

**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:	2025/62/90448/E
Site Address:	Batley Bulldogs RLFC, 7, Heritage Road, Batley, WF17 7NZ
Description:	Conversion of derelict bowling green to 2 padel courts and associated works
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.

Kerri Simpson

AUTHORISED OFFICER

Date: 03 JULY 2025

Officer Report

Reference No. 2025/62/90448/E

Site Address: Batley Bulldogs RLFC, 7, Heritage Road, Batley, WF17 7NZ

Proposal: Conversion of derelict bowling green to 2 padel courts and associated alterations.

Site Description

The application relates to Batley Bulldogs RLFC, a recreational sports ground situated off Heritage Road in Batley. The wider site currently comprises a cricket pitch, rugby/football ground, bowling green, club house, stand, changing room facilities and an area for parking. The site is allocated as Urban Green Space within the Kirklees Local Plan. 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 the conversion of a derelict bowling green to two padel courts and associated external alterations. The proposed works have been summarised below:

- The padel courts would be identically sized and would measure approx. 20m in length by approx. 10m in width.
- The padel courts would be enclosed by a 3m wall with the return walls measuring approx. 4m in height.
- Construction materials – blue fibre glass construction for the court surface and mesh and glazed panels for the walls.
- Each padel court would comprise 4 light fittings on lighting posts measuring approx. 6m high.

Relevant Planning History

- **2015/93497:** Notification for prior approval for the installation, alteration or replacement of other solar photovoltaics (PV) equipment. [Planning application details | Kirklees Council](#) – Details Approved
- **2011/92918:** Installation of photovoltaic system. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2009/92996:** Erection of 1 no. 11kw wind turbine on 18.3 steel column. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2009/91184:** Erection of 1 no. 11kw wind turbine on 18.3 steel column. [Planning application details | Kirklees Council](#) – Withdrawn
- **2003/91288:** Telecommunications notification for the prior approval of details for erection of 15m monopole with 3 no. Four-stack antennae on boom arms, 1 no. 300mm transmission dish, 1 no. Gps antenna, 1 no. Equipment cabin and palisade fence. [Planning application details | Kirklees Council](#) – Details Approved

- **2002/91987:** Erection of classroom. [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **2002/90275:** Telecommunications notification for the prior approval of details for replacement of 15m lighting column with 15m telecommunications monopole and equipment cabin with associated antennae. [Planning application details | Kirklees Council](#) - Details Approved
- **2001/92792:** Telecommunications notification for the prior approval of details for erection of 15m telecommunications tower and equipment cabinet and meter cabinet. [Planning application details | Kirklees Council](#) - Details Refused
- **2000/91650:** Erection of precast terrace to rugby club. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **96/91372:** Erection of spectator stand and associated toilet block. [Planning application details | Kirklees Council](#) – Approval of Reserved Matters
- **96/90452:** Erection of security building with control room and scoreboard. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **95/93429:** Erection of externally illuminated 3 dimensional individual letters. [Planning application details | Kirklees Council](#) – Advertisement Consent Granted
- **94/90880:** Erection of new stand and changing room facilities and terracing. [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **93/05924:** Construction of synthetic grass playing area. [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **93/02959:** Outline application for new stand with function room, bar, fitness suite facilities and ancillary accommodation, together with residential hotel, access road, associated car parking and landscaping. [Planning application details | Kirklees Council](#) – Conditional Outline Permission
- **93/02093:** Erection of 8 no lighting/floodlight towers and secondary lighting and switchroom. [Planning application details | Kirklees Council](#) – Conditional Full Permission

Representations

The application was publicised by site notice, which expired on 5th May 2025. As a result of the above publicity, nine representations have been received. The comments made have been summarised below:

Objection (1 Representation)

- Opening that area to the general public will create a lot of litter from nearby neighbours. They have in the past used the area to take different kinds of

drugs as it has been noticed the following day with empty packets left on the floor (this is why the barriers were put in place). I'm a coach at the club for the under 7s and my main priority is their health and safety.

- A further point is parking in the area is bad enough when it comes to training on a night so where is everyone going to park as the parking up by the football courts is always busy.

