

Consultation Response from KC, Policy		
2021/90357 East Bierley Playing Fields, Hunsworth Lane, East Bierley, BD4 6PU		
Works to existing sports facilities including erection of a clubhouse, additional changing facilities building, boundary treatments, storage facilities and floodlighting, works to existing pitches, and creation of new hybrid and five-a-side pitches and car park		
Date Responded:21/07/2021	Responding Officer: Amanda Potter & Andrea Lane	Responding Ref:

Proposal:

This site consists of existing sports facilities including one full size grass football pitch, one full size grass rugby league pitch and a changing facility. The application proposes improvement works to the existing pitches and new facilities to include the erection of a clubhouse and additional changing facilities, the installation of additional playing surfaces and 3G pitch, increased parking provision, new floodlights and fencing.

Green Belt comments

Paragraph 149 of NPPF (July 2021) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless the building falls within one of the exceptions listed in the paragraph. Paragraph 149b) of NPPF states that the provision of appropriate facilities for outdoor sport may not be inappropriate in the green belt provided that openness is preserved and that there is no conflict with the purposes of including land in the green belt. Local Plan policy LP56 supports paragraph 149 and states that the scale of the facility should be no more than is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated, and that the facility should be unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas.

Paragraph 150 of NPPF states that certain other forms of development are also not inappropriate in the green belt provided they preserve its openness and do not conflict with the purposes of including land within it and this includes material changes in the use of land such as for outdoor sport or recreation and engineering operations.

It is necessary therefore to determine whether application is for appropriate facilities for outdoor sport and consider whether the proposal preserves openness and whether there is any conflict with the purposes of including land within the green belt.

The application proposes one new playing pitch and one new multi-sport training area as well as the redevelopment of the existing pitches to create level playing surfaces and improve drainage. The engineering required to create the pitches would not by itself significantly impact on openness or the character of the site and these are outdoor pitches that will facilitate outdoor sport on a site where such use already exists. In principle the pitches are therefore considered to be not inappropriate in the green belt. As required by NPPF paragraph 149 and LP56 it is necessary to assess whether the proposal would preserve openness or conflict with the purposes of including land in the green belt. While the pitches themselves may be acceptable the application also includes the erection of 2.4m high fencing around each of the pitches as well as floodlights to facilitate use into the evening. Fencing could be considered reasonably required for the proper functioning of pitches in such close proximity to each other but by themselves will have some impact on openness. While there may already be some lighting associated with the existing changing rooms there would be a significantly greater impact on openness from the additional amount of lighting proposed. It is acknowledged that the site is well screened by trees so views into the site

are limited, but the lighting will still be highly visible and a significant intrusion into the countryside that surrounds the site. The enclosures and the floodlighting as well as noise resulting from the increased level of use of the site both during the day and into the evening would impact on openness as well as introducing urbanising features into a green belt setting.

The application also proposes the change of use of an area of pasture at the rear of the existing changing rooms to accommodate a new changing room building, additional to the existing changing rooms building which is proposed to be retained. Some additional car parking is also proposed in this area. This new building should be considered against paragraph 149 criterion b) as an appropriate facility for outdoor sport as changing rooms would reasonably be required on such a site. However, there is no information as to why it is necessary to have 2 changing room buildings on site. A new building where no building currently exists would not preserve the openness of the green belt and the expansion of the site beyond its current limits would lead to encroachment into the countryside contrary to the purposes of including land within it. To compensate for the loss of the area of pasture the plans show a new area of pasture to the south of the site. However, the compensatory area of pasture would be created where land is already free from development while the pasture to be lost would be to accommodate a building and car parking. The one does not therefore compensate for the other.

The new multi-function club house building is not an appropriate facility for outdoor sport and therefore constitutes inappropriate development in the green belt. There would be a requirement for additional car parking spaces as a reasonable consequence of the redevelopment of the pitches. However, car parking to serve the clubhouse is inappropriate in the green belt as it would not preserve openness and would conflict with the purposes of including land in the green belt.

Taken as a whole the proposal constitutes inappropriate development in the green belt and is contrary to policy LP56 of the Kirklees Local Plan.

