

DEEMED PLANNING PERMISSION

Town and Country Planning England  
Town and Country Planning (Development Management Procedure) (England) Order 2015

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THIS PERMISSION DOES **NOT** CONSTITUTE APPROVAL UNDER THE BUILDING REGULATIONS

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(Please see notes at end of this letter)

To  
Calderdale.M.B.C  
c/o Atkins Limited  
Wellington House  
40-50 Wellington Street  
Leeds  
LS1 2DE

For the purposes of the Town and Country Planning General Regulations 1992 and in accordance with plans approved on 02.12.2020,

Plan Type	Reference	Version	Date Received
Proposed Section	PO1.2		09.11.2020
General Arrangement	PO12		09.11.2020
Location Plan	PO1.2		09.11.2020

Deemed Planning Permission is granted for:

**Provision of new shared use walking and cycling (as amended)**

on land at

**Playing Fields Opposite White Houses  
Burnley Road  
Mytholmroyd  
Hebden Bridge**

Subject to the following condition:

The development to which this permission relates must be begun not later than the expiration of THREE YEARS beginning with the date on which this permission is granted

and subject to the additional conditions below:

1. The development shall be carried out in complete accordance with the approved plans, unless the variation from approved plans is required by any other condition of this permission.
2. No development shall commence until full details of:
  - (a) the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials); and
  - (b) a scheme for the removal of the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials) and the restoration of the land on which it is situated are submitted to and approved in writing by the Local Planning Authority. The works/contractors' compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed and the land on which it is situated restored in accordance with the approved details before first use of the development hereby approved
3. No development shall commence until a scheme for the removal of the works/contractors' compound and the reinstatement of the playing field has been submitted to and approved in writing by the Local Planning Authority. The scheme must be in accordance with [Sport England guidance "Natural Turf for Sport" (2011)]  
The works/contractors' compound must be removed from the site before first use of the development in accordance with the approved scheme.  
Within three months of or in the first planting season following the removal of the works/contractors' compound the playing field must be reinstated in accordance with the approved scheme.
4. a) No development shall commence until a playing field restoration scheme for on the playing fields shown on Drawing No. CMBCCIP-ATK-LDC-A646MYT-DR-ZL-000002 P01 has been submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall provide details of the following:
  - (i) existing and proposed ground levels;
  - (ii) existing and proposed soil profiles;
  - (iii) measures to strip, store and re-spread soils to avoid soil loss or damage;
  - (iv) measures to dispose of/accommodate waste materials on the site;
  - (v) drainage measures including where appropriate under drainage;
  - (vi) proposed seeding, feeding, weeding and cultivation measures;
  - (vii) boundary treatment;
  - (viii) five year aftercare and maintenance arrangements;
  - (ix) installation of equipment (e.g. goal posts);
  - (x) restoration and maintenance programme.
 b) The playing field shall be restored in accordance with the approved scheme and made available for use in the time period agreed in writing with the Local Planning Authority.

5. No development shall commence until a scheme to ensure either:  
(a) the continuity of the existing sports use on the playing fields shown on Drawing No. CMBCCIP-ATK-LDC-A646MYT-DR-ZL-000002 P01 or;  
(b) the provision of replacement facilities during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme must set out details of the size, location, type and make-up of the facilities or replacement facilities (as appropriate) together with arrangements for access. The scheme must include a timetable for the provision of the facilities or replacement facilities (as appropriate). The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.
6. The development shall be carried out in accordance with the mitigation measures as set out in the Flood Risk Assessment (FRA), by Atkins, dated 16/11/2020, Reference 5186038, Rev 4.0 including;
  - o The majority of the footpath will be 'at grade' (at existing ground levels).
  - o To compensate for the floodplain loss, the storage space of approximately 68m<sup>3</sup> (in which to fit the 39m<sup>3</sup> of volume loss) will be provided

These mitigation measures shall be fully implemented prior the development first being brought into use. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

