

**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:	2023/62/90576/E
Site Address:	East Bierley Cricket Club, South View Road, East Bierley, BD4 6PJ
Description:	Erection of extensions and refurbishment of tea room and changing rooms and upgrade to existing terrace.
Recommending Officer:	Nicole Helliwell

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.

Emma Thompson

AUTHORISED OFFICER

Date: 15th May 2023

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Officer Report

Reference No. 2023/62/90576/E

Site Address: East Bierley Cricket Club, South View Road, East Bierley, BD4 6PJ

Proposal: Erection of extensions and refurbishment of tea room and changing rooms and upgrade to existing terrace.

Site Description

The application relates to East Bierley Cricket Club, a recreational sports ground situated on South View Road in East Bierley. The site comprises a cricket ground, tea room, club house, changing room facilities and an area for parking. Immediately adjacent to the western and eastern boundaries are two storey detached and semi-detached properties. The site is allocated as Urban Green Space within the Kirklees Local Plan. Furthermore, the site is not within a conservation area, nor are there any listed buildings or PROW within close proximity to the site.

Description of Proposal

The application seeks planning permission for several alterations and additions to the original buildings. Permission is not required for the internal alterations to the tea room and changing rooms and therefore, the only matters for consideration are the proposed external alterations and extensions.

The proposed works are as follows:

- Single storey extension to tea room (projection approx. 2.6m from side elevation, maximum height approx. 3.4m and eaves height that ranges from approx. 3.24m to 3.4m due to changes in ground level)
- Single storey extension to changing room building (projection approx. 3.4m from front elevation, maximum height approx. 3.15m and eaves height approx. 3.15m)
- Upgrade and extension of existing terrace to the front of the tea room
- Alterations to fenestration on the front elevation of the tea room

Relevant Planning History

2010/90765: Erection of smoking shelter. [Planning application details | Kirklees Council](#)

2009/93099: Erection of single storey extension. [Planning application details | Kirklees Council](#)

96/93183: Erection of sprinkler system. [Planning application details | Kirklees Council](#)

- 91/02503: New pitched roof to existing club. [Planning application details | Kirklees Council](#)
- 90/00121: To level play area on south boundary, producing better car access and to produce access to overspill area on special match days. [Planning application details | Kirklees Council](#)
- 87/03121: Extension to existing Beer Cellar. [Planning application details | Kirklees Council](#)

Representations

The application was publicised by site notice, press advertisement and neighbour notification letters, which expired on 30th April 2023. As a result of the above publicity, three representations have been received. A summary of the neighbour's comments can be found under the 'Representations' section of the Officer's report.

The application was re-advertised via neighbour notification letters, which expired on 13th May 2023. As a result of the above publicity, two representations have been received. A summary of the neighbour's comments can be found under the 'Representations' section of the Officer's report.

Consultation Responses

KC Environmental Health

We have reviewed application 2023/90576 and make the following comments and recommendations. The Design and Access Statement dated March 2023 describes the proposed development as two principal packages comprising:

1. Create a new Ladies changing room facility by adding a new extension onto the existing changing room block and adapting the existing internal room layouts.
2. Adding a new Disabled W.C facility into the main tea room and club house in which there is currently no provision. We have no comments to make regarding these changes.

The Statement goes on to describe a new decking area to the rear of the building, this is situated on the north face of the club house, facing the road, a neighbouring residential property and houses directly across the road. The existing terraces to the clubhouse are on the south elevation appear to be extensive in size and face the cricket pitch. The nearest sensitive receptor is within 15m of the proposed new decked area. We have concerns that noise and disturbance by customers using the proposed new decked area to the north elevation will impact the amenity of nearby sensitive receptors and that the new French doors from the clubhouse to this decked area will allow break

out noise from activities within the club house if left open, we therefore cannot support these elements of the proposed development.

KC Crime Prevention

I can confirm that the revised security measures as stated in the Design & Access Statement Revision- R02 dated 28.03.2023, now conforms to the recommended advice and will now **not** require a Planning Condition for Security Measures.

