

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday 25 May 2017 at 10.00 am in Committee Room 1 - City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Brown Rickard	Warburton Wainwright Amran Watson	Griffiths

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis Miller	Azam S Hussain Lal Lee	Stelling

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0930 in Committee Room 1 on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.

From:

Parveen Akhtar
City Solicitor
Agenda Contact: Sheila Farnhill
Phone: 01274 432268
E-Mail: sheila.farnhill@bradford.gov.uk

To:



A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

Notes:

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.



Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Sheila Farnhill - 01274 432268)

B. BUSINESS ITEMS

4. APPOINTMENT OF SUB-COMMITTEES

Recommended -

- (1) That the Panels set out in Document “A” (*TO BE TABLED*) be appointed with memberships as shown and with the role and functions as contained in the Articles of the Council’s Constitution and subject to the Rules of Procedure contained in Part 3 of the Constitution.**
- (2) That the Chairs and Deputy Chairs be appointed to the Panels as indicated in Document “A”.**

(Sheila Farnhill – 01274 432268)

5. LAND AT THE PLAYING FIELDS, HUDDERSFIELD ROAD, BRADFORD Wyke

1 - 30

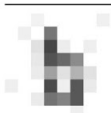
The Assistant Director - Planning, Transportation and Highways will present a report (**Document “B”**) in respect of a full planning application for the development of an aquatic, sport and leisure facility on land at the playing fields, Huddersfield Road, Bradford – 17/00352/MAF.

Recommended –

That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways’ technical report.

(John Eyles – 01274 434380)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



This page is intentionally left blank

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25 May 2017

B

Subject:

This is a full application for the development of an aquatic, sport and leisure facility on land at the playing fields, Huddersfield Road, Bradford

Summary statement:

The proposal relates to the construction of a new indoor and outdoor recreation facility with associated car park. The site will be accessed/exited from/to Cleckheaton Road via separate "Way In" and "Way Out" system. Pedestrian access points are also provided from Cleckheaton Road to the east and Huddersfield Road to the west.

The scheme will provide a replacement facility for the existing Richard Dunn Sports Centre as well as providing improved quality outdoor sports pitches and training areas that will be constructed to a standard to meet Sport England's specifications. Additional tree planting is proposed to replace the trees that will be lost to accommodate the development as well as strengthening the planting along the sites' boundaries to minimise the impact on the neighbouring residential properties. The design of the building is considered acceptable and is of a style that is traditional for this type of use.

Through the attachment of the proposed conditions it is considered that the proposal is acceptable.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: john.eyles@bradford.gov.uk

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

This is a full application for the development of an aquatic, sport and leisure facility on land at the playing fields, Huddersfield Road, Bradford

2. BACKGROUND

There is no relevant background to this application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are set out in the Officer's Report at Appendix 1.

4. OPTIONS

The Committee can approve the application as per the recommendation contained within the main report, or refuse the application. If Members are minded to refuse the application then reasons for refusal need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications associated with this proposal.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

7. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

The site is located within the urban area and is close to a relatively frequent bus route and is therefore considered to be in a sustainable location.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this development against the previous use as a sports pitch and rugby club. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are to be provided within the main car park serving the development (planning condition).

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications other than those raised in the main body of the report.

8.5 HUMAN RIGHTS ACT

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the right to a fair and public hearing. The Council must ensure that it has taken its account the views of all those who have an interest in, or whom may be affected by the proposal.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

That planning permission is granted subject to the conditions set out in the report attached as appendix 1.

11. APPENDICES

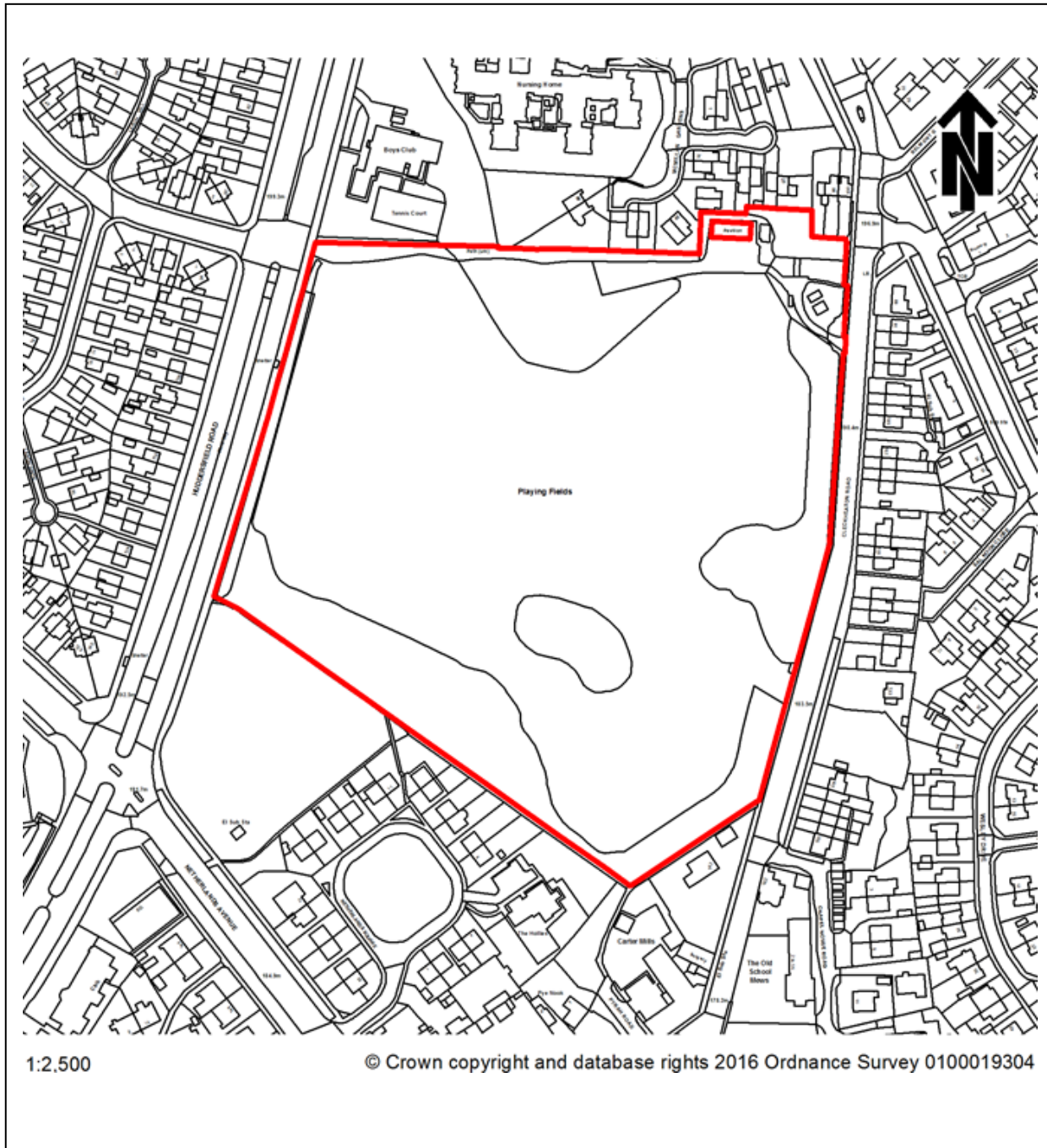
Appendix 1 – Report of the Assistant Director (Planning, Transportation and Highways).

