the application site are protected by Tree Preservation Orders.
- 2.9 All of the application site, and much of the surrounding land, is within a Biodiversity Opportunity Zone (Pennine Foothills), and land within the site (around its edges) forms part of the Wildlife Habitat Network.

2.10 The northern part of the application site is within a Development Low Risk Area as defined by the Coal Authority. The southern part is within a Development High Risk Area.

3.0 PROPOSAL:

3.1 The application is for full planning permission for works to the site's existing sports facilities, including:

- Replacement of existing grass football pitch and grass rugby pitch with a 64m x 36.6m grass hybrid pitch, a 100m x 68m 3G / synthetic pitch, and a repositioned 95m x 68m grass rugby pitch.
- Provision of a 50m x 30m multi-sport training area.
- Changes to levels to enable provision of flat pitches, and provision of retaining gabion walls along northern and southern edges of grass hybrid pitch.
- Erection of an "HQ facility" (clubhouse) with patio area.
- Erection of an additional changing facilities building.
- Erection of fencing and barriers including 2.4m green mesh fencing, 6m high green mesh fencing (with taller catch nets to 11m) and re-used 1.1m high white barriers.
- Erection of 11 floodlighting columns (6x 15m in height, 2x 10m in height and 3x 8m in height), with two further floodlights mounted to the proposed changing facilities building.
- Provision of two goal storage facilities (shipping containers) measuring 6m (length) x 2.5 m (width) x 2.6m (height).
- Resurfacing and marking out of car park, to provide 113 parking spaces.
- Upgrade works to a 30m long stretch of access track to the north of the playing fields.

3.2 The site's existing single-storey building would be retained.

3.3 The applicant is the East Bierley Community Sports Association (EBCSA). The submitted Planning Statement notes that the EBCSA was formed in 2012 (with charity status gained in 2016) as a result of Birkenshaw ARLFC and Hunsworth FC joining forces to raise funds to redevelop the changing rooms at East Bierley Playing Fields. Several football and rugby teams currently play and train at the application site, including those of Birkenshaw Blue Dogs ARLFC and some teams of Gomersal and Cleakheaton FC.

3.4 The applicant has confirmed that the application site is owned by the council, but is subject to a long-term (125 year) lease to the EBCSA, signed in 2016.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 87/05828 – Planning permission granted 29/01/1988 for provision of additional football pitch and improved car parking facilities.

4.2 2001/91476 – Planning permission granted 16/08/2001 for siting of portable changing facilities and equipment hut units.

4.3 2004/93938 – Planning permission granted 18/11/2004 for siting of portable changing facilities and equipment hut.

- 4.4 2011/91558 – Planning permission granted 24/08/2011 for erection of new changing facilities.
- 4.5 2014/91130 – Planning permission granted 16/07/2014 for erection of building to provide changing facilities.
- 4.6 The following planning applications largely relate to land adjacent to the current application site, however their application site red line boundaries include parts of the same track that extends between East Bierley Playing Fields and Hunsworth Lane:
- 4.7 2019/93616 – Application for full planning permission for the erection of 46 dwellings. On 17/11/2020 the council's Strategic Planning Committee resolved to approve the application.
- 4.8 2021/92059 – Application for full planning permission for the formation of a new access to existing stables. Pending consideration.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 The applicant requested pre-application advice from the council in March 2020 (ref: 2020/20079) in relation to the provision of two multi-sport pitches (to replace one of the existing pitches), a junior pitch, a 150-space car park, a new clubhouse, terraced seating, an exercise track and upgrade works to the existing access track. Informal written advice was provided on 10/07/2020. The main points of that advice were:

- NPPF determines that new buildings in the green belt are inappropriate, but allows for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport as long as the facilities preserve the openness of the green belt and do not conflict with the purposes of including land within it. Local Plan policy LP56 also applies.
- Site has a relatively open character, with only barriers and a modest building. Proposal represents significant development relative to the existing sporting facilities.
- Scale of new development should be no more than is reasonably required for the functioning of the facility. Planning Statement required, detailing how the existing facilities are currently used, together with details of the future requirements of the applicant.
- Details of interventions and levels required, to inform assessment of how the development might impact on the openness of the green belt and visual amenity or reasons for including land within it.
- Existing access track is unsuitable for any intensification in use without considerable improvement.
- Transport Statement required (scope to be agreed with officers).
- Site is potentially contaminated. Phase I contamination report required.
- Coal mining risk assessment required.
- Potential for noise from pitches to adversely affect residential amenity. Times of use of pitches may need to be restricted.
- If outdoor lighting is proposed, application should include details of hours of use, luminaires, horizontal and vertical illuminance, measures to limit glare and spill, and methods of control. BS EN 12193:2018 recommends an illuminance of 75 lux for large ball sports for Lighting Class III (low

level competition such as local or small club competition), however small ball sports may require higher levels of illuminance. Proposed lighting will need to incorporate a switching facility so that appropriate different levels of illuminance can be provided for different uses.

- Electric vehicle charging points required.
- Ecological function and connectivity of Wildlife Habitat Network should be safeguarded, and network should be strengthened.
- Site supports semi-natural habitat including woodland (which has potential to support protected species including nesting birds and roosting or foraging bats), so timing of tree removal and details of lighting will need to be considered.
- Loss of woodland cover should be avoided.
- New planting and landscaping is welcomed but will need to be supported by ecological surveys and a suitable ecologically-sensitive management regime.
- Details of management of existing trees and woodland required.
- Proposals should respond positively to climate change initiatives and policies.
- Flood Risk Assessment required.
- Details of phasing required.
- Engagement with applicant for adjacent site (application ref: 2019/93616) encouraged.

5.2 During the life of the current application, a corrected development description was agreed between the applicant and officers, and the applicant submitted a Transport Statement and drawings of the proposed floodlighting columns that were missing from the initial submission. The applicant later submitted amended drawings, lighting information, a bat report, and amended Preliminary Ecological Appraisals (including a later version with the previously-omitted Biodiversity Net Gain calculation). The case officer obtained a Report on a Geo-Environmental Investigation directly from the relevant consultant, and the applicant subsequently agreed to it being included among the application documents. The applicant later provided clarification regarding the proposed goal storage facilities, reduced the number of proposed floodlighting columns, revised the size and location of the proposed changing facilities building, deleted the previous proposal to swap the use of two 700sqm parcels of land (and to clear part of the Wildlife Habitat Network), and provided further information regarding the existing and proposed use of the site, including details of the potential public benefits of the proposed development. An Acoustic Planning Report was also submitted.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

6.2 The application site is within the green belt and is not allocated for development in the Local Plan.

6.3 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP10 – Supporting the rural economy
- LP16 – Food and drink uses and the evening economy
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP38 – Minerals safeguarding
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP56 – Facilities for outdoor sport, outdoor recreation and cemeteries (green belt)
- LP63 – New open space

Supplementary Planning Guidance / Documents and other documents:

6.4 Relevant guidance and documents:

- Kirklees Playing Pitch Strategy (2015)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Joint Health and Wellbeing Strategy (2014) and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Highway Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (2020)
- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

Climate change

- 6.5 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.6 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2021) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting green belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 17 – Facilitating the sustainable use of materials.

6.8 Since March 2014 Planning Practice Guidance for England has been published online.

6.9 Relevant national guidance and documents:

- National Design Guide (2019)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)
- Guidance Note 1 for the reduction of obtrusive light (2021)

6.10 Sport England have published the following guidance documents of relevance to this application:

- Playing Fields Policy and Guidance (2018)
- Planning For Sport Guidance (2019)
- Artificial Grass Pitch (AGP) Acoustics – Planning Implications (2015)
- Artificial Sports Lighting (2012)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised as a major development.

7.2 The application was advertised via three site notices posted on 11/03/2021, a press notice published on 11/03/2021 (and again, with a corrected development description, on 25/03/2021), and letters delivered to addresses close to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 17/04/2021.

7.3 Six representations were received in response to the council's consultation. These representations have been posted online. The following is a summary of the comments made:

- Support principle of improving playing fields.
- Development is necessary to increase capacity and improve sports facilities for local community and younger people. Development would enable more teams to be based at this site. Access to sports would be improved.
- Proposal should be approved instead of the nearby residential development.
- 150 car parking spaces seems excessive. That number of vehicles has never been seen at the site.
- Increased parking provision would improve traffic safety on match and training days.
- Concern regarding number of vehicles turning into and out of track, taking into account traffic of nearby residential development already approved.
- Track is narrow and potholed and should be upgraded.
- Community venue would bring people together.
- Concerns regarding drainage. Adjacent land floods after heavy rain. Non-permeable car parking surface, and upgrade of track, would exacerbate drainage problem. Loss of vegetation would increase flooding. Nearby residential development would also affect drainage, and there isn't scope for both schemes to be approved. Adequate drainage proposals should be submitted, demonstrating no adverse impact on nearby land, manage and stable area.
- Objection to loss of trees. Replacement trees would take a generation to mature. Query if existing trees could be transplanted.
- Site is a former slag heap, and existing trees are holding the land together.
- Air quality concerns related to loss of trees.
- Concern regarding loss of wildlife and habitat.
- Query as to whether site's existing Japanese Knotweed problem has been resolved.
- Query as to whether access to woodland and circular walk would be maintained.
- Concern regarding light pollution affecting adjacent neighbours, including occupants of lower ground.

7.4 Responses to these comments are set out later in this report.

7.5 Later submissions (made during the life of the application) did not necessitate further public consultation.

8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.1 Statutory:

8.2 Coal Authority – No objection, subject to conditions regarding intrusive investigation, remediation and validation. Coal Authority concurs with the recommendations of applicant's Report on a Phase One Desk Study that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coalmining legacy issues on the site.

