

# Public Document Pack



## Agenda for a meeting of the Area Planning Panel (Keighley and Shipley) to be held on Wednesday 13 July 2022 at 10.00 am in the Council Chamber - City Hall, Bradford

### Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Lee (Chair) M Amran (Deputy Chair) J Humphreys Arshad Hussain	G Barker M Nazam	K Warnes

### Alternates:

LABOUR	CONSERVATIVE	GREEN
S Akhtar R Berry R Jamil J Lintern	M Pollard P Sullivan	C Hickson

### 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 09:30 in the Council Chamber on the day of the meeting.
- Anyone wishing to speak to any of the business items on the agenda either as a Ward Councillor, applicant/agent, in support of or objecting to an application must register to speak by emailing the Governance Officer [farzana.mughal@bradford.gov.uk](mailto:farzana.mughal@bradford.gov.uk) by midday on Monday 11 July 2022. Please provide a telephone contact number, together with the relevant application details and explaining who will be speaking. They will then be advised on how you can participate in the meeting. If you have not registered, you may not be able to speak.
- If anyone wishes to submit any accompanying photographs/plans they should not exceed four pages and must also be submitted in writing by midday on Monday 11 July 2022 to the following Governance Officer [farzana.mughal@bradford.gov.uk](mailto:farzana.mughal@bradford.gov.uk)
- Please note that any representations will be allowed 5 minutes only and this will have to be shared if there is more than a single speaker.

### From:

Bryn Roberts  
Interim City Solicitor  
Agenda Contact: Farzana Mughal 07811 504164  
E-Mail: [farzana.mughal@bradford.gov.uk](mailto:farzana.mughal@bradford.gov.uk)

## 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.

(Farzana Mughal – 07811 504164)

**4. PUBLIC QUESTION TIME**

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

To hear questions from electors within the District on any matter which is the responsibility of the Panel.

**Questions must be received in writing by the City Solicitor in Room 112, City Hall, Bradford, by mid-day on Monday 11 July 2022.**

(Farzana Mughal – 07811 504164)

**B. BUSINESS ITEM**

**5. APPLICATION RECOMMENDED FOR APPROVAL OR REFUSAL**

1 - 16

The Panel is asked to consider the planning applications which were set out in (**Document “C”**) relating to items recommended for approval or refusal.

The site to be considered is:

Land at Crossflatts Cricket Club, Keighley Road, Bingley, West Yorkshire - 20/01995/FUL (Approve) – **Bingley**

(Mohammed Yousuf – 01274 434605)

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## Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on Wednesday 13 July 2022

C

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### Summary Statement - Part One

#### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	Land At Crossflatts Cricket Club Keighley Road Bingley West Yorkshire - 20/01995/FUL [Approve]	Bingley

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Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