Supporting Comments (8 Representations)

- Great to see a facility like this come close to home. Even better that it's walking distance. Can't wait for it to open.
- Having a padel court in Batley would be a great addition! It's such a fun sport, but at the moment, we have to travel quite a distance just to find a court to play. Would be amazing to have something on our doorstep!
- As a parent, having a Padel court in Batley would be fantastic! It's not always easy finding local activities that the whole family can enjoy together, and this would be a great way to keep both kids and adults active. Plus, it would encourage more people to try something new without the hassle of travelling far!
- Having a padel court so close to home would be a great way to bring the community together. It could host local events and tournaments, giving everyone a chance to meet new people and enjoy some friendly competition. Would also save the trip to the closest padel courts which are over 30mins away.
- Padel court in Batley would be a great spot for friends and work colleagues to play together. Having it nearby means we can just pop over and enjoy a game without all the extra effort of travelling!
- This would be a great addition to the community and would create and generate lot of business and employment. At the moment the closest padel courts are Wakefield and Leeds which are always booked. It's a rising sport and for Dewsbury to have a court would be very beneficial.
- Good for the community
- It offers a fantastic opportunity for people of all ages and skill levels to stay active, socialize, and enjoy healthy competition. Having a dedicated space for padel would not only attract visitors to the town but also provide our residents with a modern recreational facility.

The application was republicised by site notice to reflect alterations to the red line boundary. This expired on 31st May 2025. No further representations were received following the statutory publicity.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

Sport England – No objection subject to recommended condition

KC Environmental Health – No objection subject to recommended condition

KC Ecology - Statutory Biodiversity Metric required

KC Ecology (01.07.2025) – By virtue of a lack of updated information, an assessment of how 10% BNG will be achieved is not possible, and as such if permission is granted there is no guarantee that 10% BNG will be achieved.

KC Highways Development Management – No objection subject to recommended condition

KC Trees - No objection

Theres matters have been addressed in the body of this report.

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, the site 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 7** - Efficient and Effective Use of Land
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 33** - Trees
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **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 December 2024, 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

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.

The application site is located within an area defined as Urban Green Space within the Kirklees Local Plan. As such, Chapter 8 of the NPPF and Policy LP61 of the Kirklees Local Plan applies. Policy LP61 of the KLP states the following:

“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*
- a) 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*
- b) 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 proposed development would be associated with the use of the existing sports ground. The proposed development is for an 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. As such, Sport England are satisfied that the proposal would meet Exception E5 of the playing fields policy. For these reasons, the proposal is considered to conflict with Policy LP61 of the Kirklees Local Plan 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 offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 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.”*

The padel courts proposed would be identically sized and would measure approx. 20m in length by approx.10m in width. The court surfaces would be constructed in blue fibre grass and the courts would be enclosed by a 3-4m wall comprising mesh and glazed panels for the walls. Although the padel courts would be large in size, due to their siting, they would have limited visibility from public vantage points. On this basis, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

2. Impact on 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 residential properties would be affected by the proposed works. Therefore, it is considered that the proposal would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site.

Having considered the above factors, the proposed works 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 135 (f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application is for the conversion of a derelict bowling green to 2 Padel courts with associated works at a site adjacent to and accessed via the Batley Bulldogs Rugby stadium car park. The car park is accessed via Heritage Road, a 30mph two-way single carriageway access cul-de-sac of approximately 5.4m width with a footway on one side and street lighting present and with No Waiting At Any Time TRO marking along the length adjacent to the rugby stadium.

It is noted that, although Heritage Way is listed as being adopted all the way to the turning head adjacent to the southern car park, there is a barrier gate at the northern end of the rugby ground stand. The site is approximately 525m from stops on a high frequency bus route and approximately 1.4km from the closest rail station.

Layout drawing A/47-PL-02 shows the layout of the two proposed courts with a pedestrian access from the existing car park to the north and a

viewing/picnic area. The drawing also indicates two further courts for a future expansion of the facility and these comments do not consider the impacts caused by these two future courts which would require a separate planning application.