7. Prior to the formation of the proposed new shared use access to the Rochdale Canal towpath, full details of the proposed works including large scale drawings where necessary, shall be submitted to and approved in writing by the Local Planning Authority. Details will include:
  - o The proposed surface treatment to the towpath
  - o Materials and measurement used in the proposed staggered cycle gates
  - o Canalside elevations showing the external appearance of the proposed access and its relationship to existing fencingThe details as approved shall be implemented in their entirety before the development is first brought into use and thereafter retained.
8. Prior to the stripping of any soils from the site, notifiable or invasive plants will be controlled and disposed of in accordance with current guidance and any relevant licences shall be obtained for this work to be carried out.
9. The development shall be carried out in accordance with the Mitigation Measures set out in section 4.4 of the Burnley Road Academy Ecological Impact Assessment dated September 2020 prepared by Atkins in their entirety.
10. Before the development is brought into use two Schweglar bat boxes shall be installed on appropriate trees. And thereafter retained for the duration of the development

11. Within the first available planting season after the completion of the development, works shall be undertaken on the site in accordance with a landscaping scheme which shall have received the prior written approval of the Local Planning Authority. The scheme shall provide for planting of locally native tree/shrub species and grass seed mixtures; size of planting materials; planting positions/distances and provision of hedgerows as appropriate - together with a programme of maintenance and establishment. Plants dying, removed, destroyed or severely damaged/diseased within five years of planting shall be replaced in a manner to be approved by the Local Planning Authority

The reasons for the Council's decision to grant a permission for the development subject to the above conditions are:

1. For the avoidance of doubt as to what is permitted and to ensure a more satisfactory development of the site and compliance with the policies of the Replacement Calderdale Unitary Development Plan.
2. To protect playing fields from damage, loss or availability of use and to accord with Paragraph 97 of the NPPF 2019.
3. To ensure the site is restored to a condition fit for purpose and to accord with Paragraph 97 of the NPPF 2019
4. To ensure the site is restored to a condition fit for purpose and to accord with Paragraph 97 of the NPPF 2019
5. To protect playing fields from damage, loss or availability of use during the construction of the development and to accord with Paragraph 97 of the NPPF 2019
6. To ensure that there is no increased risk of flooding to others or elsewhere. In accordance with RCUDP Policy EP17 and Section 14 of the NPPF
7. In the interests of preserving the character and appearance of the waterway corridor, and avoiding any adverse impact on users of the canal corridor,
8. To avoid the spread of an invasive and prohibited species in the interests of avoiding harm to the environment
9. To ensure that there is a well laid out scheme of to ensure compliance with Policies NE17 of the Replacement Calderdale Unitary Development Plan
10. In order to ensure protected and priority species and habitats are safeguarded in accordance with NE16 of the Replacement Calderdale Local Plan

11. To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity, and to conserve and enhance the environment by minimising impacts and providing net gains for biodiversity In accordance with RCUDP Policies NE16 and NE17 and paragraphs 170 and 175 of the National Planning Policy Framework

### **Informative(s)**

1. The applicant's attention is drawn to the consultation responses from: INSERT NAME HERE which can be viewed on our website at [www. calderdale.gov.uk](http://www.calderdale.gov.uk). Click on the search button in the Search and Comment on Planning Applications box and then enter the relevant application number. Consultation responses can be found when you click on the Comments tab.
2. The Local Planning Authority has endeavoured to work with the applicant/agent in relation to this application, to secure a development that positively contributes to the economic, social and environmental well-being of Calderdale in accordance with the National Planning Policy Framework.
3.  
Informative: It is recommended that a restoration scheme for playing field land is undertaken by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled "Natural Turf for Sport" (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch sport National Governing Bodies, for example the Football Association

DATED: 2 December 2020

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Richard Seaman  
Corporate Lead  
For Planning Services

## **NOTES**

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.

## **DEEMED PERMISSIONS UNDER REGULATION 3**

This permission refers only to the development granted under Regulation 3 of the Town and Country planning General Regulations and is only valid to be undertaken by the Local Planning Authority itself or with the joint applicant.