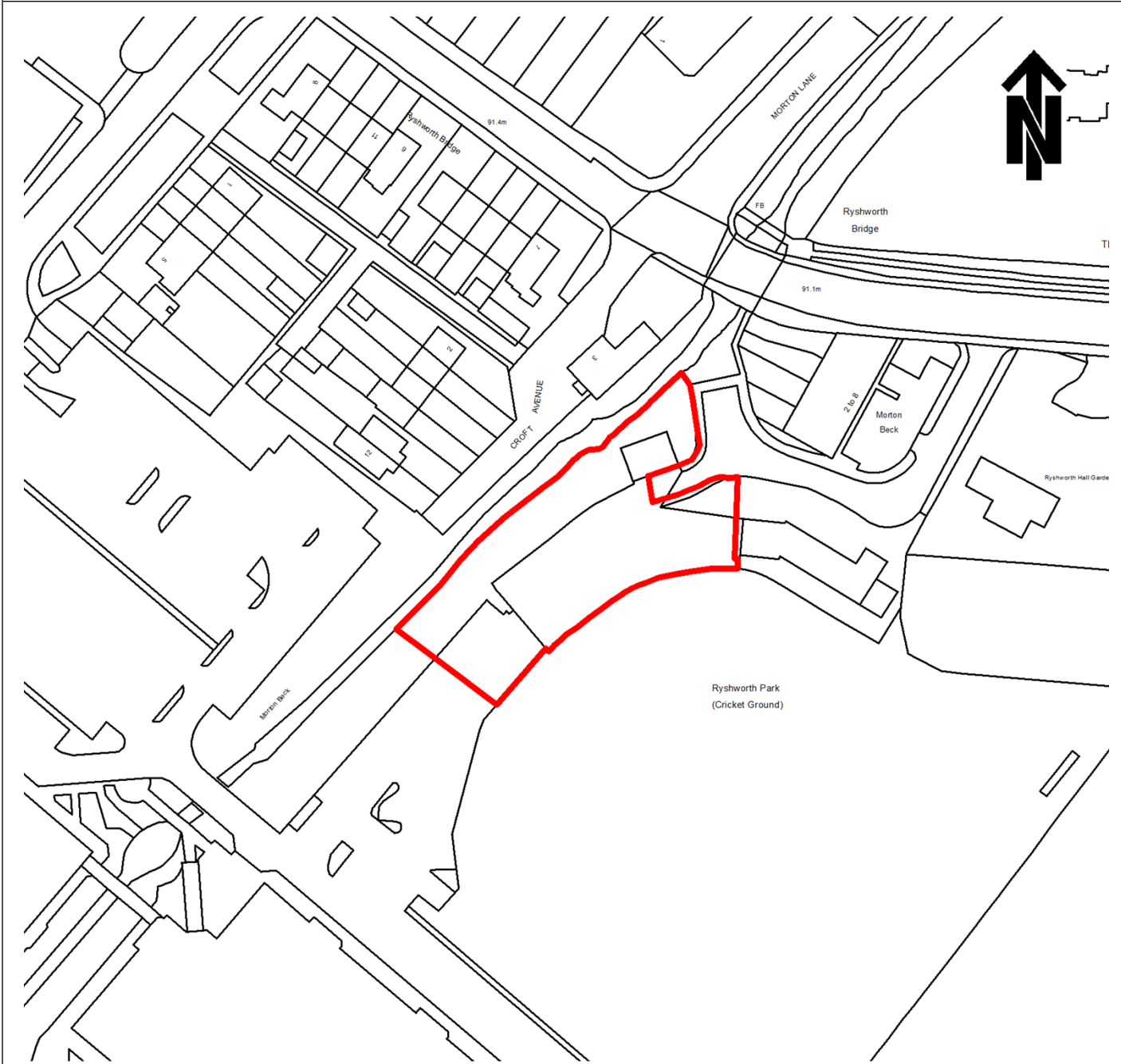
Report Contact: Mohammed Yousuf  
Phone: 01274 434605

Email: [mohammed.yousuf@bradford.gov.uk](mailto:mohammed.yousuf@bradford.gov.uk)

**Portfolio:**  
Regeneration, Planning & Transport

**Overview & Scrutiny Committee Area:**  
Regeneration and Environment

**20/01995/FUL**



1:1,250

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**Land At Crossflatts Cricket Club  
Keighley Road  
Bingley**

**13 July 2022**

**Item: A**  
**Ward: BINGLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**  
**SUBJECT TO CONDITIONS AND SECTION 106 AGREEMENT**

**Application Number:**  
20/01995/FUL

**Type of Application/Proposal and Address:**

Full application for the change of use of cafe to form residential dwelling (Plot 5) with associated works, construction of one pair of semi-detached houses (Plots 6 and 7), three terraced houses (Plots 8, 9 and 10) and two detached houses (Plots 11 and 12) with associated parking, access and landscaping on land to the west of Crossflatts Cricket Club, Keighley Road, Bingley.

**Applicant:**  
Mr Wasif Hussain

**Agent:**  
Mr Michael Ainsworth – MADP

**Site Description:**

The site lies to the west of Crossflatts Cricket Club to the south of Keighley Road. The site previously comprises a hard surfaced car park area that is located between the cricket ground to the east and Morton Beck. Work has commenced on the development meaning that at the time of writing the land is a building site.

To the west, beyond Morton Beck are residential properties on Croft Avenue. On the south side of the cricket field is Aire Valley House and The Hive formerly office building with permission to be changed to flats.

The site access is from the north Keighley Road, improvements to the access are proposed as part of the application. A former industrial building at the entrance to the site has recently been converted to residential use. To the south of the site are commercial offices and associated car parking. Around 100m to the east is the Grade II\* Listed Ryshworth Hall.