KC Conservation and Design

As the site lies adjacent to a Conservation Area Conservation and Design were informally consulted on the proposed scheme and raised no objections to the proposed development.

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 on the Kirklees Local Plan Proposals Map. However, it is located on Urban Green Space. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 35** - Historic Environment
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 56** - Facilities for Outdoor Sport, Outdoor Recreation and Cemeteries
- **LP 61** - Urban Green Space

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 12** - Achieving Well-Designed Places
- **Chapter 15** - Conserving and Enhancing the Natural Environment
- **Chapter 16** - Conserving and Enhancing the Historic Environment

Assessment

1. Principle of development

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan. In terms of extending and making alterations to a property, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework, regarding design.

As the site is located on Urban Green Space, Policy LP61 is relevant. Due to the location of the proposed development on existing hard-standing and as the development would become part of the sport and recreational facilities on site, the proposal is considered to not constitute a departure to the KLP and would not result in the loss of Urban Green Space.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on visual amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF also offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states: “The creation of high-quality beautiful and sustainable 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.”

Single Storey Extension to Changing Rooms

The proposed single storey extension would project approximately 3.4m from the front elevation of the existing changing room building. The enlargement would incorporate a flat roof and would be faced in white painted render to match the appearance of the original build. The extension would also have an acceptable scale and would be set lower than the existing ridge line such that it would appear subservient. Therefore, the proposed development is not considered to have a significant visual impact on the character and appearance of the surrounding area.

Single Storey Extension to Tea Room

The proposed single storey extension would project approximately 2.6m from the side elevation of the existing tea room building. The enlargement would be faced in brick to match the appearance of the property and would incorporate a flat roof. Although this feature would generally constitute poor design, it is noted that the extension would be concealed by the existing boundary treatments and would have limited visibility from public vantage points. Furthermore, the enlargement would appear subservient and would have an acceptable scale relative to the original build. For these reasons, it is considered that the proposed development would respect the character and appearance of the host property and wider street scene.

Upgrade to existing terrace

The application seeks to upgrade and extend the existing raised terrace to the front of the tea room. The terrace would be constructed in anti-slip composite decking and would enhance accessibility whilst provide additional seating on site. The terrace would have a maximum projection approximately 4.4m from the existing rear elevation and would measure approx. 0.47m to 1.1m in height due to changes in ground level. Due to its siting, the proposed development would have limited visibility from public vantage points and is not considered to have a significant visual impact on the character and appearance of the surrounding area.

External Alterations

The existing fenestration on the front elevation of the tea room will be removed and replaced with patio doors. Given that the external alterations would match the appearance of the original build and would not detract from the character of the wider street scene, they would be acceptable in terms of visual amenity.

Summary

Having taken into account the above, it is considered that the proposed development would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

2. Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The submitted plans confirm that no properties located north and south of the application site would be affected by the proposed works.

Impact on 43 South View Road

43 South View Road is a two storey semi-detached property located east of the application site. The proposed works would have no detrimental impact on the neighbour's residential amenity given that a separation distance of approximately 74.3m would be retained.

Impact on 2 and 4 Manor Farm Court

2 and 4 Manor Farm Court are residential properties located west of the application site. The plans confirm that the proposed single storey extension to the tea room and the new raised terrace would measure approximately 35m to the neighbour's front elevations. Therefore, given that the separation distances retained would be substantial, it is considered that there would be no undue harm to the neighbouring occupants with regard to overlooking, overshadowing and overbearing impact.

Impact on 45 South View Road

The proposed single storey tea room extension would occupy a position approximately 6.8m from the common boundary shared with 45 South View Road. However, it is noted that the enlargement would be single storey in height and concealed to certain degree by the existing boundary treatment and the neighbour's detached garage. As such, it is considered

that the proposed development would have an acceptable impact on the neighbour's residential amenity .

Summary

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 130 (f) of the National Planning Policy Framework.