8.3 Sport England – No objection, subject to conditions. Clubhouse, changing room building and car park meet exception 2 (of Sport England's Playing Fields Policy and Guidance) which allows for the provision of ancillary facilities which support the principal use of the site as a playing field provided the proposal does not affect the quantity or quality of playing pitches or otherwise adversely affect their use. Proposed pitches meet exception 5 which allows for proposals if the proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field. Applicant's Planning Statement contains little in the way of strategic justification for the proposed facilities, however Sport England has worked with the council and pitch sports national governing bodies in the preparation of the Kirklees Playing Pitch Strategy (PPS) which found a shortage of pitch capacity across most sports and age groups, and one measure identified to rectify this was the development of additional artificial grass pitches. A 3G pitch of the type proposed allows it to be used for both competitive football and rugby and can be used as intensively as it can be programmed. The hybrid pitch is still a grass pitch albeit interwoven with artificial fibres. This gives the pitch a much greater capacity for use than a standard grass pitch. The provision of both pitches is therefore in line with the broader recommendations of the Kirklees PPS. Comments and queries of Rugby Football League and Football Association relayed. Conditions recommended regarding details of pitches.

8.4 Lead Local Flood Authority – No objection, subject to conditions. Site is not suitable for soakaways due to made ground beneath the topsoil. The former use of the site indicates mining operations and as such, mobilisation of pollutants within the made ground is a risk. Disposal of surface water and under-soil drainage from the development should therefore be (via gravity and new headwall of a suitable design) to the small watercourse at the southeast corner of the site which drains into Lodge Beck. Strip of land between development and head of the watercourse is council-owned, under the control of Streetscene and Housing (Parks and Open Spaces) – permission should be sought from the council to allow drainage to discharge to this watercourse.

Yorkshire Water records indicate that a 300mm diameter foul sewer crosses the site south of the existing building – this sewer is for foul drainage only and should not be used for any surface water discharges.

Surface water and undersoil drainage flows from the access road, new car parking area, buildings and undersoil drainage should be limited to a rate of 5.0 l/s per hectare in line with the Kirklees Council drainage policy.

Conditions recommended regarding full drainage details and temporary (construction-phase) drainage. Drainage management and maintenance arrangements should also be secured.

- 8.5 KC Highways – No objection, subject to conditions. Findings of applicant's Transport Statement are accepted. With improvements to the track from Hunsworth Lane, the likely traffic demands of the proposed development can be accommodated. These improvement works are, however, outside the control of the applicant and are to be undertaken by the developers of the adjacent site, therefore a Grampian condition is needed, requiring the track improvements to be implemented prior to the playing fields development being implemented or brought into use. Proposed development does not include any works to a 30m section of the existing track between the end of the improvement works and the proposed development – this is not considered acceptable, the area is within the current application's red line boundary, and improvements works should be shown to be undertaken.

8.6 **Non-Statutory:**

- 8.7 KC Ecology – Applicant has not demonstrated compliance with NPPF chapter 15 or Local Plan policy LP30. Clarification required regarding bat activity surveys. Preliminary Ecological Appraisal (PEA) submitted; however an Ecological Impact Assessment (EclA) is required, based on up-to-date site plans and survey effort. Assessment of the baseline value of the site required, along with evidence to demonstrate a biodiversity net gain post-development utilising the Biodiversity Metric 2.0. New planting has not been detailed. Applicant's lighting plan indicates light spill of up to 10 lux at woodland areas, when impacts upon bats has been recorded at levels as low as 3.6 lux. Revised lighting strategy and plans required to illustrate how impacts to sensitive habitats and species are to be avoided. No loss of woodland cover should be permitted, and a 10% gain in woodland should be secured. Habitat creation/enhancement should also reflect the objectives of the Pennine Foothills Biodiversity Opportunity Zone and should aim to strengthen the Kirklees Wildlife Habitat Network.

- 8.8 KC Environmental Health – Part of the application site has been identified on the council's mapping system as potentially contaminated land due to its historical land use (site ref: 23/1). Applicant's Report on a Phase One Desk Study is satisfactory. Applicant's Report on a Geo-Environmental Investigation includes insufficient information regarding remediation, therefore a full detailed remediation strategy (including gas protection elements to be installed as necessary to protect the end-users) is now required. Three contaminated land conditions are accordingly recommended.

Proposed floodlighting may cause significant light overspill or glare that may impact nearby housing and may also cause unnecessary energy wastage. Proposed AAA-LUX floodlights can be dimmed, but it is unclear whether the

VAGO floodlights can. For the majority of the time the pitches would be used for low-level competition, falling under the scope of Lighting Class III, and an average maintained horizontal illuminance of 75 lux would be acceptable for pitches used for rugby football and netball, in accordance with BS EN 12193:2018. Applicant's proposed maintained average horizontal illuminance values are considered unacceptable. Further information required regarding horizontal illuminance and the proposed activities. Detailed lighting scheme required, including information regarding hours of operation, glare and stray light, vertical and horizontal illuminance, and switching and control of lighting. Condition recommended.

Proposed hours of use of the clubhouse and pitches have not been specified. Hours must be restricted by condition to protect residential amenity. Condition recommended regarding entertainment noise.

Condition recommended regarding electric vehicle charging.

- 8.9 KC Planning Policy – Taken as a whole the proposal constitutes inappropriate development in the green belt and is contrary to Local Plan policy LP56. Inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances. Local authorities should ensure that substantial weight is given to any harm to the green belt and very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Proposed pitches acceptable. Engineering required to create new pitches would not by itself significantly impact on openness or the character of the site, and the proposed pitches would facilitate outdoor sport at a site where such a use already exists. In principle, therefore, the proposed pitches are considered to be not inappropriate in the green belt. Pitches would also preserve openness and would not conflict with the purposes of including land in the green belt.

However, increased level of use (day and night), and 2.4m high fencing and floodlighting around the pitches, would have an impact on openness (although fencing could be considered reasonably required for the proper functioning of pitches in close proximity to each other, and there may already be some lighting associated with the existing changing rooms). Lighting would be highly visible despite screening from trees, and would be a significant intrusion into the surrounding countryside. Increased use, enclosures and floodlighting would introduce urbanising features into a green belt setting.

New changing room building would be an appropriate facility for outdoor sport as changing rooms would reasonably be required on such a site, however it is unclear why two changing buildings are required. A new building where no building currently exists would not preserve the openness of the green belt and the expansion of the site beyond its current limits would lead to encroachment into the countryside contrary to the purposes of including land within it. Proposed pasture land would not compensate for this loss, as the pasture land would be created where land is already free from development.

The proposed multi-function clubhouse building is not an appropriate facility for outdoor sport and therefore constitutes inappropriate development in the green belt.

There would be a requirement for additional car parking spaces as a reasonable consequence of the redevelopment of the pitches. However, car parking to serve the proposed clubhouse is inappropriate in the green belt as it would not preserve openness and would conflict with the purposes of including land in the green belt.

The 2015 Kirklees Playing Pitch Strategy (PPS) noted site has good quality football pitch with spare capacity, poor quality rugby pitch and poor-quality changing facilities. PPS also identified significant deficiencies in playing pitch provision within the Batley and Spen area for adult, youth and junior grass football, and a shortage of two 3G pitches. PPS stated that consideration should be given to role of artificial grass pitches (AGPs) in reducing shortfalls.

NPPF paragraph 99 protects existing open space and sports facilities from development unless: 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. Proposed development would increase the site's pitches from two to four, providing an increase in match play and training sessions, and new facilities for netball. Replacement of grass rugby pitch with a synthetic pitch would allow for more intensive use. Applicant has not evidenced impact reduced size of grass football pitch would have on capacity for match play and usage. To address NPPF paragraph 99b, proposed increase in quantity and better quality of provision should be justified by evidence of existing usage and match play capacity compared to proposed capacity for match play sessions and potential usage, including any benefits for community use and how existing needs and shortfalls in football and rugby pitch provision in the area. Floodlighting of synthetic pitch would increase capacity for use into evenings/nights (and in principle appears appropriate, to allow additional capacity and match play), however floodlighting of all pitches appears unnecessary, given potential impact on wider area and nearby residential properties.

Local Plan policy LP50 protects sports facilities and supports creation of new outdoor sports facilities which help address deficiencies identified in the PPS, particularly proposals which help meet the significant shortfalls related to football. Subject to satisfactory evidence being provided, proposed development would accord with policy LP50 which requires replacement of sport facilities where of an equivalent or better compensatory provision (in terms of quantity and quality) within an easily accessible location for existing and potential new users.

- 8.10 KC Public Health – No objection. Proposed development would increase access to sport opportunities. Kirklees Playing Pitch Strategy notes there is a shortfall of 3G pitches in the borough. Proposals should be assessed with regard to where need is greatest, where impact would be greatest, and where socio-economic, health and environmental inequalities would be addressed. Duplication of facilities should be avoided. Proposed development has potential to increase use of sustainable modes of travel including cycling, walking, and by public transport and electric vehicle. Air quality impacts should be assessed. Appropriate highway safety mitigation should be proposed. Community access, including from schools and colleges, should be supported. Advice provided regarding healthier food and creating smoke free grounds.

- 8.11 KC Sport and Physical Activity – Kirklees has a shortfall of 3G pitches, and pitch quality issues. No objection in principle to improvement of facilities where this is done alongside relevant governing bodies and is enhancing the strategic offer.

Applicant is credible and has sought professional advice regarding the proposed development. Other clubs are understood to be interested in operating from the application site if proposed facilities are provided. Applicant intends to open the site for wider community access and to support other types of activity, thereby catering for more people, which is welcome.

Request more information as to how proposed development might promote and support sustainable active travel, and not be dependent on car access, as such facilities tend to draw people from a fairly wide geographical area and could lead to increased traffic and potentially air pollution.

Given that there have been recent facility developments of this type across the local authority boundary which may fall within the same catchment area, clarification needed to help the applicant and this project:

- Query if proposed development has the full support of the relevant National Governing Bodies (i.e., West Riding County FA and the Rugby Football League) and aligns with their strategic priorities.
- Query if applicant has indicative support for funding (given the proposed pitch types this would often be from the Football Foundation, RFL or Sport England, but may be from alternative sources) if planning permission can be secured.
- Query if applicant has access to the usual match funding that funders would expect, if that is a criterion of the identified funder.
- Query if the proposed development can be carried out without impacting on the existing clubs' playing seasons. If for practical reasons they cannot, query if applicant has identified where those clubs can operate from during any construction period.