**Relevant Site History:**

16/09490/MAO - Development of up to 10 residential dwellings including change of use of existing barn with indicative layout and associated means of access. Granted 14.08.2018.

19/02905/FUL - Demolition of one existing industrial building with associated storage area, existing modern flat-roofed extension to barn and existing flat-roofed annex to barn near main site entrance, change of use of existing unoccupied barn (D2) to four dwellings and formation of parking for proposed dwellings. Granted 01.04.2020.

NB this application (20/01995/FUL) was initially assessed and a decision made under the Council's Scheme of Delegation to grant permission on 23.04.2021. The decision was subsequently quashed by Judicial Review.

**The National Planning Policy Framework (NPPF):**

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

**Core Strategy Policies**

DS1 Achieving Good Design

DS3 Urban Character

DS4 Streets and Movement

DS5 Safe and Inclusive Places

EN3 Historic Environment

EN4 Landscape

EN5 Trees and Woodland

EN7 Flood Risk

HO5 Housing Density

HO6 Maximising the Use of Previously Developed Land

HO9 Housing Quality

SC9 Making Great Places

Homes and Neighbourhoods - A Guide to Designing in Bradford Supplementary Planning Document (SPD)

**Parish Council:**

Bingley Town Council wish to recommend that this application be refused on grounds of overlooking and overshadowing neighbouring properties, over development of the site, highways issues regarding access onto a busy and dangerous road and roosting bats.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters which expired on 20 August 2020.

At the time of writing this report 132 objections and 12 supporting comments have been received.



## **Summary of Representations Received:**

### **In Objection:**

The houses are very close to the cricket field.  
Danger from stray balls hitting the houses.  
Sports England object to the scheme.  
The houses cause loss of light for the pavilion.  
The houses cause a loss of parking for the cricket club.  
Cars have to park on the road.  
Construction work has continued even though there is no planning permission.  
The houses could impact the use of the pavilion/clubhouse.

### **In Support:**

The site has been abandoned for a number of years.  
Development is good for the local economy.  
There is a shortage of houses in the area.

### **Consultations:**

Historic England: No comments to make.  
Drainage: No objection subject to conditions.  
West Yorkshire Police: No objection.  
Environmental Protection: No objection subject to conditions.  
Conservation: No objection.  
Sports England: Sport England maintains its objection to this planning application. Require safety netting in accordance with Labosport Technical Report dated 04/11/2020.  
Sport England would be pleased to review the objection when we have received details/amended plans that address the following:

1. Details of the design, specification, height and layout of the ball stop mitigation based upon a revised ball strike risk assessment reflecting the correct level of play. The Labosport Report (4/11/20) as referenced by the ECB above, reflects this level of play. This should also include details of how the ball stop mitigation will be implemented, managed and maintained in perpetuity. Any ball stop mitigation should have no impact on the cricket outfield. If there is significant difference to the location of the ball stop netting as set out in the Labosport Report (4/11/20), an amended version of the Labosport report would need to be completed to ascertain required mitigation height.
2. Details of the access arrangement for cricket club users, spectators, and maintenance vehicles.
3. Details of any new replacement parking to mitigate for that lost to the development.
4. A technical assessment that considers the impact of the proposed buildings and the proposed ball stop mitigation/netting on sunlight and shadowing. Unless this satisfactorily demonstrates that there will be no impact on the cricket ground and pavilion, mitigation measures will need to be provided to address this issue which may include redesigning the development to address this issue. If applicable, revised layout plans should therefore be submitted.

Highways: No objection in principle subject to an amended layout to allow for two way traffic to enter and exit the car park and planning conditions.

**Summary of Main Issues:**

1. Principle of development
2. Design and appearance
3. Access and highway safety
4. Flood risk and drainage
5. Amenity and safety
6. Safety netting/ball strike
7. Living conditions
8. Pavilion/clubhouse
9. Noise disturbance
10. Trees
11. Other matters

**Appraisal:**

As mentioned in the planning history for this site. Planning permission for the development was quashed following Judicial Review. The application therefore must be re-determined. The Council accepted that the decision to grant planning permission provided legally inadequate reasons for departing from the expert advice received from Sports England in relation to the risk of ball-strike.

