

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2020/62/92782/W

Site Address: Huddersfield Lawn Tennis and Squash Club,
Cemetery Road, Edgerton, Huddersfield, HD1 5NF

Description: Erection of canopy to Padel courts

Recommending Officer: Stuart Howden

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 13-Nov-2020

Error! Not a valid filename.

Officer Report

Site Description

Huddersfield Lawn Tennis And Squash Club

Huddersfield Lawn Tennis And Squash Club (HLTSC) is situated on the south side of Cemetery Road and comprises 6.no external tennis courts and 2.no padel courts to the west of the site, and a building to the east of the site serving a club house and covered courts. The two padel courts are parallel to each other and situated in the north western corner of the site. Each padel court is within a separate enclosure of a size of approximately 20m x 10m, with a walkway between both courts. The padel courts are enclosed with glass and mesh fencing at a maximum height of approximately 4 metres and both courts have 4.no floodlights each. The surrounding land slopes downwards from west to east, but the padel courts themselves are flat.

Between the padel courts and Cemetery Road is an access track into the site as well as planting. To the north of the site is Edgerton Cemetery. To the west of the padel courts are mature trees, and beyond this are buildings used for commercial and residential purposes. Beyond the eastern boundary of HLTSC is Highfields Community Resource Centre, whilst to the south is residential development.

Private parking serving HLTSC is situated off Cemetery Road to the north of the site.

The site is not within a conservation area, but lies adjacent to Greenhead Park/New North Road Conservation Area (to the west of the site) and Birkby Conservation Area (to the north of the site). There are also a number of Grade II listed buildings which are in close proximity to the site, including: No's 80, 82 and 82A, 84, 86, 88, 90 and 92 New North Road, Cemetery Lodge, Chapel with Edgerton Cemetery and the wall surrounding Edgerton Cemetery. The site is designated as an Urban Green Space within the Kirklees Local Plan.

Description of Proposal

Planning permission is sought for the erection of a canopy roof over the existing padel courts. The footprint of the canopy roof is proposed to be approximately 22.8m x 27.7 m, which will cover both courts and allow for a viewing area. There would be a vertical section of canopy approximately 3 metres above ground level. The roof element would be curved and would be a maximum height of approximately 10.7 metres, and a minimum height of approximately 6.9 metres. The roof would be supported by a steel frame and would have a fabric roof, similar to the roof on the existing indoor courts to the east of the site.

History of negotiations/amendments received

Justification was requested by officers for the proposed height of the canopy roof. The applicant's agent provided further detail relating this matter by e-mail on 9th October 2020 to address this issue. In addition, the applicant's agent agreed to a condition restricting the hours of use of the padel courts on 11th November 2020.

Relevant Planning History

87/00623 – Proposed office and pro's shop extension and rebuilding access to squash courts and additional parking – Granted conditionally.

90/02847 – Erection of Floodlights on three existing tennis courts – Conditional full permission

96/90591 – Outline application for erection of extensions to existing tennis and squash club – Conditional outline permission.

98/92907 – Erection of new indoor tennis courts with viewing gallery, fitness suite, male and female changing rooms and new clubhouse facilities – Conditional full permission. Relates to the building at eastern extreme of the site.

2007/91819 – 'Erection of 10 no. replacement floodlights' – Conditional full permission. Relates to courts 1-4 directly to east of the site.

2009/93364 – 'Formation of 2 external padel tennis courts with fencing and floodlights' – conditional full permission.

Representations

Final publicity date Expires:

Neighbour notification letters expired on 16th October 2020; Site notice expired on 12th October 2020; Press advertisement expired on 16th October 2020.

No representations received.

Consultation Responses

KC Conservation and Design: Subject to justification of the height of the building, no concerns about the proposed development on heritage grounds.

KC Ecology: No objections.

KC Environmental Health: No objections subject to restrictions on the hours of use and construction.

KC Trees: No objections.

KC Highways Development Management: No objections.

KC Local Lead Flood Authority: No objections.

Sports England: Support the application

The Coal Authority: No objections.

The above is a summary of comments from consultees and full comments are available to view on the Council's Planning Website.

Policy

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

The site is unallocated in the Kirklees Local Plan 2019, but the site is designated as an Urban Green Space within the Kirklees Local Plan and is adjacent to Greenhead Park/New North Road Conservation Area and Birkby Conservation Area.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 21** – Highway Safety and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 35** – Historic Environment
- **LP 47** – Healthy, Active and Safe Lifestyles
- **LP 48** – Community Facilities and Services
- **LP 50** – Sport and Physical Activity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 61** – Urban Green Space

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 8** – Promoting Healthy and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Effective Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact upon historic environment
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 - Principle of development:

Policy Context

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued in mutually supportive ways.