- 8.12 KC Trees – No objection, subject to condition requiring landscaping details. Proposed development would not impact on any protected trees or any that meet the criteria for a new Tree Preservation Order to be served.

- 8.13 West Yorkshire Police Designing Out Crime Officer – Sports facilities are often targets for burglary, criminal damage and other crime due to their remote locations. Details requested regarding gates, doors, windows, shutters/grilles, bar security, storage, anti-climb measures, alarm system, CCTV, car park security, and cycle and motorcycle security.

- 8.14 Yorkshire Water – Endorse proposal to drain to a soakaway. Recommend condition requiring draining details (not involving discharge to the public sewer) and completion of satisfactory works.

- 8.15 Yorkshire Wildlife Trust – Applicant's Preliminary Ecological Appraisal (PEA) should be updated to an Ecological Impact Assessment (EclA) to consider all impacts and how they will be mitigated/compensated on site. This should include consideration for biodiversity net gain using (at least 10% net gain should be demonstrated). Additional site surveys may be required. Bat survey is in draft form and is incomplete. Applicant's recommendations appear to be generic and don't appear to have been adopted in proposals. Lux plan and information regarding retention of roosting and foraging potential for bats within trees, and regarding connective vegetation lines.

9.0 MAIN ISSUES

- Land use and principle of development
- Green belt impact
- Sustainability and climate change
- Urban design and landscape impacts
- Residential amenity and quality
- Highways and transportation issues
- Flood risk and drainage issues
- Environmental and public health
- Trees, landscaping and biodiversity
- Representations
- Other planning matters

10.0 APPRAISAL

Land use and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The application site is not allocated for development in the Local Plan. Most of the application site is within the green belt, and the impact of the proposed development upon the green belt is considered later in this report.
- 10.3 Section 14 of the submitted application form only refers to the use of the site as “playing fields”, however some land within the application site red line boundary is in fact agricultural land.
- 10.4 According to the applicant’s application form, no change of use (from the existing use for outdoor sport) is proposed at the application site. During the life of the application, the applicant withdrew a proposal to change the use of two parcels (one behind the existing single-storey building, and one at the southwest corner of the site) to sports use, and to change 700sqm of land at the south edge of the site (assumed to be land in sports use, although vegetated) to pasture land. Officers had advised the applicant that this swapping of uses was unnecessary in planning policy terms, and was problematic in relation to biodiversity impacts. Non-sport uses (including for entertaining and functions) are proposed for the new clubhouse, although limited detail of these uses (and to what degree they may be ancillary to the site’s sports use) has been provided by the applicant.
- 10.5 The NPPF supports the provision and development of facilities for outdoor sport and recreation and protects existing facilities. Paragraph 84 of the NPPF states that, to support a prosperous rural economy, planning decisions should enable the retention and development of accessible local services and community facilities, such as sports venues. Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of safe and accessible green infrastructure, sports facilities, and layouts that

encourage walking and cycling. Paragraph 93 adds that, to provide the social, recreational and cultural facilities and services the community needs, planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as meeting places and sports venues) and other local services to enhance the sustainability of communities and residential environments. Paragraph 98 recognises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. It adds that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate. Paragraph 99 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless, inter alia: the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 10.6 Similarly, policies in the Local Plan support the provision and development of facilities for outdoor sport and recreation and protect existing facilities. Policy LP47 states that the council will, with its partners, create an environment which supports healthy, active and safe communities and reduces inequality. It adds that healthy, active and safe lifestyles will be enabled by, inter alia: facilitating access to a range of high quality, well maintained and accessible open spaces and play, sports, leisure and cultural facilities; by increasing access to green spaces and green infrastructure to promote health and mental well-being; through the protection and improvement of the stock of playing pitches; by increasing opportunities for walking, cycling and encouraging more sustainable travel choices; and by creating high-quality and inclusive environments incorporating active design and the creation of safe, accessible and green environments. Policy LP50 is particularly relevant to sport and physical activity, and states that the council will seek to protect, enhance and support new and existing open spaces, outdoor and indoor sport and leisure facilities where appropriate, encouraging everyone in Kirklees to be as physically active as possible and promoting a healthier lifestyle for all. It adds that the enhancement of outdoor sports facilities through improving the quality and management of sites as identified in the Playing Pitch Strategy will be supported, as will the creation of new outdoor sport facilities which help address deficiencies in playing pitches identified in the Playing Pitch Strategy (particularly proposals which help meet the significant shortfalls in football). Policy LP50 states that support will be given to proposals which expand and enhance the range of indoor leisure facilities on offer in the district, provided this does not conflict with other Local Plan policies. Policy LP50 also affords protection to existing sports facilities, with similar allowances (for losses) to those set out in NPPF paragraph 99.
- 10.7 General support for the provision, protection and development of facilities for outdoor sport and recreation can also be found in various other documents, including the council's Playing Pitch Strategy (2015). Of particular note, that document supports Sport England's aims to enhance outdoor sports facilities through improving the quality and management of sites and to provide new

outdoor sports facilities where there is current or future demand to do so, and sets out further recommendations for Kirklees, including:

- Maximise community use of outdoor sports facilities where there is a need to do so;
- Improve pitch quality on poor quality sites;
- Rectify quantitative shortfalls through the current pitch stock; and
- Identify opportunities to add to the overall stock to accommodate both current and future demand.

10.8 With regard to likely future demands, the Playing Pitch Strategy notes an additional need for 3G pitches, anticipates increased demand for mini and youth football, and anticipates an increase in the number of women and girls taking part in football sessions.

10.9 The Kirklees Joint Health and Wellbeing Strategy (2014) and Kirklees Health and Wellbeing Plan (2018) recognise the importance of enabling physical activity. The Sport England documents listed in paragraph 6.10 of this report are also generally supportive of the provision, protection and development of facilities for outdoor sport and recreation.

10.10 In their initial comments and subject to conditions, Sport England did not object to the proposed development, and have advised that “exception 2” of their playing field policy allows for the proposed clubhouse, changing room building and car park, while “exception 5” allows for the proposed artificial and hybrid pitches at this site. Sport England also relayed comments from the Rugby Football League and the Football Association – these comments were generally supportive of the proposed development, but queried some aspects of it.

10.11 The council’s Sport and Physical Activity Development Manager noted that Kirklees has a shortfall of 3G pitches and pitch quality issues, welcomed the applicant’s intention to open the site for wider community access and to support other types of activity (thereby catering for more people), and raised no objection to the proposed development. Queries were raised, however, regarding whether the proposed development had the support of the relevant Governing Bodies, whether it would enhance the strategic offer, and how sustainable active travel would be promoted. Queries were also raised regarding funding for the proposed development, disruption during the construction period, and the catchment areas of other recently-developed sports facilities.

10.12 Some of the queries raised are not material considerations relevant to the current planning application. Of note, although the applicant has stated that the proposed clubhouse forms an essential part of the proposed development, no evidenced enabling or viability case has been made, therefore the funding of the proposed development is of limited relevance as a planning consideration. Furthermore, queries regarding catchment areas, and the risk of diluting or diverting custom from other facilities in an adjacent borough, are not relevant, except in relation to trip generation. The applicant has questioned the relevance of the queries, but nonetheless has (on 16/06/2021) provided the following responses:

- *The proposals improve existing facilities and attract new sports and clubs to the site who would otherwise fold due to lack of facilities. The facilities*

have witnessed a growth in the number of teams playing rugby league under the banner of Birkenshaw from one team to 14 teams including a girls team. It also provides a base for Gomersal and Cleckheaton football team. Whilst the individual teams have a dialogue with their governing bodies, EBCSA have not seen the need to engage as part of this planning application.

- We question the relevance to the planning process on how the development will be funded. As a charity EBCSA have invested substantially to get to this stage. They have over 50% funding secured to date for the next phase of development and a number of funding bids in train. The purpose of the planning application is to set out a future strategy for development. If planning permission is granted, the intention would be to proceed in a number of phases over the coming years.*
- The development would be planned and managed in a way that would cause as little impact as possible on the teams. Rugby and football only have a small window of overlap with rugby played throughout the summer. The first priority would be the $\frac{3}{4}$ pitch as this, when complete, would accommodate most of the juniors.*

10.13 Clearly, the proposed enhancement of outdoor sports facilities at the application site, the proposed broadening of the range of sports that can be played at the site, the development of facilities intended to cater for women and children, and other aspects of the proposed development are well supported by relevant policies.

10.14 The proposed clubhouse would extend into the space currently occupied by the site's grass football pitch, however given the pitch reprovision proposed by the applicant, criterion b of both Local Plan policy LP50 and NPPF paragraph 99 applies, and this aspect of the proposed development is not considered problematic in planning terms.

10.15 The site is within wider mineral safeguarding areas relating to sandstone and to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion b of policy LP38 is relevant and allows for approval of the proposed development as – given that the use of the site would not change, and given that the site would not be fully developed with new buildings in several private ownerships – the proposed development would not inhibit mineral extraction if required in the future.

10.16 Given the above assessment, and notwithstanding the other planning matters considered below, it is considered that the principle of improving and expanding outdoor sports facilities at this site, and of intensifying the site's existing use for outdoor sports, is policy compliant. The consequent enabling of (and increase in) sport participation and physical activity can be regarded as a significant public benefit which carries significant positive weight in the balance of planning considerations relevant to this application. Less positive weight, however, could be attached to these matters if it was established that the public benefit was not dependent upon this particular development proposal being implemented.