**1. Principle of development.**

According to section 38(6) of the Planning and Compulsory Purchase Act 2004 planning decisions “must be made in accordance with the development plan unless material considerations indicate otherwise.”

The Council is unable to demonstrate a 5 year housing supply, as of January 2021, the figure stands at 2.03 years. With this in mind it is necessary to consider paragraph 11 of the NPPF which states that there is a presumption in favour of sustainable development. This means that for decision making:

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF and locally adopted policies encourage, where possible, the redevelopment of previously developed land (brownfield sites). For instance, paragraph 120 (c) states that planning decisions should “give substantial weight to the value of using suitable brownfield land within settlements for homes.” Similarly, Core Strategy policy HO6(a) states “In order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way, the plans, programmes and strategies of the Council will give priority to the development of previously developed land and buildings.”

The application site is unallocated and lies within the urban area. As such and providing that the proposal respects areas in use as a sports ground and for ancillary facilities, there would be no objection to the principle of redevelopment of the site for housing.

This is confirmed by the granting of outline planning permission in 2018 (16/09490/MAO) for 'up to 10 residential dwellings'. There has been a material change in circumstances since this permission was granted which is the agricultural building at the entrance to the site, which had permission to be converted into three dwellings has, under permission 19/02905/FUL, been converted to four dwellings.

Planning history of a site is a material planning consideration in decision making and legal cases such as North Wiltshire District Council vs. Secretary of State for the Environment (1993), establish that like cases should be determined in like manner for the sake of certainty and consistency, of importance for both local planning authorities and developers, but also so as to give the public confidence in the decision-making process. This does not mean that a local planning authority is necessarily bound by an earlier decision but relevant decisions should be considered and, if a change of approach is to be made, identify planning reasons for the change.

The application for determination is on the same plot of land that was granted permission in 2018 and there has not been a significant change in the physical appearance of the site in the intervening years to the present. The principle of residential development of this site has, therefore been established. If the local planning authority is to reach a different conclusion to the application granted 2018 clear reasons must be set out. With that in mind, any adverse impacts of granting permission must significantly and demonstrably outweigh the benefits of granting permission.

In respect of the development site, it comprises a car park. Core Strategy policy HO6(A) states "In order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way, the plans, programmes and strategies of the Council will give priority to the development of previously developed land and buildings." This is consistent with the NPPF 118(c) which states planning decisions "should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs."

## **2. Design and appearance**

NPPF paragraph 124 states "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Core Strategy Policy DS1 is consistent with this and states: "Planning Decisions including Plans, development proposals, and investment decisions should contribute to achieving good design and high quality places."

Core Strategy policies require new housing development should be high quality and achieve good design. The development is for 8 dwellings, consisting of the conversion of one building and the construction of a pair of semi-detached houses, a row of three dwellings and two detached dwellings.

The converted building (identified as Plot 5 on the plans) is suitably designed and the change of use to a dwelling does not require significant alterations to the appearance of the building to make it appropriate for residential use.

Work on the houses has continued following the quashing of the decision. The houses that are under construction comply with the submitted plans and do not depart from them. However, as noted, they do not benefit from planning permission.

Plots 6 and 7 are the pair of semi-detached houses. They are designed as an asymmetric pair. These are three storey building, the larger of the two has parking at ground floor level with two storeys above. The smaller of the two houses (Plot 6) is a four bedroomed house laid out over three floors.

The design of these two houses are considered appropriate. The construction materials are constituted stone walls with natural stone copings under a grey slate roof. The window arrangement is appropriate. The principal elevations face northwest with their rear facing towards the cricket ground.

The three houses in the row (Plots 8, 9 and 10) are located adjacent to plots 6 and 7. This row of three houses are three storeys in height and like plot 7 have parking at the ground floor level with habitable rooms laid out over two floors above. These are suitably designed and would not cause detriment to the visual amenity of the area.

Plots 11 and 12 are two large dwellings, also laid out over three floors and is of a similar design to the other proposed houses. The design of the houses has been accepted as being appropriate and agreeable in this location. Due to the location of the site, which is not in a primarily residential location, there is no established architectural vernacular to replicate or reflect. The design and appearance of the proposed dwellings would not cause harm or detriment to the character of the area.