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Draft Local Plan Core Strategy
Planning application 17/00352/MAF

Regulatory & Appeals Committee

17/00352/MAF



© Crown copyright 2000. All rights reserved (SLA 100019304)

LOCATION:
Playing Fields,
Huddersfield Road,
Bradford

Appendix 1

25 May 2017

Ward: Wyke

Recommendation:

GRANT PLANNING PERMISSION

Application Number:

17/00352/MAF

Type of Application/Proposal and Address:

This is a full application for the development of an aquatic, sport and leisure facility on land at the playing fields, Huddersfield Road, Bradford.

Applicant:

Mr A Ross (City of Bradford Metropolitan District Council)

Agent:

Not Applicable

Site Description:

The site is located to the east of Huddersfield Road and the west of Cleckheaton Road and currently comprises an open grassed area with a small building located in the north eastern corner of the site that is used as a changing facility. There are trees that run along the northern, eastern and southern boundaries whilst a small copse of trees is located within the site. Vehicular access to the site is available from Cleckheaton Road whilst pedestrian access is available from both Cleckheaton Road and Huddersfield Road. Residential development surrounds the site on all sides.

Relevant Site History:

Planning permission was granted on the 25th September 2007 under reference 07/06116/FUL for the construction of a regional basketball centre with associated accommodation and supporting retail development.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is allocated as Playing Fields within the Replacement Unitary Development Plan and would therefore be subject to policy OS3 (Protection of Playing Fields).

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development
UDP3 Quality of Built and Natural Environment
UR2 Promoting Sustainable Development
UR3 The Local Impact of Development
CL3 Leisure and Entertainment Developments outside the City, Town and District Centres
TM1 Transport Assessment
TM2 Impact of traffic and its mitigation
TM10 National and local cycle network
TM11 Parking standards for non residential developments
TM19A Traffic management and road safety
D1 General Design Considerations
D4 Community Safety
D5 Landscaping
D10 Environmental Improvement of Transport Corridors
BH2 Demolition of Listed Buildings
BH3 Architectural Recording of Listed Buildings
BH4 Alterations, Extensions or Substantial Demolition of Listed Buildings
BH4A Setting of Listed Buildings
OS3 Protection of Playing Fields
NE4 Trees and Woodlands
NE5 Retention of Trees on Development Sites
NE6 Protection of Trees During Development
NR15B Flood Risk
NR16 Surface Water Run Off and Sustainable Drainage Systems
NR17 Groundwater Protection

Core Strategy:

SC4 Hierarchy of Settlements
SC5 Location of Development
SC9 Making Great Places
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
EN1 Protection and Improvements in Provision of Open Space and Recreation Facilities
EN7 Flood Risk
EN8 Environmental Protection
DS1 Achieving Good Design
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places

Parish Council:

Not applicable in this instance

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 3rd March 2017.

As a result of the publicity exercise 18 representations have been received objecting to the proposal.

Summary of Representations Received:

Principle of the development:

- Loss of a much used green field with many mature trees which will need to be felled
- The Richard Dunn sports centre is iconic and serves people of every age and background socially medically and encourages fitness and wellbeing it would be preposterous to demolish and build houses on this site
- It (Richard Dunn Sports Centre) is in a central location for people to get to on public transport and has all facilities under one roof it is used locally by lots of groups tournaments and schools
- The residents would much rather see the famous Richard Dunns refurbished keeping all their facilities than a new development with significantly reduced facilities
- The proposed site detracts from services that are currently offered at Richard Dunns sport centre and reduces the capacity and variety of available resources for users in the community
- The plan for this site was drawn up when there was going to be 4 new pools built in Bradford, two of those pools will not now be built. The City Site which has cost around £1.2 million to purchased and made 25 people redundant in the process being one of them, wouldn't a leisure centre here similar to the new Huddersfield pool or Doncaster Dome have helped with Bradford's regeneration. With these two new pools not going ahead and closure of other pools Bradford will be significantly reducing the capacity of water space provision in Bradford.
- The land is green belt land
- The proposals are not a benefit to local community as we are losing facilities not gaining them
- People have signed in their thousands to stop the council closing the old pools, why is the council determined to go against the local peoples wishes when it is our taxes your choosing to continuously waste
- In the current climate you should not be putting this type of spending ahead of care for the elderly, NHS, education and emergency services
- The residents shouldn't have to pay an increase in Council Tax for something the majority of people in Bradford don't want

Residential amenity:

- Loss of light and privacy to neighbouring properties
- Loss of value to neighbouring properties
- Impact on residential amenity through increased noise levels from the traffic and deliveries and the general use of the site
- Ambient noise level measures taken seem entirely bogus. This is a quiet area that does not experience anything near the amplitude of the measures taken in the study
- Likely increase in the level of anti-social behaviour on the site

- Increased risk of strangers to the area which is a worry with so many children living in the vicinity
- The development would have the most negative impact on the surrounding houses that "back on" and "overlook" the field
- There will more noise and air pollution bearing in mind there are houses near to the road on both sides of Cleckheaton Road that will be affected
- Impact on the neighbouring properties through the use of the site extending until 11.30 pm
- This build will change forever the quiet backwater we live in where most of the time you only hear birds
- Concern regarding screening as it is so close to the adjacent dwellings that any screening you may be able to put in will be limited and will not screen it from view unless Leylandii trees are planted
- The noise report states residents are circa 40 metres away when they are in fact 20 metres. It does not seem to cover the main noise disturbance which will be from adult rugby pitch, Appleton academy has had to close its outdoor pitch due to noise complaints, the previous residents' complaints regarding foul language being screamed by adult players at this proposed site being only 20 metres from gardens and windows should alert the council to future noise problems at this site especially as the project is expecting an increase in pitch use.