Green belt impact

- 10.17 Almost all of the application site is within the green belt, as is all land surrounding the main part of the application site. Part of the track is not within the green belt.
- 10.18 Paragraph 145 of the NPPF states that, once green belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access and to provide opportunities for outdoor sport and recreation.
- 10.19 Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the green belt. Exceptions to this include “the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport [and] outdoor recreation... as long as the facilities preserve the openness of the green belt and do not conflict with the purposes of including land within it”.
- 10.20 For the new buildings (proposed as part of the proposed development) to be accepted as an exception under paragraph 149b of the NPPF, the applicant must demonstrate that the buildings are indeed for outdoor sport or outdoor recreation. If the development (or any part of it) is not intended for such use, it would fail to qualify under paragraph 149b, and must be deemed to be inappropriate in the green belt. Paragraph 149b also requires such facilities to preserve the openness of the green belt and to not conflict with the purposes of including land within it – again, if this requirement is not met, the development must be deemed to be inappropriate in the green belt.
- 10.21 Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the green belt provided they preserve its openness and do not conflict with the purposes of including land within it. The paragraph specifies what types of development can be considered in this way, and the prescriptive list includes “engineering operations”.
- 10.22 Much of the above restrictions on green belt development are reiterated in paragraphs 19.2 and 19.7 of the Local Plan. Policy LP56 in the Local Plan states that, in the green belt, proposals for appropriate facilities associated with outdoor sport or outdoor recreation will normally be acceptable as long as the openness of the green belt is preserved and there is no conflict with the purposes of including land within it. Proposals should ensure that: a) the scale of the facility is no more than is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated; and b) the facility is unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas. For the avoidance of doubt, although the proposed buildings would be attached to the site’s existing single-storey building, Local Plan policy LP57 (regarding the extension, alteration or replacement of existing buildings within the green belt) is not considered relevant to this application, given the scale, nature and location of the newbuild parts of the proposed development.

- 10.23 The proposed replacement of the existing grass football pitch and grass rugby pitch with a 64m x 36.6m grass hybrid pitch, 100m x 68m 3G / synthetic pitch, a 95m x 68m grass rugby pitch and a 50m x 30m multi-sport training area is considered acceptable in relation to green belt policies (when considered separately from the associated fencing, floodlighting and other interventions that are also proposed). The engineering involved in creating these new pitches would not by itself significantly impact upon the openness or the character of the site – the submitted existing and proposed site sections (drawing 05 rev A) confirm that some reshaping of the land would be required to enable the provision of flat pitches, and that retaining gabion walls are proposed along the northern and southern edges of the proposed grass hybrid pitch, however these interventions are not considered significant in the context of a site of this size. It is noted that the existing site is not steeply sloped, therefore the scale of the proposed land reshaping would be relatively limited. In principle, therefore, the proposed pitches and training area are not considered to be inappropriate in the green belt, as they would preserve openness and would not conflict with the purposes of including this land in the green belt. This element of the proposed development complies with NPPF paragraph 150b.
- 10.24 Various fences and barriers already exist within and around the application site. These include 1.1m high white barriers around the existing grass football pitch, and along the north side of the existing grass rugby pitch. A taller catch net (in green) exists to the east of the grass football pitch, a 2.4m green mesh fence surrounds the site's single-storey building, and the site's perimeter is enclosed by post-and-wire fencing, as well as trees. Under the current application the applicant intends to erect 2.4m green mesh fencing around all three pitches and the training area, 6m high green mesh fencing (with taller catch nets to 11m) at both ends of the proposed 3G / synthetic pitch and the proposed grass rugby pitch, and re-used 1.1m high white barriers between the 3G / synthetic pitch and the rugby pitch, and adjacent to the multi-sport training area. This represents a significant increase in the extent of enclosure at the application site.
- 10.25 There are currently no floodlighting columns at the application site. Under the current application, the applicant previously proposed 14 new floodlighting columns, however during the life of the application this was reduced to 11 (with a further two floodlights fixed to the proposed changing facilities building), with none now proposed along the southern edge of the southernmost pitch. The applicant's lighting plan has not been updated accordingly, however it is understood that the six columns surrounding the 3G / synthetic pitch would be 15m high, the northernmost (grass hybrid) pitch would have two columns 10m in height (and would receive light from the adjacent 15m columns), and the multi-sport training area would have three columns 8m in height. The applicant has not stated that these would be retractable, and it is therefore understood that the floodlighting columns would be permanently fixed at this height. Several luminaires would be fitted to each of the proposed columns.
- 10.26 The proposed fencing, barriers and floodlighting columns are considered to be appropriate facilities (in connection with the existing use of the land) for outdoor sport. Fencing and barriers are reasonably required to ensure the proper functioning of pitches in close proximity to one another, to prevent balls straying onto adjacent land, and to separate spectators from playing areas. Floodlighting is considered to be reasonably required in association with the

extended hours of use that the applicant proposes. The proposed fencing, barriers and floodlighting columns therefore comply with the first requirement of paragraph 149b of the NPPF (namely, that the facilities are for outdoor sport). However, due their extent, heights and locations, the proposed fencing, barriers, floodlighting columns and the associated light would significantly intrude into the generally open, undeveloped, unlit and largely green site and its surroundings, would impact upon openness, and would introduce urbanising features into a green belt setting, including during hours after dark. As demonstrated by the applicant's floodlighting drawings and illuminance information, the proposed lighting would be highly visible, and surrounding trees would only provide limited screening. These elements of the proposed development therefore fail to comply with the second requirement of paragraph 149b (namely, that the facilities must preserve the openness of the green belt and does not conflict with the purposes of including land within it). They cannot, therefore, be regarded as appropriate in the green belt.

10.27 The applicant proposes the erection of an additional changing facilities building to the immediate north of (and attached to) the existing single-storey building. It is accepted that the proposed building is indeed an appropriate facility (in connection with the existing use of the land for outdoor sport). Although the Football Association (in comments relayed by Sport England) queried the number of changing rooms previously proposed (when a larger new building was shown on the applicant's drawings), it is noted that four pitches are proposed at the site, that eight teams may be using pitches at any one time, and that teams with later bookings may need to use the changing rooms before other teams have left the site. Again, the first requirement of NPPF paragraph 149b is complied with. However, the proposed building does not strictly comply with the second requirement of paragraph 149b, as it is a new building with a monopitched roof (and, therefore, a tall north elevation) which does not preserve the openness of the green belt and which conflicts with the purposes of including land within it. It cannot, therefore, be regarded as appropriate in the green belt, although it must be noted that the impact of the new building upon openness is somewhat limited by its modest footprint (which has been reduced during the life of the application) and its location to the north of the existing building.

10.28 The floor plan of the proposed clubhouse confirms that it would accommodate a bar, a snack bar, a kitchen and two store rooms. A patio would be built outside it. While it is understood that the clubhouse would be used by players and spectators for refreshment in connection with the use of the majority of the application site for outdoor sport, and although the applicant has stated that the clubhouse is an essential part of the proposed development, there is no evidence to suggest that outdoor sport could not be carried out, increased or intensified (thus achieving public benefit) at the application site without the clubhouse in place. Furthermore, on 25/10/2021 the applicant confirmed an intention to hire out the clubhouse for functions, and that the internal capacity clubhouse would be 150 people maximum (25 in the bar and 125 in the large internal room). Clearly, this part of the proposed development would introduce non-sport uses to the application site, and it cannot be concluded that the clubhouse is an appropriate facility that is entirely "for outdoor sport". The clubhouse would also not preserve the openness of the green belt and would conflict with the purposes of including land within it. Again, however, it must be noted that the impact of the new building upon openness is somewhat limited by its relatively modest footprint and height. The clubhouse nonetheless fails to meet both requirements of paragraph 149b of the NPPF,

and it cannot, therefore, be regarded as appropriate in the green belt. The applicant has declined an invitation to delete the contentious clubhouse from the proposals.

- 10.29 Storage areas are annotated on drawing 04 rev G, at the corners of the proposed 3G /synthetic pitch. These are proposed for the storage of movable goals, dug-outs, nets, pads, flags, line markers, and other relevant equipment. At two of these storage areas, repurposed shipping containers measuring 6m (length) x 2.5 m (width) x 2.6m (height) are proposed. At the other two areas, sport equipment would be stored in the open air. Given their intended use, the two containers would meet the first requirement of NPPF paragraph 149b, but not the second, as they are structures which would not preserve the openness of the green belt and which conflict with the purposes of including land within it. The containers cannot, therefore, be regarded as appropriate in the green belt, although it must be noted that their impact upon openness is somewhat limited by their size.
- 10.30 Any assessment of the proposed development's impact upon the openness of the green belt must take into account the cumulative impact of all parts of the proposed development. While it is noted in the above paragraphs that the impacts of some elements – considered in isolation – would be limited by their size and location, when considered together the proposed clubhouse, changing facilities building, fencing, barriers, floodlights and goal stores would have a significant impact upon openness.
- 10.31 The application site's existing car park has an unsealed (compacted stone) surface, and parking spaces have not been formally marked out. The submitted Transport Statement puts the existing car park capacity at around 60 to 70 vehicles, with space for overspill parking on an adjacent grassed area. Under the current application the applicant initially proposed to provide a 150-space car park with a formalised layout, however during the life of the application this was reduced to 113 spaces. It is accepted that there would be a requirement for additional car parking spaces as a reasonable consequence of the proposed net increase in the number of pitches at the application site, and the longer hours of use that the applicant anticipates. These spaces can only be considered appropriate in the green belt in association with the site's outdoor sport use – any parking associated with the non-sports use of the clubhouse would fail to comply with the first requirement of NPPF paragraph 149b. It is, however, noted that some visitors to the site would participate in outdoor sport and may then make use of the proposed clubhouse, making it difficult to ascertain how much of the use of the proposed car park would comply with the first requirement of paragraph 149b. For the same reason, it would prove difficult to enforce the use of the car park only in connection with outdoor sport activity. Given these considerations, given the size of the existing informal car park, given the applicant's recent amendment to the proposed car park's size, and given that the second requirement of paragraph 149b would be complied with (the proposed car park would have little new impact upon the openness of the green belt and would not conflict with the purposes of including land within it), it is considered that the proposed car park can be regarded as appropriate development in the green belt.
- 10.32 Consultees have suggested that the proposed intensification of the site's use (including its increased level of use during the day and night) in itself would have an adverse effect on openness. This is not accepted, given that the use of site could potentially be intensified anyway without the need for

interventions requiring planning permission. It would be difficult to argue that the presence of people on the site's pitches, or an increase in their number and the regularity of their visits, would adversely affect openness.