3. Highway Safety

The proposed development would not materially intensify the use of the sports ground and would not affect the existing parking arrangements on site. Furthermore, the design and assess statement confirms that there are a number of on site parking spaces with an additional over flow car park in the bottom field on match days. On this basis, the proposed development would have no implication on highway safety and parking and is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF and the Highways Design Guide SPD.

4. Other Matters

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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Ecology

The proposal would be built on existing hard-standing and therefore would not result in the loss of any green space or biodiversity.

Crime Prevention

The following security measures will be implemented as part of the application:

- All new external doors and windows to be specified to meet LPS1175 SR1 security standards
- All new glazing is to be laminated glass with existing window shutters extended to include all new windows
- The new extensions and adjacent roofs to have a clear anti-climb paint installed above +2.4m with localised warnings signs.
- The existing building alarm system is to be linked through into all new buildings/ areas.
- The cricket club will look to install a CCTV system over time to monitor the site

Noise

Environmental Health expressed concerns regarding noise and disturbance. The customers using the proposed new decked area to the north elevation would impact the amenity of nearby sensitive receptors. Furthermore, the new French doors from the clubhouse to this decked area would allow break out noise from activities within the club house if left open. Whilst Environmental Health did confirm that they would not support these elements of the proposal, the rear decking and patio doors have since been omitted from the application and as such there are no concerns.

There are no other matters relevant to the determination of this application.

5. Representations

Five representations were received following the statutory publicity. The material considerations raised are summarised as follows:

- The social area proposed would impact on residents' privacy and would create noise
- Lack of parking provision at the club to accommodate additional vehicles
- The decking will severely affect our privacy as our homes can be directly looked
- Any further parking would cause traffic issues

These matters have been addressed within the relevant sections of this report. The rear decking and patio doors have been omitted from the application and therefore concerns relating to this aspect of the application have been alleviated.

Supporting comments were also provided and are summarised as follows:

- Adequate parking is available away from the road at the bottom of the field
- The plans proposed are to entice more families to enjoy the amazing views whilst watching the cricket, modernising the facilities are imperative to attracting new and old .

6. **Negotiations**

Amendments were sought during the course of the application. A request was made to omit the rear decking from the planning application and remove the patio doors to the rear elevation of the Tea Room. Revised drawings were received which were considered acceptable from a residential amenity perspective. The description was also altered to reflect the revised proposal.

7. **Conclusion**

This application for the erection of extensions, refurbishment of tea room and changing rooms and upgrade to existing terrace at East Bierley Cricket Club has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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. As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/90576

Officer Recommendation: Approve

Conditions and Reasons

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP35, LP52, LP56 and LP61 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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 13.00 hours, 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 the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	2301-EBCC-00-100	R03	27/04/2023
Site Plan – Existing	2301-EBCC-00-101	R02	21/03/2023
Site Plan – Proposed	2301-EBCC-00-102	R03	27/04/2023
Tea Room – Existing Plans	2301-EBCC-00-001	R01	21/02/2023
Tea Room - Existing Elevations	2301-EBCC-00-002	R01	21/02/2023
Changing Rooms - Existing Plans	2301-EBCC-00-003	R01	21/02/2023
Changing Rooms - Existing Elevations	2301-EBCC-00-004	R01	21/02/2023
Tea Room – Proposed Plans	2301-EBCC-20-001	R02	27/04/2023
Tea Room – Proposed Elevations	2301-EBCC-20-002	R02	27/04/2023
Changing Rooms - Proposed	2301-EBCC-20-003	R01	21/02/2023

Plan Type	Reference	Revision	Date Received
Plans			
Changing Rooms - Proposed Elevations	2301-EBCC-20-004	R01	21/02/2023
Drawing Issue Register	-	-	27/04/2023
Climate Change Statement	-	-	03/03/2023
Design and Access Statement	-	R02	28/03/2023

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 Planning 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. The Case Officer undertook negotiations with the agent to secure amended plans. The revised drawings received were considered acceptable.

Report Dated: 15/05/2023