Layout of the site:

- Concerns that a holistic and comprehensive assessment has not been undertaken when designing and developing the plans for Sedbergh Sports Centre
- There is ample space for Sedbergh Sports Centre to be relocated to another area of the Sedbergh Field that would not be so intrusive, obstructive, and negatively impacting to residents on all sides of the field
- Not only are the residents to lose a lovely green area with an abundance of mature trees that is used daily by locals but the Council are also reducing the facilities in order to do this
- The design, appearance and layout of the proposed facility is for the residents of McMillan Gardens the worse scenario possible on this site
- Residents are concerned about noise and floodlit pitches if more teams are to use the outdoor pitches bearing in mind the complaints from residents round the pitches at Appleton
- The building itself will be over dominating and completely change the feel and look of the green land and the residential streets close to it, it will feel more commercial than tranquil on the quiet streets
- No reason why it couldn't be placed in multiple different positions any of which would be further from all houses in area and some would also lower building height in relation to nearest housing
- Dense bramble areas were agreed and put in place along back of houses to stop burglars, which it did, we need this bramble to stay otherwise it will leave housing very vulnerable due to hidden alleyway aspect and loss of protection

Highways:

- The access and exit roads merely contribute to traffic levels on an already busy Cleckheaton/Bradford Road
- Concerns regarding the amount and speed of traffic that already uses Cleckheaton Road

- The resiting of the bus stop will impact on the on-street parking outside numbers 99-105 Cleckheaton Road
- The traffic impact not only from this proposal but the future sale of Richard Dunns land for houses is just too much for Odsal top roundabout
- Increase in traffic will impact on the safety for pedestrians using the highway network
- Missing from the traffic reports are an additional 7 crashes that happened at the bend by the exit to proposed development
- Entrance and exits may be cheaper to put on Cleckheaton Road but as we already know that Huddersfield Road/Neverlands junction needs redesigning again it would make sense to combine the plans in order to save money and keep to original plans for location near Huddersfield Road and therefore not create further traffic issues on Cleckheaton Road.

Environmental:

- Rat issues given the bins and the generator is to the back of the building and faces onto adjacent house

Other:

- The properties that back onto the field themselves are under covenants applied and imposed by Bradford Metropolitan District Council. Yet the council are able to breach such covenants applied by third parties including Yorkshire Water by building over foul and surface drainage
- The Mortality studies from our region prove that not enough exercise is undertaken or provided in our community. The studies have also shown that some of the younger people in Bradford are the least active within the country
- Further clarification is needed in relation to the actual level at which the site will be built
- Careful handling of dangerous chemicals and waste will be required as they could pose a risk to the site itself and the residents
- The field provides habitat for birds -including owls, foxes and at times bats
- Who is this facility being built for as Sedbergh ARLFC appear to be as ill-informed as the local residents about what is happening
- Many of the plans show a false to scale measurement that gives a deceptive view of the distance to neighbouring properties
- Very surprised to see the council going ahead with this plan when only 751 responded to consultation of these only 67% per cent were in favour of getting new facilities
- The existing activities that take place on the site will not be replaced

Consultations:

Drainage – No objection subject to the imposition of a condition requiring the submission of a report detailing how the existing ordinary watercourses that pass through the site will be dealt with

Yorkshire Water – No objection to the principle of the development subject to the imposition of appropriate conditions relating to the discharge of surface water and swimming pool water

Lead Local Flood Authority – No objection subject to the imposition of appropriate conditions relating to the disposal of surface water drainage

Rights Of Way – No objection to the proposal as it will not impact on public footpaths no. 90 and 91 which are adjacent to the site

Forestry Commission – No comments to make

Conservation – No objection to the principle of the development but state that as much of the existing right hand wall and pier should be reused in the new configuration and seek conditions requiring the recording of the railings and gates, and, the provision of sample panels for the new walling

Trees Section – Concerns regarding the loss of a significant number of trees on the site, albeit they are not afforded protection by a Tree Preservation Order or Conservation Area status, and the lack of opportunity for compensatory replacement planting.

Sport England – No objection subject to the imposition of conditions relating to the construction of the sports pitches and the provision of a community use agreement for their use

West Yorkshire Police – No objection to the principle of the development but comments on specific aspects of it

Landscape Design Unit – No objection but seek the submission of full hard and soft landscaping details together with a management plan

Environmental Health Air Quality – No objection subject to the imposition of appropriate conditions requiring the provision of electric vehicle charging points and a Construction Environmental Management Plan

Environmental Health Land Contamination – No objection to the principle of the development subject to appropriate conditions relating to the discovery of unexpected contamination and materials importation

Environmental Health Nuisance – No objection but comments on particular aspects of the construction phase and use of the development in relation to the impact on the neighbouring residential properties

Highways Development Control – The Highways Department have not raised an objection to the principle of the development but have made some comments regarding the internal layout, off-site highway works, the level of parking provision, and, the need to carry out a future parking review

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Trees
7. Secured by design
8. Contaminated land
9. Conservation issues
10. Other issues

Appraisal:

The proposal relates to the development of an aquatic, sport and leisure facility on land currently used as playing fields. The scheme will include a building incorporating swimming pool and gym with the remainder of the site comprising sports pitches and training areas together with a car park, service area and access road.

1. Principle of development

The National Planning Policy Framework sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote

sustainable development though the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the National Planning Policy Framework is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 34 of the National Planning Policy Framework clarifies that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

The site is allocated as Playing Fields within the Replacement Unitary Development Plan and is therefore subject to consideration against policy OS3. The policy states that development will not be permitted on such sites unless, amongst other things, the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field, or, the development is ancillary to the principle use of the site as a playing field or playing fields and does not affect the quantity and quality of pitches or adversely affect their use.