10.33 Local Plan policy LP56 reiterates the NPPF's requirements for outdoor sport facilities in the green belt to preserve its openness and to not conflict with the purposes of including the land within it. Where elements of the proposed development do not comply with those requirements of the NPPF, so to do they fail to comply with this Local Plan policy.

10.34 Policy LP56 adds further requirements related to the scale of and need for the proposed facilities, and in response the applicant has provided further information regarding the levels of use of the existing grass pitches throughout the year, as follows:

Football (juniors):

- 3x teams playing on average 15 home games between July and April: 2 hours x 45 games = 90 hours
- 3x teams training twice a week between July and October: 96 unique 1-hour training sessions = 96 hours

Football (open age):

- 3x teams playing on average 15 home games between July and April: 2 hours x 45 games = 90 hours
- 3x teams training twice a week between July and October: 96 unique 1-hour training sessions = 96 hours

Summer football camps for children (c60 children a day):

- Easter camp: 3 days x 5 hours per day = 15 hours
- May Spring bank holiday: 3 days x 5 hours per day = 15 hours
- Summer: 4 x 3 days x 5 hours per day = 60 hours

Evening football sessions:

- Friday evenings (17:30 to 19:30) for 12 weeks in June/July/August: 12 x 2 hours = 24 hours

Rugby League (juniors):

- 11x teams playing on average 15 games per season between March and November: 165 games x 2 hours = 330 hours
- 11x teams training at least once a week during the entire period covering March to November = 396 hours

Rugby League (open age):

- 1x team on average 15 games per season between March and September: 15 games x 2 hours = 30 hours
- 1x team training twice a week = 56 hours

Rugby League Masters (over +35s):

- 1x team on average playing 10 games per season throughout the year: 10 games x 2 hours = 20 hours

10.35 Referring to the above information, the applicant stated that the existing pitches are used far more than recommended by relevant bodies. The applicant provided a link to a Sport Scotland document that advises that typical expected usage for a well-constructed and well-maintained grass pitch is six to eight hours per week. Online advice provided by the Grounds Management Association refers to between two and six hours of adult use, but does not clarify if this is over a week or other period, and in any case this online guidance notes that the playability or reliability of a pitch depends on many factors including management and maintenance, type of construction, soil

profile, type of use, prevailing weather conditions and whether adults or juniors use the facility. The council's Playing Pitch Strategy (2015) does not note overplay as a problem at the application site, however it describes the site's rugby pitch as "one poor quality pitch played to capacity by Birkenshaw RLFC", and it is noted that that document is now six years old and the level of play at the site is known to have increased in recent years.

- 10.36 The applicant has stated that the proposed development is intended to address existing capacity shortfalls at the application site, as well as other deficiencies. The existing pitches are not truly flat, they are not well drained, the site does not provide adequate opportunities for other sports (such as netball) to be played, and there is no floodlighting. In response to the council's consultation on the application, Sport England commented that a 3G / synthetic pitch of the type proposed by the applicant would allow it to be used for both competitive football and rugby, and it could be used intensively. Sport England also commented that the interwoven artificial fibres of the proposed hybrid pitch would give it a much greater capacity for use than a standard grass pitch. The council's Sport and Physical Activity Development Manager noted that other clubs are understood to be interested in operating from the application site if the proposed facilities are provided, and that the applicant intends to open the site for wider community access and to support other types of activity, thereby catering for more people. In light of the application site's shortcomings, the apparently strong demand for use of the site, the borough-wide deficiencies noted in the council's Playing Pitch Strategy and in the comments of Sport England, it is accepted that the proposed development would do much to improve the existing situation, and that the scale of the proposed facilities are no more than is reasonably required for the proper functioning of the enterprise and the use of the land. The requirements of Local Plan policy LP56 regarding scale and need are therefore met.
- 10.37 Local Plan policy LP56 also requires outdoor sport facilities in the green belt to be unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location. This part of the policy also applies to the impact of any new or improved access and car parking areas. For the reasons set out in paragraphs 10.24 to 10.30 above, it is considered that many of the proposed interventions at the application site would be obtrusively located and would introduce a prominent urban element into a countryside location, thus failing to comply with this requirement of policy LP56. For the reasons set out in paragraph 10.31 above, it is considered that the proposed car park would not be obtrusively located (relative to the existing provision) and would not introduce a prominent urban element into a countryside location. Most of the existing track between Hunsworth Lane and the playing fields is outside the green belt. The section of track within the green belt would be upgraded but would not become significantly prominent in this countryside location.
- 10.38 In summary regarding green belt impacts, the proposed development presents a mixed picture in terms of policy compliance. The proposed pitches, car park and intensification of use of the site are considered appropriate development in the green belt. The proposed changing room building, fencing, barriers, floodlighting and goal stores meet the first requirement of NPPF paragraph 149b (in that they are appropriate facilities for outdoor sport) but not the second (in that they would not preserve the openness of the green belt and would conflict with the purposes of including land within it). The proposed clubhouse is entirely non-compliant with paragraph 149b. Much of the

proposed development fails to meet the requirements of Local Plan policy LP56. It is concluded that, taken as a whole, the proposed development constitutes inappropriate development in the green belt.

10.39 In this situation, regard must be had to paragraph 147 of the NPPF, which states that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Paragraph 148 states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt, and that “very special circumstances” will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.40 The applicant initially argued that very special circumstances did not need to be demonstrated for any part of the proposed development, but provided the following commentary on 16/06/2021 regarding the proposed clubhouse:

This is a key component of any sports club but is often lacking due to lack of funds. It is the heart of the club providing important space for club-related activities and amenities pre- and post-match. It enables clubs to generate an income from the spend of visiting clubs. Indeed, the rugby league etiquette at grass roots level is that post match food is provided to all visiting teams. At the moment the clubs have to find an external venue off site to facilitate this. The on-site provision is far more sustainable.

That said, the clubhouse is far more than that and is the heart of the facilities. The facility caters for a number of clubs and sports with over 800 participants across the member organisations. In addition, as well as assisting clubs in their administration and fund raising, it will also be used by community outreach organisations who work closely with Kirklees representatives to improve access to sporting and community facilities.

The proposed clubhouse at EBCSA has been carefully designed and located around the existing changing rooms on site and provides improved changing rooms and minimal facilities within the club house. It is a low profile, single storey design that minimises any impact on the openness of the green belt.

We consider the club house to be an appropriate facility in connection with the use of the site for sporting activities. It is more necessary in this case given the multi sports activities being offered on site.

10.41 Notwithstanding the above position, the applicant nonetheless argued that very special circumstances did in fact exist and outweighed any harm by way of inappropriateness and any other harm. The applicant stated:

This is not a single user site. Under the umbrella of the EBCSA the facilities are provided for rugby league, football and netball with each sport having a number of teams under their activity. The venue provides an important and safe base for these facilities that would be shared by all these teams who, if not here, would have to find alternative provision elsewhere. This may not be possible and could see these clubs and individuals lost to their sports.

This is a somewhat unique position. The clubhouse and changing rooms have been designed to minimise any impact on openness, providing minimal facilities for the use and being single storey buildings clustered together.

These would amount to very special circumstances to improve and maintain sporting facilities on the site for existing and new users (netball) that may be lost if not provided.

- 10.42 Later, on 24/09/2021, the applicant acknowledged the need to demonstrate very special circumstances to justify the proposed clubhouse and referred to documents published by the Football Association (FA) and the Rugby Football League (RFL). The FA document relates to football teams playing at ground grading level G / step 6 of the National League System (which is applicable to Gomersal and Cleckheaton FC's teams), and states that at grounds used by such teams there must be a clubhouse facility either on or adjacent to the ground, which must be open on match days to provide refreshments to spectators. The RFL document sets out minimum standards criteria for the National Conference League and requires clubs to house within their own grounds a clubhouse in which essential facilities exist to provide hospitality in respect of visiting teams, their personnel and match officials appointed to service games. These standards are noted, however they relate to the requirements of league participation, rather than to what may be needed to enable physical activity.
- 10.43 On 04/11/2021 the applicant submitted a letter of support for the proposed development from the Chairman of Birkenshaw Blue Dogs ARLFC. This letter noted that the lack of an on-site clubhouse has limited the club's ability to welcome away teams and supporters (which is an important part of instilling the core value of "respect" in sport, both on and off the pitch), and has forced the club to divert funds away from local community sport activity in order to meet pre- and post-match hospitality obligations. The letter also states that the site's limited facilities mean the club is not able to offer a pathway for talented young players to progress to the highest level in grassroots rugby league, resulting in some players not continuing their involvement in the sport. A letter of support from the Club Secretary of East Bierley Village FC was also submitted, stating that an on-site clubhouse would generate income, would provide a venue for annual presentation evenings, and would result in less on-street parking in the village as players and spectators would no longer need to visit other venues for post-match hospitality. A letter from the Chairman of Gomersal and Cleckheaton FC was also submitted by the applicant, stating that the proposed development (including the proposed clubhouse) would enable funds to be generated and directed towards improving the delivery of sport to the local community.
- 10.44 Little information has been submitted regarding what quantifiable level of public benefit would still be achieved if the proposed pitches were provided without all (or with fewer) of the interventions currently proposed in the green belt, particularly the contentious clubhouse. The applicant has not explained whether likely or secured funding for the proposed development (or other projects that might generate public benefit) is dependent upon all elements of the proposed development being delivered. Although the desire to locate the clubhouse close to the pitches is understood, details of alternative locations (considered but rejected as unsuitable by the applicant) have not been submitted. Although it is noted that the proposed changing facilities building has been reduced in size and relocated during the life of the application,

alternative designs for the clubhouse, which could minimise its impact upon the openness of the green belt, appear not to have been considered by the applicant. In an early submission the applicant stated that – without the proposed development – clubs would fold due to a lack of facilities, however no evidence of this has been provided.