No trip generation details were provided with the application and so data was obtained from a similar Padel court application that used tennis courts as a base level for trip rates. These indicated a peak weekday time of 6pm to 7pm and total 2-way trip rates of approximately 3.9 trips per court for the period 17:00 to 19:00. This would generate approximately 8 vehicular trips in the court's peak hour and this number of trips would not be expected to have a severe impact on the operation or efficiency of the local highway network. The worst-case scenario would be that all players in a doubles match and all the players in the following doubles match for both courts arrived at the same time, this would generate a parking demand of 16 vehicles. It is noted that the proposal site used to be a bowling green, and this would have generated some trips and associated parking demand.

The rugby ground car park has been included within the application red line and so it is assumed that players using the proposed padel courts can use the car park. The car park is associated with Batley Bulldogs Rugby club and is used for parking on match days. The average home attendance over seasons in 2024 and 2025 has been approximately 1600 and, even though all attendees would not turn up by car, it is expected that the parking would be in heavy demand (if not oversubscribed) on a match day. As such, KC Highways DM would like to see a car parking management plan submitted explaining how the parking for both the Rugby Club usage and the Padel Court usage will be managed, or if bookings for the padel courts would be suspended during rugby home match days. This can be conditioned if required.

The proposed layout shows a single parking space to be removed to allow a pedestrian access to the site. Without use of the adjacent car parking the site is approximately 170m from the closest on-street parking and this would likely be shared with the users of the football courts to the north of Heritage Road. The future expansion courts shown on drawing A/47-PL-02 would create an intensification of use of the site and any future planning application would require the submission of additional trip generation/parking demand/provision information and a booking management plan to ensure parking can be controlled and would not cause undue impacts on the surrounding highway network. Given the trip generation by the extant use as a bowling green and the relatively low parking demand, Officers consider that the application is acceptable on highways grounds with a standard condition.

Therefore, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

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.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors. It is therefore necessary for a footnote to be imposed restricting the hours of operation for the site.

Biodiversity

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 192 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 193 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

There have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021.

The submitted Biodiversity Net Gain Assessment and Preliminary Ecological Appraisal demonstrates that the proposed development would result in a net loss of 0.24 biodiversity units. The technical note confirms that the 10% net gain will be achieved by purchasing third-party biodiversity credits. Officer consider that sufficient information has been provided to demonstrate that the development would meet its biodiversity net gain obligations. An informative has been added to the decision notice to reflect this and to secure a Biodiversity Gain Plan.

Contaminated Land

This site has been identified on our mapping system as being adjacent to potentially contaminated land. Therefore, a condition has been recommended relating to unexpected contamination encountered during any groundworks.

External Lighting

The applicant has submitted a Lighting Impact Assessment authored by DfL dated April 2025. It assesses the impact of the lighting from the proposed lighting design upon the nearest sensitive receptors. Reference is made to the Institute of Lighting professional Guidance notes which provides detailed information regarding types of obtrusive light and the mitigation that can be implemented to help prevent obtrusive light occurring.

Based upon the type and specification of lighting as shown in section 4 which is as per Lawn Tennis Association (LTA) requirements, along with its proposed location as shown in figure 5, the report determines the light levels are within the limits prescribed by the guidance for minimising obtrusive light as shown in table 6. The findings of the report are accepted and a condition is recommended to secure this scheme in the interests of protecting amenity.

Paragraph 4.2.1 states the lighting would be switched off when the padel club is closed at 2200hrs, thus allowing compliance with the post curfew obtrusive light limits for E3 Environmental Zones. As such, a condition is recommended to secure this timing in the interests of protecting amenity.

Hours of Use

The application form states the proposed hours of use to be 0900hrs to 2300hrs 7 days a week which is contrary to the hours within paragraph 6.1 of the Noise Impact Assessment which states 0900hrs to 2200hrs weekdays

and 0900hrs to 2100hrs weekends. Therefore, KC Environmental Health have recommended a condition to secure the latter hours in the interests of protecting amenity.