In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

Chapter 8 of the NPPF relates to promoting healthy and safe communities, and Paragraph 91 of the NPPF states planning decision should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles.

Policy LP47 of the Kirklees Local Plan outlines that the Council will create an environment which supports healthy, active and safe communities. Policy LP48 states that proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community,

education, leisure and cultural facilities that meets the needs of all members of the community.

Policy LP50 states that the Council will seek to protect, enhance and support new and existing open spaces, outdoor and indoor sport and leisure facilities where appropriate, encouraging everyone in Kirklees to be physically active as possible and promoting a healthy lifestyle for all.

The site is designated as Urban Green Space within the Kirklees Local Plan 2019. Policy LP61 states that:

“Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:

- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or*
- b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or*
- c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.”*

The supporting text for this policy outlines that in order to safeguard urban green space and avoid further deficiencies in provision, it is important that existing areas of valuable green space are retained and protected from development. The text supporting this Policy also notes that:

“Some open spaces in Kirklees have been designated as urban green space for purposes other than sport and recreation and may not have public access. These include urban green spaces important for their visual amenity, landscape and biodiversity benefits which close to where people live can help promote the health and well-being of local residents and contribute significantly to the quality and local character of the built-up areas in Kirklees. In order to safeguard these sites, development proposals will not be permitted which would be harmful to these qualities or the function of the urban green space...

Development of urban green space and smaller valuable green spaces may also be permitted where replacement equivalent or better provision can be created to serve the same community. The new open space must be as easily accessible for existing and potential new users and at least equivalent or better in quantity and quality to the green space being replaced.”

Paragraph 97 of the NPPF also states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) *“an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

Appraisal

Whilst, the proposed canopy would cover an area designated as Urban Green Space, it is considered that this proposed canopy building would not result in the loss of Urban Green Space. When reading the text supporting the Policy LP61, it is considered that the spirit and intention of the policy is to retain spaces for recreation, amenity and ecological purposes. The 2 existing padel courts would be retained and the proposed development would effectively provide cover for these two courts. It is therefore considered that the proposal would not negatively impact upon the current recreation use, and would instead enhance this specific use given that it would allow for all weather play. Officers have sought the advice of KC Planning Policy on this matter too, who verbally agreed that the proposal would not result in the loss of Urban Green Space. The proposal would therefore be in accordance with Policy LP61 of the Kirklees Local Plan.

Further to this, Sport England supports the application stating that the proposal meets a Sport England planning objective, this being to enhance to opportunities through better use of existing provision (i.e. the canopy will increase the playability of the existing courts to the benefit and enjoyment of participants in the sport).

Given the above, the proposed development would help support healthy and active lifestyles and would not result in the loss of Urban Green Space or sports facility, therefore the principle of the development could be acceptable. The principle of the development is also dependant on other considerations, which will be discussed below.

2 - Impact upon historic environment:

The site is not within a conservation area, but lies adjacent to Greenhead Park/New North Road Conservation Area (to the west of the site) and Birkby Conservation Area (to the north of the site). There are also a number of Grade II listed buildings which are in close proximity to the site, including: No's 80, 82 and 82A, 84, 86, 88, 90 and 92 New North Road, Cemetery Lodge, Chapel within Edgerton Cemetery and the wall surrounding Edgerton Cemetery.

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

Impact on Green Park/New North Road Conservation Area

The proposed building would be relatively high, being a maximum height of 10.7 metres and would be somewhat functional in its appearance.

That said, the proposed development would be somewhat separated from Greenhead Park/New North Road Conservation Area. Further to this, it would be on lower land to the Greenhead Park/New North Road Conservation Area to the west of the site and the roof would curve away from this conservation area, thereby, reducing its visibility from the west and ensuring it does not over-dominate this conservation area. It is therefore considered that the proposal would not cause harm to the significance of Greenhead Park/New North Road Conservation Area.

Impact on Birkby Conservation Area

The proposed building would be more visible from Birkby Conservation Area, notably from within the Edgerton Cemetery directly to the north of the site and given its scale and appearance, it is considered that it would cause less than substantial harm to the significance of this conservation area and its setting by reason of its height and appearance. That said, the proposed building would be set off from the north boundary of the site and would be somewhat screened by landscaping on the northern boundary of the site. The proposed building would also be partly read in the context of the other buildings on the site associated with the use. It is therefore considered that the harm to the significance of the Birkby Conservation Area and its setting would be limited.