- 10.45 Other matters have been considered by officers for their relevance as potential “very special circumstances”. A borough-wide need for additional 3G pitches is acknowledged, however more pressing need for such facilities is likely to exist in other parts of the borough which are more densely populated, and which are not within relatively close proximity to existing and forthcoming facilities across the borough boundary (see paragraph 10.54 below). It is again recognised that the proposed development would enable and increase participation in sports and physical activity, and that these are public benefits. However, the applicant has not demonstrated that these public benefits (which could carry weight as very special circumstances) could only be delivered by this particular proposal or could not be delivered without causing harm to the green belt. The applicant’s claim that the design of the proposed clubhouse and changing facilities minimise any impact on openness cannot in itself be regarded as very special circumstances. Finally, it is noted that planning policies and guidance (listed at paragraphs 10.5 to 10.9 of this report) generally support the provision and development of facilities for outdoor sport and recreation, however compliance with those policies does not constitute very special circumstances, and there is no allowance within the wording of those policies for development that would normally be considered inappropriate in the green belt – proposals that are well supported by these policies would also be required to comply with policies relating to the green belt.
- 10.46 The applicant has referred to an alleged precedent at the Lepton Highlanders ground at Wakefield Road, Lepton, where planning permission has been granted at a green belt site for the erection of a sports and social club building in the green belt. It is noted, however, that permission for that development was originally granted in 1997, and then renewed in 2003 (refs: 97/91434 and 2002/93779), prior to the publication of the first NPPF, and prior to the adoption of the Local Plan. Furthermore, that scheme did not involve the fencing, floodlighting and other interventions proposed at the current application site. The two schemes are not considered to be comparable.
- 10.47 The applicant has referred to a June 2021 appeal decision relating to a scout hut proposed at Holmesfield, Derbyshire. In that decision an Inspector determined that, while the proposed development was inappropriate in the green belt, the needs of the local scout group and the proposed provision of a community facility for children were material considerations that outweighed the harm to the green belt. The Inspector therefore concluded that very special circumstances existed, and the appeal was allowed. Officers have considered this appeal decision, however it clearly relates to a development of a different scale and nature (to that proposed at East Bierley Playing Fields) where different local planning policies apply and where a different range and balance of considerations were weighed. It is not relevant to the current application.

- 10.48 With all of the above taken into account, officers noted the public benefits of the proposed development, but concluded that a complete and convincing case for the proposed development had not been made. Noting that the NPPF sets a very high bar for allowing inappropriate development in the green belt, it was concluded that very special circumstances had not been demonstrated.
- 10.49 The applicant subsequently submitted further information regarding the additional hours of physical activity that the proposed development would enable. To enable comparison with the site's existing capacity (and to enable the public benefit to be quantified), headline "person hours" figures were provided. The applicant confirmed that – taking into account all the teams currently using the site, their home fixtures and training sessions, additional sports camps and hours lost to pitch recovery, darkness and the weather – approximately 9,825 person hours of physical activity are currently undertaken at the application site per year (comprising 3,136 person hours for football and 6,689 person hours for rugby). With the proposed development implemented without the proposed floodlighting, this headline figure would increase to 21,809 person hours per year (14,321 for football, 7,488 for rugby). With the proposed floodlighting (and the 792 hours of additional play it would allow per year), this headline figure would increase further (and significantly) – based on member club usage alone, a further 10,088 person hours would be added to the above 21,809 figure, however an even higher figure would be possible given that member clubs would not use all of the 792 floodlit hours. The actual total figure resulting from the proposed development being implemented in full would depend upon take-up from teams hiring the pitches.
- 10.50 The applicant also submitted further information regarding the potential use of the site by the local community, confirming that the proposed pitches would be available for use by teams and people outside the member clubs. Total lettable hours at the site currently stand at 956 per year, and this would increase to 2,914. The applicant has stated that a commitment to community use is enshrined in the EBCSA's charter, and that the organisation has an appointed Community Liaison Officer who works with the council, and who has contacted the East Bierley Primary School and the East Bierley Preservation Society to ascertain what demand exists for the facilities. The applicant also provided officers with details of booking arrangements for the existing pitches, including rates of £25 per hour (with facilities) or £15 per hour (pitch only), with discounted rates applicable for some organisations and charities. The applicant is a community organisation, East Bierley Village FC already play at the application site, and the applicant is willing in principle to prepare a Community Use Agreement (or similar document) related to the site's immediate local community. As noted earlier, the council's Sport and Physical Activity Development Manager welcomed the applicant's intention to open the site for wider community access and to support other types of activity, thereby catering for more people.
- 10.51 The applicant's recently-submitted additional information regarding community use and physical activity (that would be enabled by the proposed development) carries significant positive weight, particularly in the context of the borough's public health needs and the adopted policies and strategies intended to encourage and enable active lifestyles and participation in sport. With the significant public benefits of the proposed development now clearly illustrated, very special circumstances have been demonstrated. These enable the entirety of the proposed development (including the proposed

clubhouse, which has not been fully justified in relation to outdoor sport but which the applicant has stated is integral to the development of the site and the future of its facilities and operation) to be viewed favourably in relation to green belt policies in the NPPF and the Local Plan.

- 10.52 In conclusion regarding green belt impacts, it is again noted that, taken as a whole, the proposed development constitutes inappropriate development in the green belt. However, very special circumstances have been demonstrated by the applicant, to allow approval of the development under NPPF paragraph 148. The same considerations outweigh the proposed development's non-compliance with Local Plan policy LP56. It is therefore not recommended that planning permission be refused for the proposed development in relation to green belt impacts.

Sustainability and climate change

- 10.53 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions. Several aspects of the proposed development are relevant to sustainability and climate change.
- 10.54 East Bierley already has football, rugby, cricket and golf facilities (such that it is better equipped than many other villages in relation to outdoor sport). It is also noted that publicly accessible floodlit astro turf and 3G pitches already exist less than 1km to the north of the application site at the Tong Leadership Academy site, and that more pitches are to be provided as part of the Wyke Community Sports Village project, approximately 4km to the west of the application site. It is, however, noted that no grass hybrid pitch, 3G/synthetic pitch or multi-sport training area currently exists in East Bierley or Birkenshaw. The BBG Academy at Birkenshaw only has grass pitches. Within Kirklees, the nearest existing 3G pitches are at the Batley Sports and Tennis Centre, the St John Fisher Academy (Dewsbury), and the Dewsbury Rams RLFC ground. The 2015 Kirklees Playing Pitch Strategy (PPS) found that the application site's rugby pitch was of a poor quality.
- 10.55 The proposed provision of new and replacement outdoor sports facilities at the application site would potentially shorten the travel distances currently covered by local people wanting to use such facilities. On the other hand, given the current borough-wide scarcity of such facilities, the proposed provision may also attract users and encourage travel to East Bierley, at least until similar and sufficient facilities are provided across adjacent parts of Kirklees and the neighbouring boroughs. Given the limited public transport provision in this part of Kirklees, it is reasonable to assume that the majority of these visitors are likely to travel by car. Furthermore, given East Bierley's other facilities and attractions (the village currently has a pub, sports facilities, a primary school, a hairdresser, a florist / food shop and churches), the potential for combined trips (thus reducing travel overall) is limited. A development at this site which was entirely reliant on travel by private car is unlikely to be considered sustainable.
- 10.56 To help ensure that any such additional travel (generated by the proposed development) is minimised and made as sustainable as possible, a range of measures would need to be implemented, including the provision of cycle

parking facilities and electric vehicle charging points at the application site. A Travel Plan would also need to be devised and implemented – this would need to include a range of measures (such as a car-sharing scheme, encouragement of walking and cycling, and dissemination of public transport information) intended to encourage the use of more sustainable modes of transport. These matters are considered later in this report.

- 10.57 Drainage and flood risk minimisation measures would need to account for climate change. These matters are considered later in this report.
- 10.58 The requirement for a biodiversity net gain to be delivered is considered later in this report.
- 10.59 Of note, relatively little newbuild is proposed as part of the development (and relatively limited material and energy would therefore be required for those elements), and the applicant intends to re-use existing barriers and repurpose shipping containers for goal storage. On the other hand, virgin materials are likely to be used in the proposed buildings and car park surfacing, and the applicant has not provided information regarding the manufacturing process, longevity and recyclability of the artificial materials proposed for the grass hybrid pitch, 3G/synthetic pitch or multi-sport training area. Natural and organic alternatives to plastic can be used in hybrid and synthetic pitches, and online guidance is available regarding minimising microplastic loss from pitches.
- 10.60 Energy use at the site would increase were the development to be implemented, particularly given the proposal to floodlight the site (whereas the existing pitches are currently entirely reliant on natural light). A condition is recommended, requiring the submission of details of low-energy lighting and measures to avoid wasteful light spillage, to ensure energy use is minimised.
- 10.61 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Urban design, conservation and landscape impacts

- 10.62 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP24 and LP32 are relevant to the proposed development in relation to design, as is the National Design Guide. Green belt impact is considered earlier in this report.
- 10.63 The application site has some visual sensitivity. Although it is located away from the highways and built-up areas of East Bierley and Birkenshaw (and is largely screened from view from many public vantagepoints within those settlements by the intervening topography and vegetation), the application site is visible or partly visible from some adjacent properties, from public footpaths SPE/3/50 and SPE/168/10 to the south and east, and in longer views from the south.
- 10.64 Taken as a whole, the proposed development would be a significant intervention at a previously-undeveloped site, and would significantly intrude into its setting. Of note, the application site is not a peripheral or edge-of-green belt location – it is located away from the built-up areas of East Bierley and Birkenshaw, and the main part of the application site is surrounded by green belt land, meaning any intrusion into this undeveloped space would have all

the more impact upon openness. Local Plan policy LP24 requires the form, scale and layout of all development to respect and enhance the character of the landscape, while policy LP32 states that proposals should be designed to take into account and seek to enhance the landscape character of the area. Neither of these policy requirements would be met by the proposed development. However, it is considered that the public benefits of the proposed development (which, as detailed earlier in this report, constitute very special circumstances of relevance to green belt impacts) carry sufficient weight as material planning considerations to outweigh the landscape and visual harm that would be caused. The proposed development's non-compliance with Local Plan policies LP24 and LP32 is also outweighed.

