

Kirklees Metropolitan Council

By email only

Date: 10 April 2025

Dear Sir/Madam,

**Town & Country Planning (Development Management Procedure) (England)
Order 2015**

Application Reference: 2025/90448

Site: BATLEY BULLDOGS (THE FOX'S BISCUITS STADIUM), HERITAGE ROAD WF17 7NZ

**Proposal: Conversion of derelict bowling green to 2 padel courts and associated
works**

Sport England Reference: PA/25/Y/KK/70256

Thank you for consulting Sport England on the above planning application.

Sport England – Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Paragraph 104) and Sport England's Playing Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document', and the policy exceptions are appended to this letter.

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

Sport England sought a legal opinion on the definition of the 'the whole of the site' in respect of playing field as defined in the Town and Country Planning (Development Management Procedure) (England) Order. It was held that any outdoor sport facility that in physical and function terms formed part of the wider playing field fell under this definition. Therefore, the bowling green in this instance falls under the definition of playing field and consequently, Sport England's Playing Fields Policy is applicable to the non grass sport facilities.

The proposal is for the conversion of derelict bowling green to two padel courts and associated works.

The Views of the National Governing Bodies for Sport.

As part of the assessment of this consultation, Sport England has sought the views of a number of National Governing Bodies for Sport. These Governing Bodies act as Sport England's technical advisors in respect of their sport and their sport facilities.

The comments of the Rugby Football League (RFL) have been summarised as:

- *Our main concern around the proposed development is access and parking and how this may affect operations of the rugby league club, particularly on matchdays and event days.*
- *Additional information from the LTA around strategic need for Padel courts in the area, and typical footfall to a facility of this size would help inform the likely impact of the proposed facilities at the site on rugby operations.*
- *Ancillary provision appears to be sub standard, additional information about when the improvements to these will take place would be welcomed particularly given the 'poor' condition of these and the likelihood that spectators will be present in the viewing area and will likely require access to ancillary provision too.*
- *The existing gated access to the derelict bowling green appears to be situated directly behind a car parking space and may need rethinking to provide a clear walkway for participants and access for wheelchairs. Pedestrians crossing a busy car park to access the single gate could be dangerous, so signage may be required. The car park also doesn't appear to be lit, with the proposed facilities being floodlit and used year-round, this should be another safety consideration.*

The comments of the Lawn Tennis Association (LTA) have been summarised as:

- *Padel Tennis is one of the fastest growing sports in the world and is growing rapidly in Britain. There are currently only 2 Padel courts in Kirklees at Huddersfield Lawn Tennis & Squash Club. 3 further courts will start*

construction in June this year at Thongsbridge Tennis & Fitness Club, comprising 2 covered and 1 uncovered Padel court. There are further Padel courts in Leeds and Wakefield. There is very significant demand to play Padel tennis and LTA demand analysis indicates that the local authority of Kirklees could sustain at least 34 Padel courts. There is therefore scope significant strategic need for the development of further courts in the area.

- The planning application drawings include elevations, court dimensions, access door details and floodlighting layout and dimensions. In order to provide confirmation that the courts meet LTA design guidance, the LTA will require further detail of the technical specification of the glass rebound panels, ring beam, court surface and floodlight performance standards.*
- The LTA is supportive in principle of the development of this project to develop 2 Padel courts, subject to the courts meeting relevant design guidance.*

The comments of the England Cricket Board (ECB) have been summarised as:

- The distance from the edge of the cricket square to the edge of the old bowling green measures 60m and within the distance we would request that a ball strike risk assessment is undertaken. Given Batley Cricket Club play in the Bradford League, which is an ECB Premier League, the risk assessment should be done on a professional basis.*
- Even though the proposed courts are at the furthest side of the old bowling green to the cricket ground, it is proposed that additional courts may be built in the future and there will be public access to the area for the public to watch games.*

Sport England also sought the views of the British Crown Green Bowling Association. At the time of writing, no comments have been received from them.

Assessment against Sport England Policy/NPPF

In considering proposals for other indoor or outdoor sport facilities on playing field, Sport England will not object to such proposals if they are considered to meet exception E5 of the Playing Fields Policy which states:

‘E5 The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.’

Whilst Sport England does not wish to discourage new sport facilities, where they result in the loss of playing field, it is essential that there are sufficient benefits to the development of sport as to outweigh the detriment caused by the loss of the playing field.