Policy CL3 of the Replacement Unitary Development Plan states that proposals for leisure and entertainment development that would attract a lot of people from a wide area will only be permitted on sites outside the city, town and district centres if:

- 1) Need for the additional leisure or entertainment floorspace can be demonstrated by the developer; and,
- 2) There are no alternative sites in the appropriate centre, or failing that in one of the expansion areas to the centre defined on the proposal map, or failing that other edge of centre sites, or failing that other sites closer to the centre; and,
- 3) The scale of the proposal is compatible with the role of the appropriate city, town or district centre and the size of the catchment that the centre serves; and,
- 4) The development together with other recently completed developments and unimplemented extant planning permissions is unlikely to have an adverse effect on the vitality and viability of any of the city, town and district centres; and,
- 5) The site is or will as part of the development be made highly accessible for customers reliant on forms of transport other than the motor car; and,
- 6) The development would not lead to an increase in the need to travel or reliance on the private car, and would help to facilitate multi-purpose trips compared to development of other sites; and,
- 7) The development would not undermine the leisure strategy of the Plan.

Policy EN1 of the Core Strategy is also considered relevant to the proposal. Whilst the Core Strategy has not been formally adopted by the Council it is post examination and therefore the policies contained within the document do carry significant weight. It is the Councils intention to formally adopt the Core Strategy in the summer of 2017. Policy EN1 relates to the protection and improvements in the provision of open space and recreation facilities and states that development on land identified as recreation open space, or which is currently or was formerly used as recreation open space, will only be permitted where, amongst other things, the proposal includes alternative equivalent or better provision in terms of quantity, quality, accessibility and management arrangements.

The proposal is to create a new high quality sports facility in the Low Moor area of Bradford which will provide for and encourage sport and physical activity for both the local and wider community. By developing this new facility it will allow the relocation of

the existing facility at the Richard Dunn Sports Centre to be relocated to more cost effective premises. The proposed indoor facility will include the following elements:

- 25 metre 6 lane swimming pool
- Learner pool
- Wet change village and group change
- Court sports hall with dry change
- 80 station fitness suite
- Dance and flexible studios
- Meeting and party room
- Large reception and entrance foyer
- Staff facilities and admin spaces
- Outdoor changing with direct access to extended pitches and facilities

In addition to the indoor facility the proposal also includes 2 winter sports pitches (106 metres x 70 metres), a winter junior sports pitch (64 metres x 44 metres), and, 2 training areas (40 metres x 20 metres).

The site is currently a grassed area that contains a small building in its north eastern corner that is used as changing facilities by a local rugby club. The site is no longer formally laid out into sports pitches and is used for training purposes by the rugby club as well as informal recreation use by the local population and dog walking.

The need for this new facility has been identified in Bradford's Sports Facility Strategy and is supported by data presented in Sport England's Facility Planning Model that has been carried out on behalf of Bradford Council, and in the Sports Hall Strategy and Aquatics Strategy. This new facility will provide daytime use which is considered important as a number of existing facilities do not provide this.

The adopted playing pitch strategy for Bradford highlights that there is a shortage of both youth football and adult rugby pitches in the area with the main deficiency being in rugby league where there is a shortfall of 10 pitches. The existing pitches on the application site are not up to league standard and would require a large amount of work to bring them up to a required standard in terms of playing surface, levels, and, pitch dimensions. The application proposal will allow the construction of new well drained grass pitches that will pick up current usage of the site but will also allow for some of the deficit to be picked up.

Sport England are an important consultee on the application in that it is their role to ensure that the level of playing pitch provision is not diminished and is of an adequate level to serve the needs of this part of the District. They ensure that any new pitch provision will meet the requirements of national sporting bodies, such as the FA (football) and RFL (rugby league), and that they can be used all year round. The FA is supportive of the proposal provided that the pitches are of a "good" standard and that they are subject to a community use agreement. In terms of other National Governing Bodies contacted by Sport England both the Amateur Swimming Association and Badminton England, 2 of the principle sports for the indoor facility, have welcomed it.

Sport England have not raised an objection to the proposal and are, indeed, supportive of it subject to the imposition of appropriate conditions relating to the construction of the pitches to ensure that they are of a "good" quality standard, the submission of a

scheme to ensure the continuity of use of the pitches on the site, and, the provision of a community use agreement for the pitches. These conditions are recommended to be imposed on a planning permission.

Overall therefore it is considered that the proposal satisfies the requirements of policies OS3 of the Replacement Unitary Development Plan and EN1 of the Core Strategy, in that the development on existing playing pitches will provide outdoor or indoor sports facilities that are of sufficient benefit to the development of sport to outweigh the loss of the playing field, and with the support of Sport England and a number of Governing Bodies of sports that will use the facility, the principle of the development is acceptable subject to detailed consideration in the following sections of the report.

2. Visual amenity

Policy D1 of the Replacement Unitary Development Plan states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should be well related to the existing character of the locality in terms of design, scale, massing, height and materials.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The site is currently an open grassed area with trees located principally along the northern, eastern and southern boundaries together with a small copse of trees within the main body of the site. The site is surrounded by residential development. A small single story building is located in the north eastern corner of the site.

The proposal relates to the construction of a new indoor and outdoor sports facility together with car park, service area and access/egress drives. The building will be located in the north eastern section of the site with the car park to the immediate south of the building. The remainder of the site will remain as grassed sports pitches. There will be the loss of some trees from the site, particularly the eastern boundary to accommodate the access/egress points and the copse within the site itself to accommodate the new pitches. However some strengthening of the boundaries in terms of tree planting will take place to try and minimise the potential impact on the neighbouring properties both in terms of visual impact and noise impact. In order to ensure that appropriate planting takes place conditions are recommended in relation to the submission of landscaping details and its future management and maintenance.

The building will have a gross internal floor space of 5,171 square metres with a footprint of approximately 81 metres x 50 metres. The highest part of the building will be 13.3 metres with the eaves being 10.7 metres at its highest point. It will be constructed using a mixture of dark grey brickwork and timber boarding on both the northern and southern elevations, with the southern elevation also containing a significant amount of glazing at ground and first floor level with aluminium solar shading louvers between the windows. The eastern and western elevations will be constructed mainly of metal cladding seam wall cladding which will match the roof profile of metal standing seam built up roofing system. The building is traditional in architectural terms for this type of building in that 3 elevations contained few or no windows to protect the privacy of the users whilst the main elevation provides a welcoming appearance to the building.