Noise

The applicant has submitted a Noise Impact Assessment authored by MZA Acoustics (reference no. 1701943 ~ Padel Courts Batley/Noise Impact Assessment). The report assesses the potential for noise impact from the outdoor padel courts on the nearest noise-sensitive receptors (NSRs) as shown in figure 2.

An environmental noise survey was undertaken over a period of 5 days between 1600hrs on Wednesday the 12th and 1430hrs on Monday the 17th of March 2025 from a single monitoring position as shown in figure 3 and a summary of the findings is shown in table 4. Paragraph 4.6 describes the noise climate and observations made on the activities in the area during the monitoring period.

There is no previous guidance or assessment methodology in the UK specifically relating to noise from the proposed uses at the site and reference is made to the Sport England Design Guidance Note: 'Artificial Grass Pitch (AGP) Acoustics – Planning Implications' 2015 which recognises the value of good acoustic design. Paragraph 3.3.2 references the Netherlands Padel and Sound Guidance Document January 2023 and whilst this is based upon Dutch Planning Frameworks and Legislation, it provides a useful insight and background for padel impact assessments and technical guidance on modelling these noise sources and this is accepted.

The typical padel use is described in paragraph 5.2 and based upon the findings of the monitoring exercise, the report determines a worst-case increase in noise level due to use of the padel courts of circa 1-3dB. The findings of the report are accepted. However, a condition is recommended for the submission of a Noise Management Plan to deal with the management of the courts and the viewing/picnic areas. A condition is also recommended to ensure all perimeter fastenings/fixings assist with limiting the transmission of any sound.

KC Environmental Health's comments are based upon the proposed use of two courts. The submitted plan ref A/47/PL-02 shows two additional courts marked 'future expansion' and the site will need to be considered as a whole should an application be made to utilise this additional space.

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

5. Representations

Nine representations were received following the statutory publicity. The comments made have been summarised and addressed below:

Objection (1 Representation)

- Opening that area to the general public will create a lot of litter from nearby neighbours. They have in the past used the area to take different kinds of drugs as it has been noticed the following day with empty packets left on the floor (this is why the barriers were put in place). I'm a coach at the club for the under 7s and my main priority is their health and safety.

Response: *The padel courts would be enclosed by mesh and glazed panels. The site is also part of a wider complex of sports facilities. Furthermore, a condition has been added requiring the submission of a waste management strategy.*

- A further point is parking in the area is bad enough when it comes to training on a night so where is everyone going to park as the parking up by the football courts is always busy.

Response: *The proposals potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

Supporting Comments (8 Representations)

- Great to see a facility like this come close to home. Even better that it's walking distance. Can't wait for it to open.
- Having a padel court in Batley would be a great addition! It's such a fun sport, but at the moment, we have to travel quite a distance just to find a court to play. Would be amazing to have something on our doorstep!
- As a parent, having a Padel court in Batley would be fantastic! It's not always easy finding local activities that the whole family can enjoy together, and this would be a great way to keep both kids and adults active. Plus, it would encourage more people to try something new without the hassle of travelling far!
- Having a padel court so close to home would be a great way to bring the community together. It could host local events and tournaments, giving everyone a chance to meet new people and enjoy some friendly competition. Would also save the trip to the closest padel courts which are over 30mins away.
- Padel court in Batley would be a great spot for friends and work colleagues to play together. Having it nearby means we can just pop over and enjoy a game without all the extra effort of travelling!
- This would be a great addition to the community and would create and generate lot of business and employment. At the moment the closest padel courts are Wakefield and Leeds which are always booked. It's a rising sport and for Dewsbury to have a court would be very beneficial.

- Good for the community
- It offers a fantastic opportunity for people of all ages and skill levels to stay active, socialize, and enjoy healthy competition. Having a dedicated space for padel would not only attract visitors to the town but also provide our residents with a modern recreational facility.

6. History of negotiations/amendments received

Amendments were received during the course of the application to reflect alterations to the red line boundary. As such, the application was republicised by site notice.