Impact on Grade II Listed Buildings

The nearby Grade II listed buildings on New North Road are of architectural interest and it is considered that the front elevations of these buildings make a large contribution to their significance. Whilst the rear elevations are also considered contribute to the significance of these building, their contribution towards to the significance is not considered to be as great. The setting of a number of these buildings has also been negatively impacted with the introduction of hardstanding/car parks to the rear of these buildings too. In terms of the impact of the proposal upon these Grade II listed buildings, the proposed building would be a minimum distance of approximately 45 metres away from the Grade II listed buildings fronting New North Road, and given the change in land levels, the top of the proposed building would sit below the top of the buildings on Grade II listed buildings on New North Road. Given the intervening trees on the west boundary of the site and the above, it is considered the proposed building would not dominate these Grade II listed buildings on New North Road and that the proposal would not cause harm to their significance or setting.

Edgerton Cemetery includes listed buildings which are of high communal value, illustrative historical value and aesthetic value. The grounds of Edgerton Cemetery to the north of the site are also considered to make a positive contribution to the Grade II listed cemetery buildings (Cemetery Lodge, wall around Edgerton Cemetery and Edgerton Chapel), and it is considered that the proposal would cause less than substantial harm (albeit limited) to the setting of these listed buildings, and thereby their significance.

Justification for Harm

As noted by the Council's Conservation Officer, Paragraph 194 of the NPPF states any harm to, or loss of, the significance of a designated heritage assets should require clear and convincing justification. The Council's Conservation Officer has noted that there should be clear and convincing justification that the height of the proposed canopy is the minimum necessary.

On this matter, the applicant's agent was asked to provide further justification for the height of the building. The applicant's agent provided a booklet from the Lawn Tennis Association (who are the governing body for Padel Tennis) which specifies court dimensions. This document states that the recommended height for new build facilities is 8 metres. As the roof of the building is curved, parts of the roof would fall below this height. It is noted by the applicant's agent that the parts of the curved roof are above 8 metres height to allow for 'lob shots' which are noted as a common shot in the sport and officers see no reason to disagree with this. In addition, the roof would be a similar height to that on the existing indoor tennis building on the site. Officers are content with the justification provided for the height of the building.

Public Benefits

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage

asset, this harm should be weighed against the public benefits of the proposal.

In this case, there is considered to be less than substantial harm to the significance of Birkby Conservation Area and the Grade II listed buildings within Edgerton Cemetery, but this harm is considered to be limited.

As discussed above in Part 1 of this assessment, the proposal would enhance the existing recreation use given that it would allow for all weather play. For this reason Sport England are supportive of the application. In addition, there is support within the NPPF for promoting healthy lifestyles and the Kirklees Local Plan is supportive of proposals which enhance existing leisure/sport facilities and healthy and active lifestyles (i.e. Policies LP 48 and LP 50). Given this, it is considered that there would be public benefits associated with the proposed development and these are given great weight. It is therefore considered that the public benefits of this proposal clearly outweigh the less than substantial (limited) harm to the significance of to the heritage assets and their setting, which has been identified above.

Given the above, it is considered that the proposed development is therefore considered to comply with Local Plan Policy LP35 and Chapter 16 of the National Planning Policy Framework.

3 - Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which 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.’

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...’

The proposed building would be relatively high, being a maximum height of 10.7 metres and would be somewhat functional in its appearance. That said, despite its overall height, views would mainly be restricted to Cemetery Road, Edgerton Cemetery and New North Road given the topography of the area and existing built development in the area.

Given that the land falls downwards from west to east, it is considered that the proposed building would not appear overly large from New North Road to the west. The building would also be partially screened from New North Road by large trees to west of the site.

It is considered that the visual impact of the proposed building would be greatest from the north, from Cemetery Road. However, the building would be set slightly back from Cemetery Road, and planting would separate this proposed building from the highway. The building would also be sited amongst the clubhouse building and would not appear as an isolated feature at HLTSC from the highway.

Given the above, whilst the proposed building would be relatively large in height, it is considered that the proposed development would not cause detrimental harm to the visual amenities of the locality, and that it complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4 - Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings” and “...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

In terms of the impact of the proposal upon neighbouring properties, the nearest properties to the proposed siting of the building are on New North Road to the north of the site. These buildings on New North Road are a minimum of approximately 45 metres and the proposed building would be set off the boundary shared with these properties. Whilst the canopy building is relatively high, given the separation distance and drop in land levels which would mean that the top of the proposed building would sit below the top of the buildings on New North Road, it is considered that the proposal would not cause undue harm to the amenities of these neighbouring properties on New North Road in terms of loss of light or the creation of an overbearing effect. It is also considered that the proposed building would be sufficiently sited to prevent undue harm to any other neighbouring properties in such a manner.

The Council's Environmental Health Team have raised no objections to the proposal in terms of noise nuisance to neighbouring properties subject to a condition restricting the hours of use of the padel courts to 7:30 to 22:30 Monday to Friday and 8:00 to 19:30 Saturdays and Sunday. However, the application form sets out that the opening hours of the use are 07:00-23:00 Monday to Friday and 8:00 to 19:30 on Saturdays, Sundays and Bank Holidays.