The building will be prominent when viewed from Huddersfield Road to the west and will also be visible from Cleckheaton Road to the east particularly where trees are to be removed to create the access and egress points. However additional planting is proposed along the eastern boundary to try and minimise the visual impact.

Overall it is considered that the building is of a size and design and location within the site such that its impact on the visual character and appearance of the area will be minimised.

3. Residential amenity

Policy D1 of the Replacement Unitary Development Plan states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should not harm the amenity of prospective or existing users and residents.

There are residential properties on all sides of the development. To the north is McMillan Gardens, to the west Huddersfield Road, to the east Cleckheaton Road and to the south Netherlands Square. Due to the existing use of the site, i.e. as sports pitches, the relationships of the site to both Huddersfield Road and Netherlands Square remain unchanged. The main relationships to consider therefore are McMillan Gardens to the north and Cleckheaton Road to the south.

Along the northern boundary of the site are trees which partially screen the site from the adjacent residential properties. As part of the proposal it is intended to strengthen this boundary with additional tree planting. The minimum separation distance between the proposed building and the nearest dwelling on McMillan Gardens is 29 metres which is considered adequate to minimise the impact on the residents. A service access is located to the rear of the building and is 35 metres away from this same residential property. As previously stated additional tree planting is proposed along the northern boundary which, in conjunction with a condition regarding the times the service access can be used, should be sufficient to ensure that the residential amenities of the occupiers of the dwellings on McMillan Gardens are not significantly affected by the proposal.

To the east of the site are dwellings fronting onto Cleckheaton Road with the separation distance being a minimum of 45 metres between the building and the dwellings. Whilst

the residents will obviously be able to see the building it is considered that the separation distance will be sufficient to ensure that the residential amenities are not significantly affected by the building. The residents may be affected by the increase in traffic using the site but this is inevitable with any development. During the week the operating hours are proposed to be 06:00 – 23:00 whilst at weekends and Bank Holidays these are reduced to 07:00 – 21:00. These hours are not considered unreasonable and it is unlikely that there are going to be significant traffic movements to and from the site at opening and closing times. Gates will be put across the entrance/exit points when the building is not in use to prevent unauthorised access outside operating hours. Again it is therefore not considered that the proposal will significantly impact on the residential amenities of the occupiers of these dwellings.

In terms of the sports pitches these will be grass covered and therefore it is highly unlikely that they would be used intensively. There is no indication on the application that the area will be floodlit, therefore the use of the pitches is limited to daylight hours. The Environmental Health Department have commented that they have not received any noise related complaints from the use of the pitches on this site to date. They have, however, recommended that the outdoor pitches are designed so to ensure that noise associated with it is controlled. This being the case, the Outdoor Sports Pitches Noise LAeq (1 minute) should not exceed Representative Background Noise Level L90

In relation to the indoor sports facility the Environmental Health Department recommend that it should be constructed in such a way that the acoustic conditions prevent potential noise disturbance to nearest noise sensitive receptors, namely residential dwellings at McMillan Gardens, Netherlands Square, Cleckheaton and Huddersfield Road. A Noise Report has been submitted with the application and contains a number of criteria for sound insulation and it is recommended that these are taken on board in its construction. An appropriate condition is recommended to ensure this takes place.

Finally the Environmental Health department recommend that a condition is imposed in relation to the construction hours in order to minimise the impact of the development on the neighbouring properties. This is concurred with and an appropriate condition is recommended.

4. Highway safety

Policies TM2 and TM19A of the Replacement Unitary Development Plan support proposals for new development providing that, amongst other things, the Council is satisfied that the proposal does not adversely affect existing and proposed transport infrastructure or services, including public transport and walking and cycling facilities, in the vicinity of the site or the local environment. Policy TM11 requires the provision of parking in accordance with the Councils adopted standards.

Paragraph 32 of the National Planning Policy Framework indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;

- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The site is located to the west of Cleckheaton Road and will be served via separate "Way In" and "Way Out" arrangements. The access road into the site will lead to a car park, providing 165 spaces, as well as a service area to the north of the proposed building. The Highways Department have not raised an objection to the principle of the development but have made a number of specific comments on the internal layout, off-site highway works, and, parking.

With regard to the internal layout the Highways Department are suggesting that the width of the access road leading into the site should be reduced to the minimum required to accommodate the coach and/or refuse vehicle as at present it looks like a two-way road and could lead to confusion or be open to abuse by drivers exiting the wrong way. Details of the type and location of appropriate signs and road markings to reinforce the one-way system should also be demonstrated on plan. The gradient of the entrance and exit roads should also be no steeper than 1 in 20 for at least 10m from Cleckheaton Road.

The Applicant has submitted an amended plan which clearly shows a series of road markings on the internal access road which shows the direction in which vehicles should travel to ensure they are using the correct exit point. The width of the access road has not been reduced as suggested by the Highways Department as keeping it at the proposed width does allow room for both cyclists and pedestrians to use the access road whilst allowing sufficient room for vehicles to safely pass without detriment to the safety of other users.

There are some off-site highway works that are to be undertaken as part of the development and these include road markings along the site frontage on Cleckheaton Road and these will be secured through a Section 278 Agreement and are conditioned accordingly. The Highways department have also stated that given that the main public transport and pedestrian route would be via Huddersfield Road then there is also a need for works to upgrade the existing 'Puffin' crossing on Huddersfield Road to a 'Toucan' facility the cost of which shall be met by the applicant. Again this is conditioned.

In relation to on-site car parking provision the plan shows a car park incorporating 165 spaces which is a shortfall of 70 spaces on the level that would be required through the standards contained within Appendix C of the Replacement Unitary Development Plan. These are maximum standards and wherever there is a shortfall it does need to be justified. In this instance there are relatively frequent bus services on both Huddersfield Road and Cleckheaton Road with bus stops located very close to the site. This will encourage visitors to use public transport when visiting the premises. The site is also located in a residential area with a high number of dwellings being within a 10-15 minute walk from the site. A footpath from Huddersfield Road is incorporated within the scheme and as such does provide easy access for pedestrians. Overall therefore it is considered that the site is in a highly sustainable location and will not be reliant on visitors using private motor vehicles. The Highways Department are seeking the imposition of a condition on a planning permission relating to the Applicant carrying out

or funding a deferred parking study 6 months after the opening of the site, and any potential further Traffic Regulations Order's (in addition to that required to be operational at opening) to mitigate for any residual on-street parking issues.