- 10.65 Notwithstanding the wider landscape impact of the proposed development, most of the details of the proposed interventions are considered acceptable. The proposed clubhouse would have a pitched roof to match the existing changing room building. Although the submitted application form indicates that brick and render would be used for the new buildings, recently-submitted drawings indicate that artificial stone and timber cladding would be used. A condition is recommended, requiring the submission of details and samples of all materials, including walling materials which will need to respond appropriately to those of the site's existing building. The materials and colours of the proposed fencing and barriers are considered acceptable. A condition is recommended, requiring the proposed two storage containers to be painted the same green colour as the proposed fencing.
- 10.66 Although the application site red line boundary meets the boundary of the East Bierley Conservation Area the junction of the track and Hunsworth Lane, no development is proposed within this part of the application site under the current application (improvement works to the track are in fact proposed under application ref: 2019/93616 which relates to a nearby residential development). The fences proposed along the north side of the proposed grass hybrid pitch would be approximately 150m away from the nearest conservation area boundary, and approximately 270m away from the conservation area's core (The Green). Furthermore, the proposed fencing and new buildings would be largely screened from view from public vantagepoints within the conservation area by the intervening topography and vegetation. It therefore considered that the proposed development would not affect the setting of the conservation area.
- 10.67 There are no listed buildings within or close to the application site. Historic field boundaries surrounding the site are undesignated heritage assets, and these would not be affected by the proposed development.
- 10.68 A condition related to secure by design measures is recommended to address the comments of the West Yorkshire Police Designing Out Crime Officer, who has noted that sports facilities are often targets for burglary, criminal damage and other crime due to their remote locations.
- 10.69 No details of boundary treatments around the site perimeter have been submitted. A condition is recommended, requiring details of all boundary treatments, and of the retaining gabion walls proposed along the northern and southern edges of the grass hybrid pitch, for which no details have been submitted.

Residential amenity and quality

- 10.70 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings. Policy LP52 states that proposals which have the potential to increase pollution from noise and light must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and wellbeing of people to an unacceptable level or have unacceptable impacts on the environment. Where possible, all new development should improve the existing environment.
- 10.71 The rear elevation of 612 Hunsworth Lane is approximately 90m away from the main part of the application site, however the track leading to the playing fields runs along the side boundary of that residential property. Dwellings to the west are some 130m (or more) away from the edge of the application site. Dwellings to the north on Soureby Cross Way are located some 150m away. Should the nearby allocated site HS89 be developed as per application ref: 2019/93616, new residential properties would be located approximately 35m away from the proposed car park, grass hybrid pitch and nearest floodlights.
- 10.72 Floodlighting of outdoor pitches on the scale proposed by the applicant risks causing harm to the amenities of neighbouring residential properties through overspill and glare. KC Environmental Health commented that the applicant's lighting proposals included unacceptable maintained average horizontal illuminance values and appeared to exceed what would be required for low-level competition (falling under the scope of Lighting Class III, where an average maintained horizontal illuminance of 75 lux would be acceptable for pitches used for rugby football and netball, in accordance with BS EN 12193:2018), and noted that while the proposed AAA-LUX floodlights could be dimmed, it was unclear whether the proposed VAGO floodlights could be.
- 10.73 In response, the applicant amended the outdoor lighting proposals by removing floodlights from the southern edge of the site (amended in light of biodiversity concerns), however the applicant's horizontal illuminance levels plan (UKS17805/1) has not been updated, and the applicant has declined invitations to address the other concerns at application stage, preferring instead to defer this matter to conditions stage. As KC Environmental Health have suggested that this matter can indeed be addressed via a condition (requiring a detailed lighting scheme, including information regarding hours of operation, glare and stray light, vertical and horizontal illuminance, and switching and control of lighting), it is not recommended that planning permission be refused on these grounds.
- 10.74 The applicant provided no details of hours of use (of the proposed development) in the initial submission. KC Environmental Health have recommended that – given the proximity of existing residential properties – a noise control condition be applied in respect of the clubhouse, and that the following restrictions on hours should be applied:

Pitches

- 09:00 and 20:30 Monday to Friday; and
- 09:00 to 13:00 Saturday, Sundays and Bank Holidays

Clubhouse

- 09:00 to 23:00 Monday to Saturday; and
- 10:00 to 22:30 Sundays and Bank Holidays

- 10.75 In response, the applicant has argued that due to summer fixture commitments, pitch use should be allowed until 21:00 (Monday to Friday) and 16:00 (Saturday, Sundays and Bank Holidays), with a further 15 minutes allowed for tidy-up. This is considered reasonable, given that there are currently no planning restrictions on the hours of use of the existing pitches, and given the hours of use considered acceptable at other sites (for example, Holmfirth High School, where pitches are proposed (for use until 21:00 on some winter weekdays) at a site closer to residential properties – ref: 2020/90640).
- 10.76 Although not requested by officers, on 04/11/2021 the applicant submitted an Acoustic Planning Report, which concludes that there are no significant issues associated with the operation of the proposed development, and that a low noise impact would be expected from normal operating conditions of the site.
- 10.77 The proposed development would result in increased activity along the track between Hunsworth Lane and the playing fields. Should the nearby allocated site HS89 be developed as per application ref: 2019/93616, the traffic of the 46 dwellings of that development would also use the same track. For that development, it was considered that residents of some existing properties on Hunsworth Lane could experience greater levels of everyday noise and disturbance associated with that development's traffic, however it was noted that Hunsworth Lane is already used by through-traffic, and those impacts were not considered to be so great as to warrant refusal of planning permission. With the additional traffic of the proposed playing fields development taken into account, amenity impacts are still considered to be acceptable, provided that the track is indeed upgraded (to reduce surface noise and to enable traffic to flow freely), and provided that appropriate travel planning is implemented to ensure additional traffic is minimised as far as possible.

Highway and transportation issues

- 10.78 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.79 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

- 10.80 The application site's only vehicular access is via the track which connects the playing fields with Hunsworth Lane. This track is substandard in terms of width, pedestrian provision and construction standard, and is unsuitable for any intensification in use without considerable improvement.
- 10.81 Should the nearby allocated site HS89 be developed as per application ref: 2019/93616, the northernmost stretch of the track would be upgraded with a 5.5m carriageway and two 2m-wide footways proposed between Hunsworth Lane and the residential site entrance. The applicant for that application intends to put this stretch of highway forward for adoption. Further south, beyond the stretch of road to be adopted, the track would be upgraded (as part of the residential development) with a new carriageway surface and footway. Even further south, a stretch of track (approximately 30m long) exists outside the red line boundary of the residential development site. The Transport Statement submitted with the current playing fields application stated that the 30m stretch "cannot be upgraded either in width or construction as this falls outside the control of the applicant", however officers noted that the 30m stretch is within the application site red line boundary and is owned by the council, and officers queried why that stretch could not be upgraded. In response, on 13/08/2021 the applicant submitted an amended plan and confirmed that this stretch would indeed be upgraded, however the applicant's proposal to "resurface with gravel" is unlikely to be acceptable, and a more robust surface treatment is likely to be required.
- 10.82 Adequate visibility can be provided at the point where the track meets Hunsworth Lane, and the applicant's Transport Statement suggests that the proposed development would cause a net increase of between four and 14 vehicle movement during the am and pm peak periods respectively, with a "worse case" net increase of one vehicle movement per four minutes on average (which, the applicant believes, should not be noticeable on the adjacent highway). KC Highways have raised no objections in relation to trip generation and have advised that an appropriately-upgraded track would be able to accommodate the likely traffic demands of the proposed development. Therefore, subject to acceptable details of the upgrade of the 30m stretch of track being submitted, and subject to the implementation of the upgrade works to the parts of the track within the residential development application site, it is considered that adequate vehicular access would be provided for the proposed development. An appropriate pre-commencement condition and a Grampian condition (related to development of the nearby allocated site) are recommended. Should the upgrade works to the parts of the track within the residential development application site not be implemented before the expanded playing field facilities are brought into use, the applicant will need to devise and implement adequate track improvements that would sufficiently accommodate the proposed development's traffic, that would not sterilise the adjacent allocated site, and that avoids reliance on the unregistered land to the side of 612 Hunsworth Lane.
- 10.83 Of note, current application ref: 2021/92059 relates to a proposed development which would also use the existing track for access. That application is currently under consideration and will be determined in due course.
- 10.84 No public rights of way cross or meet the application site, however it appears various informal walking and dogwalking routes exist around the site and through adjacent fields. Two representations from local residents queried

whether the proposed development would restrict access to these routes. No proposals relating to public rights of way or other pedestrian routes have been submitted by the applicant. The applicant would support local improvements to east-west pedestrian movement to and from Birkenshaw (officers had queried whether permissive footpaths could be negotiated with adjacent landowners along field edges, connecting the nearby public footpath to the south and Furnace Lane to the east), but stated that provision of such improvements would be beyond the applicant's control.

- 10.85 In light of climate change, amenity, traffic and air quality considerations, measures to minimise vehicle use and to encourage the use of sustainable modes of transport in connection with the proposed development are considered essential. As noted above, given the limited public transport provision in this part of Kirklees, it is reasonable to assume that the majority of visitors to the proposed development are likely to travel by car. Furthermore, given East Bierley's other facilities and attractions, the potential for combined trips (thus reducing travel overall) is limited. A development at this site which was entirely reliant on travel by private car is unlikely to be considered sustainable. The submitted Transport Statement does not propose measures to minimise vehicle use and to encourage the use of sustainable modes of transport, however it notes local bus services (and locations of bus stops) and maps 2km walking distances and 5km cycling distances from the site. A condition is recommended, requiring the submission of a Travel Plan setting out measures related to these forms of transport. Discussion with adjacent landowners to explore the possibility of new and improved pedestrian routes from Birkenshaw (via Furnace Lane and public footpaths SPE/3/40, SPE/3/50 and SPE/168/10) would be encouraged.
- 10.86 With regard to parking, the applicant's Transport Statement refers to likely number of sport participants and visitors to the proposed clubhouse, and to ONS and other data sources, before asserting that demand for parking in connection with the proposed development would be 137 spaces (maximum). With appropriate travel planning and the provision of cycle parking facilities, it is considered that the proposed 113-space car park would adequately meet the needs of the proposed development without resulting in parking overspill onto the highway (which could conflict with residential parking, compromise visibility for driver, and obstruct the passage of two-way traffic).
- 10.87 Adequate space would be available within the car park for coaches to turn, although this may require grounds staff to assist.
- 10.88 A condition securing details of secure, covered and conveniently-located cycle parking is recommended.
- 10.89 The proposed development is not expected to generate significant volumes of waste, however provisions would nonetheless need to be made. Of note, council refuse collection vehicles are unlikely to use the site's unadopted access track (even after its upgrade) and refuse collection arrangements would need to account for this. A condition requiring details of these arrangements is recommended.