Part of the development is to erect safety netting along the boundary of the site to prevent balls striking the houses, gardens and land beyond. This will be of a height required by Sports England. The plans show the netting at a height of 24m rising to 26m supported on five lattice towers.

The type of safety netting that is proposed can be raised and lowered by a winding mechanism. This means that the netting can be lowered over the winter months when cricket is not played. A section 106 agreement which requires a Ball Strike Safety Scheme to be agreed that requires the netting to be raised from 1st April to 30th September inclusive. This would correspond with the cricket season and mean that for six months from October to March the netting would be lowered.

The lattice towers are permanent fixtures and have the potential to impact on the visual amenity of the area. It is noted that there are other apparatus and tall buildings in the locality. The large office building to the south of the cricket field is a dominates the area and beyond this is the A650 Sir Fred Hoyle Way. To the west Morton Beck which benefits from have tall trees along the banks and with street lights and telegraph poles means that the introduction of permanent lattice towers would not cause undue harm to the amenity of the locality.

In the event that the safety netting is no longer required it should be removed from the site.

### **3. Access and highway safety**

Core Strategy Policy DS4: Streets and Movement expects, amongst other matters, that new development takes a design led approach to car parking so that it supports the street scene and pedestrian environment, whilst also being convenient and secure.

Of the 8 proposed dwellings 7 have two allocated parking spaces and the largest house, plot 12, has three spaces. This is an adequate arrangement for the size of the development. The site plan includes parking spaces for visitors.

Access through the site is maintained giving access to Aire Valley House and the car park off Croft Road. The site is presently laid out as a car park, but is in the ownership of the applicant. The loss of the car park has been accepted as part of the 2018 planning permission and the proposed access does not differ significantly from that permission.

The cricket club's car park is located to the south of the application site. The access road through the site leads to the car park of the cricket club. The cricket club have a right of access over the development land to the car park from Keighley Road. Legal rights of access are not, primarily a planning matter, but rather a private matter between the relevant parties. In this case, the access to the car park is a material consideration due to the frequency and volume of vehicles associated with the cricket club that require to drive through the housing site to enter and exit that car park. Historically, there was an informal access to the car park from Croft Road but this was also over third party land. The size of the car park does not alter but it will require some parking spaces to be relocated due to the entrance to the car park being moved further east towards the cricket pitch.

The main issue is that the plans, as proposed, is not wide enough to allow two cars to pass each other at the entrance to the car park. This creates a pinch point that would potentially lead to conflict between vehicles wishing to enter and exit the car park at the same time. At busy times this could see cars having to reverse to allow other cars to pass and cause cars to back up on the residential access road. This in turn would potentially be inconvenient for residents as well as harming their living conditions, particularly those at plots 11 and 12.

It is possible to relocate the parking spaces for plot 12 to allow for the access to the car park to be widened sufficiently to allow two cars to pass side by side and so, to a large degree, eliminate the potential conflict and consequent concerns for the amenity of residents. At present the developer has not agreed to alter the layout of the access to allow for two-way traffic to enter and exit the car park. The objection from highway officers relates, primarily to this detail of the scheme. The other element, which is the upgrade of the junction with Keighley Road, can be addressed via planning condition/obligation.

Given the above, it is considered that since the layout arrangement is not materially different from the one granted in the 2016 outline permission (which had access considered), the development would not result in a level of disamenity for residents that would warrant a recommendation for refusal. It is noted that the 2016 permission did not have dwellings located in the position of plots 11 and 12 of the current proposal.

The developer has not been willing to alter the access to the requirements of the highways officer, and so the proposal has to be based on the plans as presently submitted. On balance officers consider that the development would not result in detriment to the amenity of future residents of a level that would warrant a recommendation for refusal. Neither would it result in significant detriment to the safety of highway users or those using the car park.

Sports England has requested details of the access arrangement for cricket club users, spectators, and maintenance vehicles and details of any new replacement parking to mitigate for that lost to the development. The access arrangements for the cricket club does not change. The location of the car park remains the same. The layout will need to be altered slightly because of the position of the access into the car park there is not a reduction in the size of the car park.

Objectors have commented that the development has prevent disabled access to the cricket field which is taken to the western side of the pavilion. The location of Plot 6 with its parking spaces to the side narrows the path to a degree that it prevents wheel chair users reaching the pitch. Maintenance vehicles also use this access point to carry out pitch maintenance but this would be too narrow and thus prevent access.