The Rights of Way Officer has stated that whilst public footpaths no. 90 and 91 are adjacent to the site they will not be affected by the development and therefore has no objection to the proposal.

Overall therefore it is not considered that the proposal would be detrimental to highway safety.

5. Drainage

Policy NR16 of the Replacement Unitary Development Plan relates specifically to the provision of adequate surface water drainage systems whilst policy UR3 states that proposals should not have an adverse impact on the surrounding environment.

In relation to the disposal of surface water it is intended to use an existing watercourse whilst in relation to the disposal of foul sewage it is intended to connect to the mains sewer. No objections have been raised to these proposals subject to the imposition of appropriate conditions.

An objection has been received that states that the properties that back onto the field themselves are under covenants applied and imposed by Bradford Metropolitan District Council. Yet the council are able to breach such covenants applied by third parties including Yorkshire Water by building over foul and surface drainage. In response it is stated that Yorkshire Water have not raised an objection to the proposal and have not pointed out that there are not pipes/drains running across the site that will be affected by the proposed development.

6. Trees

Policy NE4 of the Replacement Unitary Development Plan seeks to preserve and enhance the contribution that trees make to the landscape character of the district whilst policy NE5 seeks to retain those trees which are healthy and which have or would have a clear public amenity benefit. The Council will require the protection during construction of trees to be retained and, where appropriate, replacement tree planting for trees lost or damaged during construction.

The northern, eastern and southern boundaries of the site are heavily treed and there is also a small copse of trees located within the main site itself. A number of these trees will be lost as a result of the creation of the access/egress points and the siting of the playing pitches. In designing the layout of the scheme the Applicant has tried to minimise the number of trees that will be lost from the site. Alternative access/egress points were considered including from Huddersfield Road to the west but this was discounted because of the difference in land levels.

Separate access and egress points have been incorporated within the layout as by having a single access/egress point would have resulted in the loss of more trees. In order to compensate for the loss of the trees the Applicant has agreed to undertake additional planting on the site including strengthening both the northern and eastern boundaries together with re-establishing the small copse within the site itself. Whilst the

loss of the trees is regrettable it is necessary in this instance to create the access and egress points. A condition is proposed requiring the submission of a landscaping scheme to show the level of replanting to ensure that correct species and size of trees are incorporated within the development.

7. Secured by Design

Policy D4 of the Replacement Unitary Development Plan states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments should, amongst other things, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised comments on specific aspects of the layout.

Positive aspects of the development include the footpath which leads in from Huddersfield Road having been moved inward slightly along the gradient which allows more surveillance of the route as its away from the tree canopies, the inclusion of vehicle bollards and knee railing fencing have been applied which will prevent any collision damage or vehicle access onto the grassed areas, and, the cycle racks having good surveillance from the main entrance which is good.

In terms of improvements that could be made to the scheme the main one relates to the lighting plan. It is noted that bollard lighting is intended to be installed along the length of the pedestrian footpath linking in from Huddersfield Road. It is not considered that this provides enough height or light levels to allow for facial recognition which can create or increase the fear of crime when visibility is reduced. As the footpath is surrounded by existing mature trees on one side, from a personal safety aspect the route should be well lit to increase surveillance of the route. It is therefore recommended that led lighting columns should be installed instead and these can be fitted with hoods if there is an impact on birds/bats in order to prevent light spillage. As this route will be used all year round by residents on Huddersfield Road and the surrounding area this recommendation is taken on board and an appropriate condition requiring lighting details is recommended.

Finally in looking at both the pedestrian and vehicle entrances into the site, it would be prudent to install lockable gates so that when the site is closed, the perimeters can be locked and secured which prevents any forms of anti-social behaviour from taking place in the car park or grounds and makes the site more secure. Again this recommendation is taken on board and an appropriate condition is recommended requiring the details to be submitted.

8. Contaminated land

Paragraph 121 of the National Planning Policy Framework advises that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards, former activities such as mining or pollution arising from previous uses. The National Planning Policy Framework also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

A Phase 1 Desk Top Study Report and Phase 2 Ground Investigation have been submitted with the application and have been assessed by the Environmental Protection Team. The Phase 1 Report identified the historic uses of the site and concluded that an intrusive site investigation be carried out including chemical analysis and gas monitoring.

The intrusive investigation detailed in the Phase 2 Ground Investigation comprised of “the sinking of 9 mechanically excavated trial pits, 3 mechanically excavated trial trenches (TT’s 1 – 3), 10 windowless sampling boreholes, 6 rotary openhole boreholes, accompanied by the installation of 6 combined ground gas and groundwater monitoring wells”

The report states that “The results of the contamination screening and analysis have confirmed that the made ground materials present are not considered to pose a risk to human health where exposure pathways will be available, and therefore there is no requirement for removal, treatment, protection measures and/or further risk assessment in order to protect proposed end users.”

The 5 representative samples of naturally occurring ‘topsoil’ materials recovered from across the site were screened in order to assess the materials for potential re-use in a commercial setting. The results of the screening showed that “the asbestos screening have not identified the presence of any asbestos fibres.” It is therefore concluded that “The ‘topsoil’ present on this site is considered suitable for use, as no elevated concentrations have been recorded within the samples screened, and therefore these soils are considered as suitable for re-use on this site within areas of soft landscaping.”

Gas monitoring was carried out on 6 occasions over a two month period. In terms of gas protection the report concludes that “Based on these results, it is felt that the site can be assessed as Characteristic Situation 1 (CS1) indicating that no gas protection would be required for the proposed sports & leisure development.”

Overall therefore it is not considered that there are any significant contamination or gas implications for the development, Conditions are recommended in relation to the discovery of unexpected contamination and materials importation.

