

## PLANNING COMMITTEE 6 DECEMBER 2021

<b>Application No:</b>	<b>21/02082/FUL</b>
<b>Proposal:</b>	<b>Practice Pitch and Nets</b>
<b>Location:</b>	<b>Hoveringham Cricket Pitch Main Street Hoveringham NG14 7JR</b>
<b>Applicant:</b>	<b>Hoveringham Cricket Club - Mr David Armitage</b>
<b>Agent:</b>	<b>Dab: Architectural Consultancy Limited - Mr Dickon Birkin</b>
<b>Registered:</b>	<b>04.10.2021</b> <b>Target Date: 29.11.2021</b>
	<b>Extension of Time Agreed Until 10.12.2021</b>
<b>Website Link:</b>	<a href="https://www.newark-sherwooddc.gov.uk/21/02082/FUL">21/02082/FUL   Replacement Practice Pitch and Nets   Hoveringham Cricket Pitch Main Street Hoveringham NG14 7JR (newark-sherwooddc.gov.uk)</a>

**This application is being referred to the Planning Committee for determination by the local ward member Cllr Jackson due to the site being inappropriate and that the development should be at an alternative site within the grounds which are in a safer position. Cllr Jackson has also commented that the development is not acceptable in the middle of a conservation area, and so close to the public footpath affecting public amenity.**

### The Site

The application site is a narrow rectangular plot of land immediately adjacent to the cricket pavilion for Hoveringham Cricket Club and the grounds of the pitch to which the pavilion serves.

The site is set back some distance west of Main Street where the cricket club is accessed from. There are numerous residential curtilages fronting Main Street to the east and north east of the site as well as the Reindeer Public House.

There is a right of way which runs along the southern boundary of the site. The site is washed over by the Nottingham Derby Green belt and is in Flood Zone 3 according to the Environment Agency maps. The site is also within the designated conservation area.

### Relevant Planning History

The following planning history relates to the wider surrounding area:

**20/00620/FUL** - Change of use of agricultural land to use as practice pitch/nets (D2) - *Application approved May 2020.*

**19/01192/FULM** - Extension to existing pavilion and change of use for 2no. areas of land from Agricultural Land to D2 to allow for all weather practice pitch - *Application withdrawn prior to determination.*

There are also applications in relation to the cricket club land within the applicants ownership:

**20/00458/FULM** - Extension to pavilion to create larger changing room, scorer box, additional WC and first floor viewing platform - *Application approved May 2020.*

**18/01824/TWCA** - T1 - Black Poplar - fell to 1m above ground, T2 - Black Poplar - fell to 1m above ground, T3 - Black Poplar - fell to 1m above ground, T4 - T12 - Black Poplar - Pollard to 6m - *Application approved.*

**16/00718/FUL** - Proposed Groundsman's Shed and Patio - *Application approved July 2016.*

**07/01559/FUL** - Erection of a new cricket pavilion - *Application approved December 2007.*

### The Proposal

The application seeks full planning permission for a practice pitch and net totaling approximately 120.5m<sup>2</sup> in land take. The pitch would be approximately 33m in length and 3.65m in width. It would be positioned towards the northern boundary of the overall cricket pitch. Netting of a total height of 4m would surround the facility and would be supported by galvansied steelwork/posts. The ground surface would comprise a green carpet (and part blue border) over a hardcore base.

It is stated that the development) would be in lieu of the approved pitch/nets from the May 2020 application (20/00620/FUL).

The original description of development referred to the development as being 'replacement' practice pitch and nets but it has been confirmed that the previous nets have already been removed and therefore the description has been amended to reflect this.

The exact specifications are included in the submitted Design and Access Statement along with confirmation that the facility would not include lighting.

The application has been considered on the basis of the following plans and documents:

- Perspective Views and Details – EN 02;
- Supporting Statement including Heritage Statement Project Ref: 0237-223 (Rev. A);
- Location & Site Plan as Existing – 0237-210B;
- Location & Site Plan as Proposed – 0237-222D.

### Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

### Planning Policy Framework

### The Development Plan

## **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Spatial Policy 4A – Extent of the Green Belt

Spatial Policy 4B– Green Belt Development

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

## **Allocations & Development Management DPD**

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

## **Other Material Planning Considerations**

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

## **Consultations**

**Hoveringham Parish Council** – Hoveringham PC is supportive of the Cricket Club, however, in the light of residents objections and concerns over safety and visual amenity, believes the proposed location to be unsuitable and OBJECTS to the application.