However, the application development does not extend onto land outside of the developer's ownership which means that people have, in the past, been crossing over private land to access the cricket field.

It is also pointed that the pavilion's boiler flue is on this side of the building and the proximity of Plot 6 obstructs the boiler. However, it would appear that the access to the western end of the exterior of the pavilion is reliant on crossing over third party land. This situation is not sustainable and cannot be used to restrict development on adjacent land.

The facilities are also used by Keighley Albion ARLFC and Keighley Pigeon Club. The latter bring a 40-foot long wagon to the car park to collect pigeons. The proposed access includes a turn that would not be passable by large vehicles and forms a narrow pinch point between the parking for plot 12 and the cricket club car parking is narrow and would prevent large vehicles accessing the car park. What is shown corresponds with the legal right of access conveyed to the cricket club to access the car park. Revised plans have been received that show the access to the car park 3.69m wide. This is not wide enough for two-way traffic but allow for a car to pass comfortably into/out of the car park.

The layout of the houses has resulted in a narrow access being created between the clubhouse/pavilion and Plot 6. This area has historically been used to reach the cricket field for pedestrians, wheel chair users as well as the equipment to maintain the field.

This means that access to the cricket field would either be through the clubhouse/pavilion or by walking through the housing development to the car park and onto the cricket field from there. However, the access to the cricket club is not the responsibility of the adjacent land owner, in this case the housing developer. It would appear that the access to the cricket pitch is partly over land not in the cricket club's ownership.

The proposed layout has been agreed with the highway engineer and allows for a refuse vehicle to enter the site and turn round and exit onto Keighley Road. The junction with Keighley Road is suitable and does not require significant upgrade.

#### **4. Flood risk and drainage**

Morton Beck to the west of the site runs in a southerly direction into the Aire further to the south. The application site is a relatively narrow piece of flat land. Parts of the site are in flood zones 2 and 3. A Flood Risk Assessment carried out by Flood Risk and Drainage Solutions. This has been accepted and provided that the requirements of the FRA are implemented and maintained there is no concern over flooding or drainage.

#### **5. Amenity and safety**

Core Strategy policy DS5(F) state that development should "Not harm the amenity of existing or prospective users and residents." The site is on a relatively narrow piece of land that is located adjacent to Crossflatts Cricket Club.

#### **6. Safety netting/ball strike**

The distance from the wicket to the boundary of the application site is 33.6m at its nearest point. This means that there is the potential for a conflict between users of the cricket pitch and residents of the proposed houses, in particular the risk of ball-strike. Accordingly, a Labosport Technical Report dated 4/11/2020 has been submitted in support of the application. This is a risk assessment in respect of the proximity of the proposed dwellings and gardens to the cricket pitch.

Based on the calculations contained in the technical report that takes into account various scenarios it states that for the north orientation: "A 23.0m high system will not stop all shots from landing beyond the boundary, but it is believed from the assessment of ball trajectory it will significantly reduce their frequency. In order to almost completely remove the risk of cricket balls landing in the area beyond this boundary a mitigation system 28.0m high would be required. This may not stop all shots from landing beyond the site boundary, but it is believed from the assessment of ball trajectory it will significantly reduce their frequency."

"Based on the height calculations of the ball trajectory combined with the experiential information regarding shot scenario, direction of play and site specifics it is recommended that a mitigation system 24.0m high at the shortest distance to the proposed development in this orientation is a suitable solution. This may not stop all shots from landing beyond this boundary, but it is believed from the assessment of the ball trajectory, it will significantly reduce their frequency."

To the north west orientation "Based on the height calculations of the ball trajectory combined with the experiential information regarding shot scenario, direction of play and site specifics it is recommended that a mitigation system 26.0m high at the shortest distance to the proposed development in this orientation is a suitable solution. This may not stop all shots from landing beyond this boundary, but it is believed from the assessment of the ball trajectory, it will significantly reduce their frequency."

The proposed layout of the site means that the north west elevation is adjacent to the access road, not dwellings directly. Plots 6 – 10 are to the north of the cricket pitch where the 23m high fence would be suitable.