9. Conservation

Policy BH4 of the Replacement Unitary Development Plan states that the alteration, extension or substantial demolition of listed buildings will only be permitted if it can be demonstrated that the proposal would not have any adverse effect upon the special architectural or historic interest of the building or its setting, it is appropriate in terms of design, scale, detailing and materials, and, would minimise the loss of historic fabric of

the building. Policy BH3 states that where alterations of listed buildings would result in the loss of features of special interest then a programme of recording agreed with the Local Planning Authority shall be undertaken.

The application has been carefully and fully assessed in relation to the positive requirements to protect the setting of nearby listed buildings in accordance with Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 132 of the NPPF. In the case of Barnwell Manor the Court of Appeal held that in enacting section 66(1) of the Listed Buildings Act 1990 Parliament intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.

The application site comprises the former grounds to Odsal House, a gentry house which stood to the north of the site, in an area now occupied by the Norman Lodge care home. It appears the house was demolished and replaced by the current structures in the 1970s. The main entrance to the estate was from Cleckheaton Road, to the south of the pair of cottages known as Sal Nook, now Nos.98 and 100 Cleckheaton Road, and Grade II listed. The entrance to the estate was historically controlled by a lodge, which was demolished a long time ago, and iron gates and railings. The remains of these gates/railings still exist, and are Grade II listed. The entrance is presently identified as a swept section of ashlar wall from a stone pier and a curving section of wrought iron railings partly hidden by trees. A height restriction bar marks the site of the gates, with the corresponding curved railings and wall to the left now lost, destroyed without consent in the late 1990s.

The Conservation Officer originally expressed concern at the proposal on the grounds that the impact on the heritage asset had not been acknowledged in the submission. The Design and Access Statement has subsequently been amended to make reference to the heritage assets and outline the impact the proposal will have on them. Plans have also been submitted to show the boundary treatment, including the iron gates and railings, as existing and as proposed. The Applicant has also stated that they are happy for a condition to be attached to a planning permission in relation to carrying out a photographic recording prior to the gates and railings being removed.

It is considered that the construction of the new building will have an impact in the setting of the pair of Grade II cottages at 98 and 100 Cleckheaton Road, but the layout proposes green landscaping towards the north of the site and this is concluded to maintain the setting of the pair of cottages thus minimising the potential impact.

10. Other issues

A number of other issues have been raised during the publicity, these include the following:

The Mortality studies from our region prove that not enough exercise is undertaken or provided in our community. The studies have also shown that some of the younger people in Bradford are the least active within the country – by providing a facility that incorporates both indoor and outdoor sport it will increase the opportunities available to the population to lead a healthier and more active life.

Further clarification is needed in relation to the actual level at which the site will be built
Careful handling of dangerous chemicals and waste will be required as they could pose a risk to the site itself and the residents – plans have been submitted with the application that show sections through the development and highlight the levels both within and adjacent to the site. The floor level of the building will be 7 metres lower than that of the adjacent dwellings on McMillan gardens whilst the ridgeline of the new building will be at a slightly lower level than the ridgeline of these dwellings. Sufficient information has been submitted in relation to both existing and proposed levels. In terms of the handling of chemicals on the site this is outside the control of the Planning Department and will be a health and safety issue.

The field provides habitat for birds - including owls, foxes and at times bats – no objections have been received to the proposal from the Biodiversity Officer. Any trees that are to be felled as part of the proposal will need to be checked for nesting birds prior to their felling and this is covered by separate legislation.

Who is this facility being built for as Sedbergh ARLFC appear to be as ill-informed as the local residents about what is happening – the facility will be available for use by the general public and various sports clubs will be able to hire the pitches. However, which clubs specifically use it will be down to the Department that run the facility and is outside the control of the Planning Department.

Many of the plans show a false to scale measurement that gives a deceptive view of the distance to neighbouring properties – the plans are drawn correctly and to an acceptable scale

Very surprised to see the council going ahead with this plan when only 751 responded to consultation of these only 67% per cent were in favour of getting new facilities – an application is determined on the basis of its compliance with both local and national policy guidance and not on the number of people who respond to a consultation exercise.

The existing activities that take place on the site will not be replaced – the site did previously have pitches laid out both for matches and for training purposes. The proposal still includes outdoor pitches and training areas that will be constructed to a higher standard than those that currently exist.

Community Safety Implications:

There are no other community safety implications other than those referred to in the main body of the report.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Granting Planning Permission:

The scheme provides a development which through its layout, design of the building and use of materials, and subject to the conditions proposed, is considered to be acceptable and present no concerns with regard to visual or residential amenity and highway safety. The proposal therefore satisfies the requirements of policies UDP1, UDP3, UR2, UR3, CL3, TM1, TM2, TM10, TM11, TM19A, D1, D4, D5, D10, BH2, BH3, BH4, BH4A, OS3, NE4, NE5, NE6, NR15B, NR16, and, NR17 of the Replacement Unitary Development Plan, policies SC4, SC5, SC9, TR1, TR2, EN1, EN7, EN8, DS1, DS3, DS4, and, DS5 of the Bradford Core Strategy, and, the relevant paragraphs contained within the National Planning Policy Framework.

Conditions of Approval:

1. Time limit

The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Vehicular and pedestrian access

Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

3. Off street car parking

Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

4. Visibility splays

Before the development hereby permitted is first brought into use the visibility splays onto Cleckheaton Road, as shown on the approved plans, shall be provided and permanently retained as such thereafter.

Reason: In the interests of highway safety and to accord with policies TM2 and TM19A of the Replacement Unitary Development Plan.

5. Off-site highway works

Before the development hereby permitted is brought into use, an Agreement with the Local Planning Authority shall be made under Section 278 of the Highways Act 1980 to secure the off-site highway works required in relation to the development and indicated on the approved plans and their subsequent implementation.

Reason: In the interests of highway safety and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

6. Construction Plan

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vii) temporary warning and direction signing on the approaches to the site

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

7. Preventive measures: mud on highway

The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

8. Materials

Within 3 months of the development hereby permitted commencing on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

9. Boundary treatment

Notwithstanding the details submitted, within 3 months of the development hereby permitted commencing on site, details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. This should include, where possible, the re-use of the stone currently forming the existing boundary wall along Cleckheaton Road. The approved details shall be implemented in full prior to the development first being brought into use.

Reason: In the interests of visual and residential amenity and to accord with policies UR3 and D1 of the adopted Replacement Unitary Development Plan.