- 10.90 A condition is recommended, requiring the submission of details of means of access to the site for construction traffic. These details would need to be provided in a Construction (Environmental) Management Plan which would also address the possibility of the nearby allocated site (HS89) being developed at the same time.

Flood risk and drainage issues

- 10.91 Local Plan policies LP24, LP27 and LP28 are relevant to flood risk and drainage, as is chapter 14 of the NPPF.
- 10.92 Currently, surface water from the majority of the site discharges via existing drainage ditches to Lodge Beck, which is to the south of the site, and which flows southwestwards. The site's existing pitches are known to be poorly drained, despite attempts to improve them. Surface water runoff and foul water from the existing changing room building discharges to a Yorkshire Water public sewer approximately 75m to the west of the application site.
- 10.93 The submitted Surface Water Management Plan notes that infiltration is unlikely to be possible (as a surface water disposal method) at this site but recommends further investigation. An Outline Surface Water Drainage Strategy appended to the document does not reflect the site layout currently proposed but suggests various measures (including permeable surfaces for the car park, and lateral drains under the proposed pitches) intended to improve drainage. Annotations suggest that surface water would be discharged to an existing drainage ditch or to the public sewer.
- 10.94 The Lead Local Flood Authority (LLFA) have advised that the site is not suitable for soakaways due to the made ground beneath the site's topsoil. As mining operations are understood to have taken place at the site, there is a risk of mobilisation of pollutants within the made ground. The LLFA have therefore advised that disposal of surface water and underoil drainage from the development should be (via gravity and new headwall of a suitable design) to the small watercourse at the southeast corner of the site which drains into Lodge Beck. Permission would need to be sought from the council (as landowner) for this drainage solution, as a strip of land between the proposed development and the head of the watercourse is council-owned. The LLFA have further advised that surface water and underoil drainage flows from the access road, new car parking area, buildings and underoil drainage should be limited to a rate of 5.0 l/s per hectare and have recommended an appropriate condition requiring full details of a drainage scheme for the development.
- 10.95 Yorkshire Water records indicate that a 300mm diameter foul sewer crosses the site to the south of the existing changing room building. This sewer is for foul drainage only and should not be used for any surface water discharges.
- 10.96 Conditions requiring details of temporary (construction-phase) drainage, full details of the site's drainage scheme (including provision for climate change rainfall events) and arrangements for drainage management and maintenance are recommended.

Environmental and public health

- 10.97 In relation to air quality, a condition is recommended requiring the provision of electric vehicle charging facilities. In addition, a recommended condition secures the above-mentioned Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies.
- 10.98 The health impacts of the proposed development are a material consideration relevant to planning, and Local Plan policy LP47 is relevant. KC Public Health have raised no objection to the application and have noted that the proposed development would increase access to sport opportunities. Subject to adequate travel planning and the encouragement of the use of sustainable and active modes of transport, it is considered that the proposed development would have positive impacts on human health.

Site contamination and stability

- 10.99 The northern part of the application site is within a Development Low Risk Area as defined by the Coal Authority. The southern part is within a Development High Risk Area, having formed part of the Cross Pit site. Council records identify much of the site is identified as potentially contaminated land. The majority of the site is made ground.
- 10.100 Regarding contaminated land, the applicant has submitted a Report on a Phase One Desk Study, which KC Environmental Health have advised is satisfactory. The applicant's Report on a Geo-Environmental Investigation includes insufficient information regarding remediation, therefore a full detailed remediation strategy (including gas protection elements to be installed as necessary to protect the end-users) is required. Three contaminated land conditions are recommended accordingly.
- 10.101 Japanese Knotweed is present at the application site, and is already undergoing eradication treatment. A relevant condition is recommended.
- 10.102 Regarding site stability, the Coal Authority concurs with the recommendations of the applicant's Report on a Phase One Desk Study that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coalmining legacy issues on the site. Conditions regarding intrusive investigation, remediation and validation are recommended.

Trees, landscaping and biodiversity

- 10.103 No trees within or immediately adjacent to the application site are protected by Tree Preservation Orders. All of the application site, and much of the surrounding land, is within a Biodiversity Opportunity Zone (Pennine Foothills), and land within the site (around its edges) forms part of the Wildlife Habitat Network.
- 10.104 Works related to trees are not mentioned in the submitted Planning Statement, however it is likely that some of the trees along the site's northern edge would need to be felled to accommodate the proposed development. KC Trees have raised no objection, noting that the proposed development would not impact on any protected trees or any that meet the criteria for a new Tree Preservation

Order to be served. KC Ecology have, however, advised that – for biodiversity reasons – no loss of woodland cover should be permitted, and that a 10% gain in woodland should be secured. These matters are considered below.

10.105 During the life of the application, the applicant deleted a problematic proposal to clear trees and shrubs from a 700sqm area at the south edge of the site which the applicant had proposed to change to agricultural use (pasture land), and which forms part of the Wildlife Habitat Network.

10.106 The applicant has submitted three versions of a Preliminary Ecological Appraisal (PEA) during the life of the application. These include the findings of surveys carried out in 2019 and 2021. Section 5.0 of the applicant's PEA states that habitats across the application site were generally considered to be of low ecological value, comprising predominantly amenity grassland, scattered trees and low-quality woodland. However, the document goes on to state:

...the areas of woodland are likely to provide shelter, edge habitat and nesting opportunities for local passerine species, and foraging and commuting habitat for species such as bats and hedgehog. The eastern and western woodlands and the scattered trees within the southern extent of the Site also form part of the Kirklees Habitat Network therefore, where possible, any losses should be compensated for with new planting as part of the proposed development in order to maintain the ecological value of the Site. Loss of these habitats would result in a reduction in biodiversity value, and fragmentation of habitats.

10.107 A bat report has also been submitted – this found that the application site provided suitable habitat for foraging and commuting bats, and noted the presence of four bat species at the site.

10.108 The applicant's amended "Proposed New Land Allocation Plan" indicates that approximately 400sqm of "new habitat / woodland" and 560sqm of "re-planted / improved habitat" would be provided. Planting details for these areas have not been provided, and it is currently unclear how these areas would be affected by the use (and associated activity, noise and artificial light) of the proposed pitches which they would surround.

10.109 A net biodiversity gain needs to be demonstrated in accordance with Local Plan policy LP30 and chapter 15 of the NPPF. In accordance with the council's Biodiversity Net Gain Technical Advice Note, a net gain of at least 10% is expected. The applicant's amended Preliminary Ecological Appraisal includes a Biodiversity Net Gain calculation which suggests a 11.65% biodiversity net gain can be achieved at the application site, however this is based on recommendations set out earlier in that document rather than detailed proposals for enhancements.

10.110 Conditions are recommended in relation to the required biodiversity net gain and the provision and management of biodiversity enhancements to ensure that the proposed development accords with Local Plan policy LP30 and chapter 15 of the NPPF.

Representations

- 10.111 To date, a total of six representations have been received in response to the council's consultation and reconsultation. The applicant has also submitted three letters of support from representatives of interest sports organisations. The comments raised have been addressed in this report.

Other planning matters

- 10.112 It is noted that, in its other roles, the council has supported sport-related development and the work of the applicant at the application site through a leasehold asset transfer and loan (discussed at Cabinet, 24/03/2016). This, however, is not a material consideration (relevant to the current application) pertinent to the decision to be made by the council in its role as local planning authority.

11.0 CONCLUSION

- 11.1 The intention of the applicant to improve and expand outdoor sports provision at the site is appreciated and welcomed. The public benefits of the proposed development (including the potential for it to enable and increase sport participation and physical activity) have been given due consideration.
- 11.2 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 The proposed development has been assessed against relevant policies in the development plan and other material considerations. The proposed development does not accord with green belt policies within the development plan, however these concerns are outweighed by the very special circumstances demonstrated by the applicant.
- 11.4 Approval of planning permission is recommended.

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Submission of a Construction (Environmental) Management Plan.
4. Submission of details of temporary drainage measures.
5. Provision of site entrance and visibility splays prior to works commencing.
6. Grampian condition requiring completion of track upgrade works (either as per application ref: 2019/93616 or an alternative approved scheme) prior to development being brought into use.
7. Submission of details of track upgrade works for the remaining 30m stretch, and implementation.
8. Cycle parking provision to be provided within the site.
9. Provision of Electric Vehicle charging points.
10. Submission, implementation and monitoring of travel plan.
11. Provision of waste storage and collection.

12. Coalmining legacy – submission of findings of intrusive investigation and remediation works.
13. Coalmining legacy – submission of a validation confirmation.
14. Submission of Remediation Strategy.
15. Implementation of Remediation Strategy.
16. Submission of Validation Report.
17. Details and validation of Japanese Knotweed eradication.
18. Submission of details of floodlighting (including measures to limit ecological and amenity impacts, and relating to low energy use).
19. Control of entertainment noise.
20. Hours of use of clubhouse.
21. Hours of use of pitches.
22. Submission of details of artificial and hybrid pitches.
23. Submission of details of ground conditions that may adversely affect use of pitches, and measures to address these constraints.
24. Submission of full drainage strategy.
25. Submission of details of management and maintenance of surface water drainage infrastructure.
26. Submission of details of crime prevention measures.
27. Submission of details of external materials.
28. Painting of goal storage containers to match fencing.
29. Submission of details of boundary treatments (including details of gabion walls).
30. Submission of full landscaping details.
31. Submission of details of biodiversity enhancement and net gain.
32. Submission and implementation of an Ecological Design Strategy.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90357>

Certificate of Ownership – Certificate B signed