The PC makes the following comments:

1. It is not clear whether the nets are fully enclosed and whether balls can escape from the nets.
2. The space allowed for the footpath is still too narrow given the popularity of the footpath and also depends on good hedge maintenance
3. The proposed nets have a substantial visual impact in the proposed location being 4m high and 33m in length
4. The previous application resulted in a village meeting that is referred to in the accompanying letter with the application. However the meeting considered a completely different location and cannot be taken as support for the current application.

**NSDC Conservation** – Do not wish to offer formal comments. This is a strictly neutral comment, and does not prejudice any decision made by the Council.

**NSDC Environmental Health** - The nature of cricketing practice and related noises are not well suited to objective measurement and assessment compared to other environmental noise

sources. There are no particularly relevant noise criteria, and use of other criteria may not provide an effective assessment of noise impact.

Accordingly it can be difficult to determine whether a proposed use of a cricket net is likely to result in an impact on residential amenity. This would depend on its location, the proximity to residential property, and the time, duration and frequency of use. Some noise will be inevitable and should be expected, and the onset of audibility will not equate to a threshold for enforcement action.

It may therefore be appropriate at this stage to consider in detail the mitigation measures that could be employed to minimise noise from cricket nets. While controls might in some circumstances involve a prohibitive approach, a regulated approach is usually more appropriate i.e. a set of conditions to be applied that specify the nature and extent of the net and its use.

Any controls would of course need to take in to account the need to balance the rights and expectations of the cricket club to use the land for cricket related activities, with the rights and expectations of residents in relation to uninterrupted / partially compromised amenity.

**NCC Rights of Way** – Original comments raising concern that the public footpath not been acknowledged. Latest comments acknowledge presence of footpath but raise issue to discrepancy in measurements:

There seems however to be some discrepancy between the measurements shown on the amended site plan and what is on the ground. Clarification is sought as to where the measurement of 3600mm distance between the blue line boundary and the proposed northern edge of the practice pitch. The boundary at this point is a mature hedgerow spanning several metres in width. If this measurement is from the inmost edge of the hedgerow then the gap of 3600mm will give adequate width to accommodate the Public Footpath (at 2000mm wide) and allow for hedge growth.

Currently the part-built foundation base of the practice pitch appears on the ground to be less than a metre away from the face of the hedgerow at its eastern end. Moving it further into the cricket field by 1000mm would therefore not be enough to provide a minimum 2000mm wide path and would not be acceptable.

The applicant will need to demonstrate and ensure that the public will be kept safe at all times when using the Public Footpath and any nets alongside the path are adequate to protect the public. It is understood that there is an existing temporary closure order (6 months) on the footpath to allow the new cricket field re-seed to establish. This will enable the Cricket Club to protect the safety of path users during the construction phase of the proposed development.

**Ramblers Association** – Object on the basis that the applicant has failed to mark on the site plan the existence of the Right of Way.

**Sport England** – No objections.

**6 letters of objection have been received, details of which can be summarized as follows:**

- The hardstanding blocks the footpath and an entrance into adjoining land;
- There have never been permanent practice nets at the ground;

- The nets are next to an ancient hedgerow and there is no assessment have the application will affect the wildlife;
- The nets will negatively affect public amenity;
- Measurements on the plan vary to what is on the site;
- No mention or description of netting or fabric to be used;
- Application form incorrect;
- Public meeting not called for the retrospective application;
- One must argue that if in 2019 there was not enough space on the existing cricket ground for practice nets, by the applicant's own admission there is not enough space in 2021 and the proposal must be compromising safety of the players and inconvenience for the residents and danger to the users of the footpath No 7;
- Question the accuracy of the revised plan;
- The current site is a much more prominent location not close to the pavilion so will reduce openness on the Green Belt;
- The new nets will be far more prominent in the Conservation Area than the previous approval;
- The nets will be visually more prominent to neighbours and could lead to problems of noise and disturbance;
- A condition should be imposed to prohibit their use to prevent the use of mobile movable lights;
- The Conservation comments refer to a different part of the cricket pitch but the previous application was on agricultural land;
- Access is restricted to neighbouring driveways during cricket season – this facility would encourage increased attendance;
- Access to neighbouring fields will be required at least 3 times a day and the current space between the concrete pad and the hedgerow will not allow for vehicular and trailer access;
- There would be a bottleneck on the public footpath;
- Hoveringham is a village not a sports centre;
- The site notice was not readable;
- Full consideration of access to the neighbouring land; footpath; visitors, pub goers and neighbours and their safety needs to be a priority;

**An additional letter of support has been received summarised as follows:**

- This is an appropriate location for a sports training facility;
- The facility is water compatible;
- From a design prospective if cricket nets were deemed appropriate in design for green belt land as per application 20/00620/FUL then now they are proposed to be constructed on land designated as playing fields then design would seem even more appropriate;
- There would be no harm to neighbouring amenity – use would be limited to daylight hours;
- Healthy and active lifestyles should be encouraged;
- The cricket club should be supported.