10. Construction hours

No construction work of any kind shall take place outside the hours of 07.30 to 18.00 Mondays to Fridays and from 08.00 to 13.30 on Saturdays and not at all on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy UR3 of the Replacement Unitary Development Plan.

11. Electric Vehicle Recharging Points

A minimum of two electric vehicle recharging points shall be provided at the site in dedicated parking bays. The electric vehicle charging points shall be clearly and permanently marked with their purpose and details of how to access them. The presence of the charging points shall be drawn to the attention of all eligible site users via staff induction training, notice boards etc. Provision shall be made for the long term provision of a service and maintenance plan for the charging points. Both charging points must be fully operational from the opening date of the development.

Reason: To facilitate the uptake of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF)

12. Construction Environmental Management Plan

Prior to commencement of the development a Construction Environmental Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. It must include a site specific dust risk assessment and mitigation measures that are proportional to the level of identified risk.

Reason: To protect amenity and health of surrounding residents in line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF)

13. Unexpected contamination

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably

practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

14. Materials importation

A methodology for quality control of any material brought to the site for use in filling, level raising, and landscaping areas shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy UR3 of the Replacement Unitary Development Plan.

15. Drainage of swimming pool water

The development hereby permitted shall not become operational until works have been carried out to provide adequate facilities for the disposal and treatment of filter backwash and swimming pool water in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development can be properly drained without damage to the local water environment and to accord with policy UR3 of the Replacement Unitary Development Plan

16. No piped discharge of surface water

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, to ensure that surface water is not discharged to the foul sewer network and to accord with policies UR3 and NR16 of the Replacement Unitary development Plan.

17. Surface water from vehicle parking areas

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

18. Use of SUDS

The drainage works shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce its affect on the water environment, have been

submitted to and approved by the local planning authority. The details should provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters. The development shall thereafter only proceed in strict accordance with the approved drainage details.

Reason: In the interest of satisfactory drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

19. Surface Water Drainage Maintenance and Management

The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document to be submitted to the Lead Local Flood Authority for approval.

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

20. Temporary drainage strategy

The development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

21. Existing watercourses

No development shall take place until a report is submitted and approved detailing how the development intends to manage the existing ordinary watercourses that pass through the site. The development shall thereafter only proceed in strict accordance with the approved report.

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

22. Root protection plan

The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

23. Ground conditions

Within 3 months of the development hereby permitted commencing on site, the following documents have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England:

- a. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the new pitches which identifies constraints which could affect playing field quality; and
- b. Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality.

The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority, after consultation with Sport England. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policies UR3 and OS3 of the Replacement Unitary Development Plan.

24. Community Use Agreement

Prior to the development being brought into use, a Community Use Agreement for the playing fields shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use, access by non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy UR3 of the Replacement Unitary Development Plan.

25. Continuity of existing sports use

No development shall commence until a scheme to ensure the continuity of the existing sports use of the playing fields shown on the Location Plan drawing number 20279-DB3-SB-Z0-DR-A-60001 during construction works is submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The scheme shall ensure that the sports facilities remain at least as accessible and at least equivalent in terms of size, usefulness, attractiveness and quality to the existing sports facilities and shall include a timetable for implementation. The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason: To protect playing fields and sports facilities from damage, loss or availability of use and to accord with Policy UR3 of the Replacement Unitary Development Plan.

26. Noise attenuation

The development hereby permitted shall be carried out in accordance with the recommendations contained within the Advisory Report, reference NIA/6776/16/6787/v2/Sedburgh Fields, prepared by Environmental Noise Solutions Ltd and dated 1st December 2016 such that cumulative noise rating level of fixed installations at the proposed sports centre should not exceed 52 dB LAeq during the daytime and 39 dB LAeq during the night time at the nearest noise sensitive receptors.

Reason: To protect the residential amenities of the occupiers of the neighbouring properties and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

27. Gates across vehicular and pedestrian entrances/exits

Before the first occupation of the units hereby permitted, details of barriers to be installed across the accesses/egresses to prevent unauthorised access to the site outside operating hours shall be submitted to and agreed in writing by the Local Planning Authority. The barriers shall then be installed in accordance with the approved details prior to the units first being brought into use.

Reason: In order to protect the site from unauthorised access and to provide a safe and secure environment outside operating hours and to accord with policy D4 of the Replacement Unitary Development Plan.

28. Lighting columns along footpath details to be submitted

Notwithstanding the details submitted, within 3 months of the development hereby permitted commencing on site, revised details of the lighting columns along the footpath to Huddersfield Road shall be submitted to and approved in writing by the Local Planning Authority. The columns shall be of a type that provide sufficient light levels to provide a safe and secure environment for its users and should incorporate appropriate measures to ensure there is no light spillage onto the trees along the northern boundary.

Reason: To provide a safe and secure environment for the users of the facility and to accord with policy D4 of the Replacement Unitary Development Plan.

29. Photographic recording of railings/gates

No development, including site preparation and ground works, shall commence on site, until a programme of recording of the heritage assets within the site (boundary wall, railing and gates) has been implemented. The recording must be carried out by an appropriately qualified and experienced consultant or organisation in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure the proper recording of the heritage asset takes place and to accord with Policy BH3 of the Replacement Unitary Development Plan.

30. Submission of a landscape scheme

Within 3 months of the development hereby permitted commencing on site, a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the numbers of trees and shrubs in each position with size of stock, species and variety. The scheme should also include a timetable for undertaking the works. The development shall then be carried out in full accordance with the approved details.

Reason: In the interests of visual amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan.

31. Landscape maintenance

Within 3 months of the development hereby permitted commencing on site, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to the Local Planning Authority for concurrent approval in writing with the landscaping scheme. The landscape management plan shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped areas in the interests of amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan.

32. Parking Review Study

Within 6 months of the development hereby permitted becoming operational, a timetable for the implementation of a Parking Review Study shall be submitted to and approved in writing by the Local Planning Authority. The Review Study shall examine the impact of the development on the overflow parking within the local area and identify any mitigation measures that may be required. Any mitigation measures identified in the approved Review Study shall then be carried out in full accordance with the agreed timetable.

Reason: In the interests of highway safety and to accord with policies D1, TM2 and TM11 of the Replacement Unitary Development Plan.

This page is intentionally left blank