In seeking to balance the potential loss of playing field against the provision of a new indoor or outdoor sports facility and to determine the sufficient benefits, Sport England will consider the following factors:

- The need for the facility – has this been identified in a local sport and recreation strategy, a governing body facility strategy or similar document?
- Technical suitability – does the proposed facility meet the specifications set out in Sport England's Guidance Notes or a relevant National Governing Body of Sport's Guidance Notes?
- Community availability – will the facility be available to the community and if so, will the terms of availability be clearly set out in a community use agreement?
- Sports development – will the facility be linked into the local sports development network?
- Local level of pitch provision – does the local area have a shortfall of playing pitches that would be exacerbated by the current proposal?
- The physical location of the new facility – is it easily accessible by the community and schools?

Having regard to the above bulleted points, Sport England would make the following comments:

The need for the facility

From the information available, Sport England is unable to find any reference to a strategic document identifying the need for the proposal. In the absence of an evidence base, Sport England will give the views of the National Governing Bodies for Sport weight. This is because in the production of any evidence base, such as a Playing Pitch Strategy, the Governing Bodies are a key partner and provide much of the demand and supply information to inform an evidence base.

As can be seen from the comments of the LTA above, acting as Sport England's technical advisors, they have commented that there is a significant demand to play Padel tennis and LTA demand analysis indicates that the local authority of Kirklees could sustain at least 34 Padel courts. There is therefore scope significant strategic need for the development of further courts in the area.

As such, this consideration is met.

Technical suitability

The LTA have provided comments on the design of the courts and requested further details. However, it is considered that the final design can be dealt with by

way of a planning condition (if the Council are amended to approve the planning application).

Subject to a planning condition ensuring that the courts are fit for purpose, this consideration is met.

Community availability

The proposal is part of a wider sports club site, so will be available for use.

This consideration is met.

Sports development

The proposal is part of a wider sports club site, so will be available for use and provide opportunities for sports development.

This consideration is met.

Local level of pitch provision

Although not a pitch, there will be the loss of a bowling green. However, there are several references to this being derelict. Furthermore, aerial images of the site show the green to be in an overgrown and unmaintained state for the last few years.

Sport England consulted the British Crown Green Bowling Association, on this loss, however they have not provided any comments to Sport England.

The ECB have raised the issue of ball strike from the adjacent cricket ground. In considering this matter, Sport England is aware that the lawful use for the application site is a bowling green. Although currently derelict, the green could be made good and brought back into use for sport at any time. As such, ball strike is an existing situation, and Sport England would be unable to require any ball stop mitigation. That said, we would suggest an advisory so that the applicant can address ball strike through the management of the wider sports site.

The RFL have also raised comments on access and parking. Again, this is an existing situation. The proposal does not result in any loss of parking and the red edge on the location plan only includes the green and the existing buildings. The proposal also uses an existing access. Again, an advisory can bring these concerns to the attention of the applicant so that they can address them through the management of the wider sports site.

Subject to the advisories/informative, this consideration is met.

The physical location of the new facility

The proposal will be within the sports club ground and accessible.

In light of the above, this consideration is met.

Conclusion

Sport England are of the view that the proposal meets Exception 5 of our playing fields policy, in that:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

Sport England **does not wish to raise an objection** to this application, subject to the attachment of the following planning condition and advisories/informative (if the Council are minded to approve the application:

Requested Planning Condition/Informative

In order to ensure that the Padel Courts are fit for purpose, the following condition should be attached:

Planning Condition:

The padel courts hereby permitted shall not be constructed other than substantially in accordance with the National Governing Body Technical Design Guidance Notes.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy **

Advisories/informative:

The applicant is advised that the padel courts could be at risk of ball strike from the adjacent cricket ground and should take measures to ensure that users of the padel courts are protected from any ball strike. The applicant is also advised to ensure that users accessing the padel courts via the car park can do so safely when the car park is in use, particularly matchdays and event days.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding

application, or as may be required by virtue of any pre-existing funding agreement.

Yours sincerely,

Richard Fordham BA(Hons), DipTP, MTP, MRTPI, AIPROW
Planning Manager

Annex

The Five Exceptions to Sport England's Playing Fields Policy

Exception 1

A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

Exception 2

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

Exception 3

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.

Exception 4

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

Exception 5

The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

The full 'Playing Fields Policy and Guidance Document' is available to view at:

www.sportengland.org/playingfieldspolicy