A 26m high fence is required to the north west. It is important that this fencing is installed before occupation of the dwellings and that a means of maintaining it is in place. It is suggested that this done via a Section 106 agreement.

The office blocks on the southern boundary of the cricket pitch, Aire Valley House and the Hive are in close proximity to the boundary rope of the cricket field and are not protected by any safety netting. These buildings now have a consent to be converted to a total of 139 residential units under permission 21/04062/POR with no requirement for safety netting. It is not known if these office buildings have been affected by ball strike. The introduction of housing to the proposed location is not, therefore, without precedence. The clubhouse and pavilion is, by its nature, located on the edge of the cricket field and is not protected by safety netting.

The development site has, historically, been used as a car park for the cricket club. A reduced club car park is retained to the south west of the cricket field. It is not known how frequently cricket balls were struck into the car park or if any cars have been damaged by stray balls or indeed the clubhouse itself.

It is considered that the safety netting proposed, and agreed by a Section 106 agreement, will satisfactorily address the potential hazard of cricket balls striking the houses and is in line with the requirement of Sports England.

The position of the fencing has been questioned since Sports England suggest the netting be positioned 3m from the boundary of the plot. However, this is on land outside of the cricket club's control. It is usual for private gardens to be enclosed by boundary fencing and this can be done along the boundary of the development plot adjacent to the cricket field. The position of the boundary rope around the perimeter of the cricket field is a matter for the cricket club.

## **7. Living conditions**

In respect of the amenity of future occupiers of the dwellings the fencing will be required to be in place prior to dwelling occupation and so dwellings would be bought/occupied in the full knowledge of the size and proximity of the cricket ground and the presence of the safety netting. The rear gardens of all of the dwellings are relatively small. Plot 8 in particular has a garden little over 3m in depth. However, it backs onto the cricket ground. It would not therefore be enclosed by other development beyond the rear boundary. Plots 11 and 12 both have rear gardens of 3m depth. The rear boundary backs onto Morton Beck and a tree belt.

The gardens of the proposed dwellings would be small and offer limited outdoor amenity space. The site is, however, adjacent to open space and close to Crossflatts Recreation Ground. The adopted Homes and Neighbourhoods SPD states: "Homes with two or more bedrooms should have a well-sized outdoor space (a balcony, terrace or garden) that is private, enclosed, usable (balconies at least 1.5m deep) and with minimal overlooking by neighbours, where young children will be safe to play outside."

It cannot be said that the gardens of the proposed houses are well-sized, however the shape of the site and its brownfield history means that it does come with physical constraints. It has to be born in mind that outline planning permission was granted for up to 10 dwellings on this plot. The layout of the site is such that the houses have been laid out to give good access and parking, large houses but this has been at the expense of garden size. This does not mean that the proposed scheme is unacceptable as the level of amenity space offered by the dwellings, whilst small, is considered acceptable.



The nearest residential dwellings to the site are those on Croft Avenue to the west of Morton Beck. These are screened from the application site by the trees along the western boundary. The nearest dwellings, numbers 10 and 12, are located around 23m from the application site. The front boundary of these houses are 13m from the edge of the application boundary. The size of the proposed dwellings, being over three storeys, means that they are taller than more traditional houses. However, the separation distances are adequate to mean that there would be no significant loss of privacy or amenity for the residents on Croft Avenue.

## **8. Pavilion/clubhouse**

The dwelling at Plot 6 is located adjacent to the cricket club pavilion and clubhouse. This is a two storey dwelling with dormer to the south elevation roofslope making it three floors high. This is taller than the adjacent pavilion.

Plot 6 and the other dwellings are located to the west of the pavilion. The pavilion faces southwards and so benefits from direct sunlight for much of the day. Being to the west of the pavilion the houses would cast a shadow over the pavilion in the later afternoon/evenings. The houses located to the north west of the cricket pitch would not, generally speaking, due to their location overshadow the cricket pitch.

The location and size of the houses would not have a significant impact on the usability of the cricket pitch by causing overshadowing or a reduction in natural light to either the pavilion or the playing field.

The dwellings are located on the north western edge of the cricket field and plots 6 to 10 are located to the west of the pavilion and north of the cricket field. Plots 11 and 12 are located further back from the edge of the cricket pitch to the north west.