Sports Comments

Existing provision:

The site as existing includes one adult grass football pitch and one adult grass rugby league pitch. The Kirklees Playing Pitch Strategy 2015 (PPS) identified the assessment of the pitches at that time as follows:

- good quality football pitch with spare capacity for one match per week at peak time. Poor quality changing facilities. Recommendation to improve poor quality changing facilities and retain spare capacity in order to sustain / protect pitch quality.
- poor quality rugby pitch with poor quality changing facilities. Recommendation to improve poor quality changing facilities on site and maximise use to accommodate shortfalls in the area.

The PPS also identified significant deficiencies in playing pitch provision within the Batley and Spen area for adult, youth and junior grass football and a shortage of two 3G pitches. The recommended actions set out in the PPS are that consideration should be given to the role that artificial grass pitches (AGPs) could play in reducing shortfalls alongside enhanced/ increased/ reconfigured grass provision and the creation of new AGPs. Shortfalls in rugby league senior, junior and primary match equivalent sessions were also identified in the area with the recommended action that priority should be given to improving quality to reduce shortfalls.

National Policy Assessment:

The National Planning Policy Framework (NPPF) July 2021 (Paragraph 99) protects existing open space and sports facilities from development 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.

Consideration should therefore be given to how the proposed development meets criteria (b) which is applicable in this instance.

In relation to criteria (b) the development proposes an increase in the quantity of pitches from 2 to 4 with a new grass hybrid pitch, and a new netball and multi-sport training area. These will provide an increase in match play and training sessions, as well as providing new facilities for netball. The replacement of the grass rugby pitch with a synthetic pitch will also allow for more intensive use. The applicant has not provided evidence to demonstrate what impact the re-configuration of the existing grass football pitch, which will result in a reduced size, will have on capacity for match play and usage. The increase in quantity and better quality of provision should be justified by evidence which demonstrates existing usage and match play capacity compared to the proposed capacity for match play sessions and potential usage post development, including any benefits for community use and how the development will help meet existing needs and shortfalls in football and rugby pitch provision in the area to meet criteria (b) of NPPF para 99.

In addition, the floodlighting of the synthetic pitch will increase the capacity for use into evening/night-time hours and in principle seems appropriate to allow additional capacity and match play. However, floodlighting for all pitches seems unnecessary in this instance. Justification would be required, and consideration should be given to impact on any residential properties nearby and the wider area.

Local Plan Policy:

Kirklees Local Plan policy LP50 (Sport and Physical Activity) sets out the same protection for sports facilities as the NPPF (para 97) and supports the creation of new outdoor sports facilities which help address deficiencies in playing pitches identified in the PPS, particularly proposals which help meet the significant shortfalls in football. Proposals that include replacement sport facilities will be allowed where equivalent or better compensatory provision in terms of quantity and quality can be provided within an easily accessible location for existing and potential new users. The proposal would accord with LP50 subject to satisfactory evidence being provided.

Summary

The application constitutes inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances. Local authorities should ensure that substantial weight is given to any harm to the green belt and very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In support of their proposal the applicants have stated that the existing pitches and the changing rooms are now at full capacity. There are funding applications lodged with Sport England and 'Power to Change'. Without the works clubs may seek alternative facilities and participants could be lost to grassroots sports. The existing pitches are not level and poor drainage means that some training days are lost each year.



There is no capacity to expand women's or junior's sports provision and currently no provision for disabled changing. The site as existing does not meet future sporting needs in the locality.

The proposed development would provide important benefits in relation to the provision of new and enhanced sporting facilities and help meet existing shortfalls in capacity in the area for football and rugby league provision. The new synthetic pitch will help address the shortage of artificial grass pitches identified in the 2015 PPS. Specific evidence should be provided to demonstrate how this proposed development will result in improvements in the quantity and quality of pitch provision in accordance with both NPPF (para 99) and Local Plan policy LP50.

In terms of both NPPF (para 99) and Local Plan policy LP50 there are clearly benefits in that the proposal would significantly improve the sporting facilities offered at the site. In terms of green belt policy, however, the proposal when considered as a whole, including the increase in level of use, new buildings, expansion into the countryside, new fencing and floodlighting to every pitch, which will allow use into the evenings, would have a significant impact on openness and would be contrary to the purposes of including land in the green belt. The proposal is therefore considered to constitute inappropriate development.

Local planning authorities must ensure that substantial weight is given to any harm to the green belt (NPPF, para 148). In this case, the benefits of new and enhanced sporting facilities would need to be weighed against the very substantial harm caused to the green belt.