Condition 4 of 2009/93364 (which relates to the original consent for these padel courts) states that: *“Except as may otherwise be agreed in writing, the paddle courts and their floodlighting shall not be used after 10.30 pm. The floodlighting shall only be used when the courts are in use.”* Taking into account condition 4 on the permission for the padel courts, it is considered that it is not reasonable or necessary to restrict the hours of the padel courts earlier than already permitted (i.e. before 22:30 on Saturdays, Sundays and Bank Holidays).

However, condition 4 of 2009/93364 does not set a time for when the use of padel courts and their floodlighting can actually begin, and it is questionable as to whether there is a condition relating to the overall hours of use of the site. It is therefore considered that a revised condition relating to the hours of the use of the padel courts would allow the Local Planning Authority to have control over these hours as was originally intended so as to protect the amenities of neighbouring residents in terms of noise. It is considered that a starting time of 7:30 would be acceptable in this instance, especially as it appears there may have been no control over the hours of use of the padel courts before, and the applicant's agent has confirmed that they would have no objection to the hours of use being restricted to between 7:30 and 22:30 Monday-Sunday (including Bank Holidays).

The Council's Environmental Protection Officer has also requested a condition in relation to the hours of construction to prevent harm to the amenities of the neighbouring properties in terms of noise nuisance. However, construction activities are controlled by other legislation therefore, an informative will be attached in relation to construction activities instead

Given the above, it is considered that the proposal would not cause undue harm to the amenities of neighbouring properties. It is therefore considered that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

5 - Impact on highway safety:

The proposed development would not result in the loss of parking, nor would it result in the increase in the number of courts on the site. The Local Highways Authority has also raised no objections to the proposal. Given the above, the impact upon highway safety is considered to be acceptable and the proposal is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

6 - Other matters:

Coal Mining Risk

The site falls within a defined Coal Mining High Risk Area. The Coal Authority has stated that given the scale and nature of the development, they do not consider that a Coal Mining Risk Assessment would be proportionate in this case and they have not objected to the planning application.

Trees

There are trees within close proximity to the site, including trees to the north and west of the site. The Council's Arboricultural Officer has raised no objections to the application. The trees to the west of the site are considered to be of high amenity value, but are considered to be of a sufficient distance away from the proposed development so as not to be negatively impacted by it. The trees to the north of the site are not protected, but given the nature of the proposal and its siting, it is considered that the development would be unlikely to cause harm to these trees.

Biodiversity

The site is within a 'bat alert' area, but the Council's Ecologist has not objected to the proposal. Given the nature of the proposal, it is considered that the proposal is unlikely to cause harm to protected species.

Flooding Risk

The site is within Flood Zone 1 (and assessed as having a less than 1 in 1,000 annual probability of river flooding (<0.1%)), land with the lowest risk of fluvial flooding. Further to this, the Council's Local Lead Flood Authority has raised no objections to the proposal. It is considered that the proposal would not increase the flooding risk on or off the site.

Climate Change

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

Given that the proposed development is not increasing the number of courts on the site, but is enhancing the existing facilities, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policies LP24 and LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7 - Representations:

No representations have been received in relation to this application

8 - Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/92782

Officer Recommendation: Approve

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP7, LP21, LP22, LP24, LP30, LP33, LP35, LP47, LP48, LP50, LP51 and LP61 of the Kirklees Local Plan and Chapters 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Padel courts 1 and 2 as displayed on Drawing No.2020 20 02A shall not be used outside the hours of 07:30 to 22.30 on Monday-Sunday (including Bank Holidays), unless otherwise agreed in writing by the Local Planning Authority. The floodlighting serving Padel courts 1 and 2 shall only be used when those courts are in use.

Reason: To safeguard the amenities of nearby residents from noise, light and disturbance at unsocial hours and in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays
- 08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays. In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	7 th September 2020
Existing Layouts and Elevations	Drawing No. 2020 20 01	-	7 th September 2020

Plan Type	Reference	Version	Date Received
Proposed Layout and Elevations	Drawing No. 2020 20 02	A	7 th September 2020
Design and Access Statement dated August 2020	-	-	7 th September 2020
E-mail from applicant's agent justifying the height of proposed development	-	-	9 th October 2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Justification was requested by officers for the proposed height of the canopy roof. The applicant's agent provided further detail relating this matter by e-mail on 9th October 2020 to address this issue. In addition, the applicant's agent agreed to a condition restricting the hours of use of the padel courts on 11th November 2020.

Report Dated: 11.11.2020