Sun path modelling has been submitted with the application that shows that the orientation and position of the houses in respect of the cricket pitch and pavilion means that they would not cause any significant overshadowing of either and not to a level that would warrant a recommendation for refusal.

## **9. Noise disturbance**

The adjacent clubhouse is a licenced premise that hosts events into the early hours of the morning. There is the potential for noise such as loud music, raised voices and vehicles coming and going in the evening/early morning to be disruptive to the future residents of the dwellings. This is a concern of the cricket club should complaints be made by future residents.

Development proposed in the vicinity of existing community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.

In these circumstances the applicant (i.e. the agent of change) will need to clearly identify the effects of existing premises that may cause a nuisance and the likelihood that they could have a significant adverse effect on new residents/users.

In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that facilities are permitted to carry out, even if they are not occurring at the time of the application being made.

The proximity of the houses to the clubhouse means that there is the potential for noise outbreak to disrupt future residents. The concerns expressed by objectors is anecdotal and the existing use of clubhouse is well established. The future residents would be well-aware of the proximity of the houses to the clubhouse and the accompanying use of it into the evening hours. There are mitigation measures that can be included within the development to reduce the potential impacts of any noise or disturbance from the clubhouse.

Other residential properties are located in close proximity to the clubhouse, in particular the converted barn to the north of the site.

There does not appear to be a material change in circumstances since the granting of outline permission for housing in this plot and there is no sustainable reason to reach a different conclusion in this case.

#### **10. Trees**

There is a tree belt along either side of the Morton Beck. The plans show the removal of four smaller trees which occupy part of the construction plot. The trees are not protected and the remainder are intended to be protected and retained. The root protection areas of the remaining trees have been plotted on the plans and provided they are observed during the construction of the houses. The proximity of the trees to the rear of the plots 11 and 12 means that pressure may arise to remove these in the future, however, they are outside of the ownership of the applicant and as such cannot be removed without the owner's consent

#### **11. Other matters**

The distance to the listed building to the east (Ryshworth Hall) is sufficient for the development to have a neutral impact on the heritage value of the listed building. Giving due consideration to the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed development would not have a detrimental impact on the nearby grade II\* listed building or its setting.

The proposed application site is adjacent to the cricket ground but is not connected to it in any way. However, there is the potential for the development to have an impact on the future use of the cricket club. The proposed development has addressed the issue of potential ball strike and it has been deemed acceptable from a safety point of view. Policy EN5 of the Core Strategy as well as the NPPF seeks to protect land for outdoor recreation. The proposed development, as it is adjacent to but not part of the cricket ground, would not reduce the amount of recreation land at Crossflatts.

#### **Community Safety Implications:**

There are no implications for community safety.

**Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

**Reason for Granting Planning Permission:**

The proposal would make a positive contribution to housing land supply at a time when the Council is unable to demonstrate a five year supply of housing land. The principle of housing development is in accordance with the Development Plan and national policy and is consistent with previous decisions to grant permission for housing on this site.

The development introduces houses close to the boundary of the cricket field. The potential risk of ball strike has been mitigated through the erection of safety netting that is in accordance with Sports England's requirement. The impact on the cricket club has been considered as has the potential conflict of the use of the cricket club on the houses.

Subject to the suggested conditions the application is therefore considered to be in accordance with the above policies of the Core Strategy, SPD and NPPF.

**Conditions of Approval:**

1. 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. Before the occupation of any of the dwellings, hereby approved, 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 numbered 201D 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 DS4 of the Core Strategy Development Plan Document.

3. The development shall be constructed in accordance with the drainage scheme, as illustrated on Dwg No 2020-035-01 within Doc Ref 2020 035 03 A, with tank venting and maintenance access points to be provided in accordance with the manufacturer's instructions. The drainage scheme shall be maintained at all times in accordance with the Maintenance Schedule in the Drainage Impact Assessment, Doc Ref 2020 035 03 A, dated 28/08/2020 by FRDS.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

4. The development shall incorporate the flood mitigation measures outlined within the Flood Risk Assessment, Doc Ref. 2020-035-02, dated 23/07/20, by FRDS.

Reason: In the interests of the amenity of future occupiers, pollution prevention, the effective management of flood risk and to accord with policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

5. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties, to prevent overdevelopment of the plots and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.