7. Conclusion

This application for the conversion of derelict bowling green to 2 padel courts and associated alterations at Batley Bulldogs RLFC 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. 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: 2025/90448
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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP7, LP21, LP22, LP24, LP33, LP52, LP53 and LP61 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. Before the use of the pitch commences, a site-specific Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority, the plan shall include:

- a method of informing users that swearing and anti-social behaviour is unacceptable, and that the operator of the site reserves the right to dismiss users from the courts and ban their future use.
- a facility for neighbours to report excessive noise or anti-social behaviour directly to the operator of the site and that all such complaints be logged and investigated upon receipt, and appropriate action taken promptly, and the complainant kept informed of progress.
- a system for training all staff to follow an action plan for dealing with complaints. This would include the ability to warn or ban user groups from the courts.

The approved Noise Management Plan shall be fully implemented before the use of the pitch commences and shall be operated in accordance with the noise management plan thereafter.

Reason: This pre-commencement condition is necessary to ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Prior to first use, details of a waste management shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: This pre-commencement condition is necessary to ensure an adequate waste management plan is in place throughout the lifetime of the development and to accord with Policies LP24 and LP52 of the Kirklees Local Plan.

5. 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 Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. The development shall not be brought into use until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall include details of:

- i. Resident Liaison member of staff and contact details
- i. Details of any restrictions in parking for the padel court users during rugby matches and other large events at the stadium.
- ii. Car park attendants and monitoring of use of parking spaces by padel court users if deemed necessary.
- iii. Information for padel court users on travel options and booking system for parking spaces if necessary.
- iv. Mechanism for review of the Car Park Management Plan

The development shall thereafter be operated in accordance with the approved Car Park Management Plan.

Reason: This pre-commencement condition is necessary to ensure the site can be made safe and accessible in the interests of highway safety, pedestrian safety and residential amenity in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

7. No external artificial lighting shall be used unless the lighting has been installed in accordance with the details provided in the Lighting Impact Assessment authored by DfL dated April 2025. The installed external artificial lighting shall be operated thereafter in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Chapters 2 and 15 of the NPPF and LP52 of the Local Plan.

8. All works to minimise the noise from the impact of balls should be carried out in accordance with the Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics - Planning Implications.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

9. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

10. The development hereby approved shall not be used outside the hours of 0900hrs to 2200hrs weekdays and 0900hrs to 2100hrs weekends.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

11. The artificial lighting hereby approved shall not be operated outside of the hours of 0900hrs to 2200hrs weekdays and 0900hrs to 2100hrs weekends.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Chapters 2 and 15 of the NPPF and LP52 of the Local Plan.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including

noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the "Guidance Note 01/21 for the Reduction of Obtrusive Light"* by the Institution of Lighting Professionals: 2021 www.theilp.org.uk.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: 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 in use, particularly matchdays and event days.

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 13.00hours, 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 the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	A/47-PL-00	A	08/05/2025
Derelict Bowling Green Plan - Existing	A/47-PL-01	-	17/03/2025
New Padel Courts Plan - Proposed	A/47-PL-02	-	17/03/2025
Padel Courts Plan & Elevations - Proposed	A/47-PL-03	-	17/03/2025
Padel Courts Elevations – Existing & Proposed	A/47-PL-04	-	17/03/2025
Preliminary Ecological Appraisal & Biodiversity Net Gain Assessment	BE0040.R.01.1	1	17/03/2025
Projector LED Floodlight Specification	-	-	17/03/2025
Paddle Lighting Design Calculation Dialux	-	-	17/03/2025
The Statutory Biodiversity Metric	-	-	09/06/2025

Plan Type	Reference	Revision	Date Received
Lighting Impact Assessment	-	-	02/05/2025
Padel Noise Impact Assessment	1701943	-	01/05/2025
Design and Access Statement	-	-	17/03/2025
Climate Change Statement	-	-	17/03/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter. The applicant's agent has agreed to the pre-commencement conditions.

INFORMATIVE NOTE – Biodiversity Net Gain:

Based on the information available, this permission is considered to be one which requires the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and (i)the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or (ii)the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- i) planning permission is granted which has effect before 2 April 2024; or
- i) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- i) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- i) is carried out on a site which has an area no larger than 0.5 hectares; and
- ii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high-speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High-Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- i) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of

that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Report Dated: 27/06/2025