Comments of the Business Manager

Preliminary Matters

During the life of the application Officers amended the wording of the description of the development to include 'part retrospective' on the basis of unauthorised works that have taken

place on site (laying of hardcore). However, as is discussed further in the appraisal section below, the unauthorised works no longer form part of the proposal as the application has been amended to move the facility away from the public right of way. The unauthorised works are therefore entirely separate to the current application and would need to be subject to separate enforcement processes. As a consequence, the description no longer refers to the development being retrospective.

### Principle of Development

Chapter 13 of the NPPF confirms the great importance to which the government attaches to Green Belts. Paragraph 147 outlines that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

New buildings should be regarded as inappropriate in the Green Belt except for where they are for the numerous exceptions referenced at paragraph 149. One of the exceptions is for buildings which provide the provision of appropriate facilities for outdoor sport as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Although the nets facility would not constitute a building per se, it would fall within the definition of development being of a permanent construction. The structure would have an approximate footprint of 120.5m<sup>2</sup> with a height of 4m. However, the very design of the structure allows it to display a certain degree of transparency which would prevent it becoming a stark feature of the landscape which would interrupt the openness of the Green Belt. The facility would sit close to the existing cricket pavilion but some 2.5m lower than the pavilions pitch height (which is 6.5m).

It is noted that the proposal is submitted as an alternative to an approved scheme from 2020. The previous application was in a different location to the west of the pavilion and had a larger footprint of approximately 186m<sup>2</sup>. If this application were to be approved, and both this and the extant scheme were to be brought forwards, then Officers consider that cumulatively there could be harm to the openness of the Green Belt.

The agent has confirmed that the applicant does not own the land subject to the extant scheme and therefore the only way to control the extant scheme not coming forwards if this one were to be approved is through an associated legal agreement. This is in the process of being drafted and would need to be sealed before any decision could be issued.

On the basis that only the current proposal can come forwards, the development would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. The proposed facilities are reasonably related to outdoor sport and therefore the principle of the development is acceptable subject to an assessment against the remainder of the Development Plan undertaken below.

### Impact on Flood Risk

The site is within Flood Zone 3 and thereby at a high probability of river flooding. The NPPG, at Table 2, categories flood risk vulnerability and explicitly identifies that essential facilities such as changing rooms are considered to be water-compatible development. Whilst this application isn't for changing rooms, the facilities are considered a reasonable comparison which would render the same advice applicable. Table 3 in turn confirms that water compatible development is

appropriate is Flood Zone 3.

However, Table 3 does not prevent the need to apply the Sequential Test in an attempt to direct development to areas at lower risk of flooding. In this case, given that the facilities would serve an existing use adjacent to the site, there would be no other location more sequentially preferable for the development.

It has been confirmed that the pitch would be laid at a slight gradient so that any water can drain off to a prepared permeable surface with an appropriate sub-base to absorb the run of water. Given the limited land take of the nets facility and the drainage arrangements proposed, I am satisfied that the development will be safe throughout its lifetime and not increase flood risk elsewhere in line with the Environment Agency's Standing Advice.

#### Impact on Character Including the Setting of the Public Right of Way and Character and Appearance of the Conservation Area

Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive.

Policy DM5 also confirms that, where local distinctiveness derives from the presence of heritage assets, as in the case in the context of this proposal, development will also need to satisfy Policy DM9. The policy requires that development must promote local distinctiveness and protect heritage assets (including their setting).

As is referenced above, the practice nets would be positioned close to the existing cricket pavilion at a lower overall height. In this respect they would be seen as largely subservient to the pavilion building. Nevertheless, there is a public right of way which runs along the southern boundary of the site and therefore the nets would undoubtedly be visible in their own context by the right of way users. Given the partial transparent nature of the nets, it is not considered that the proposal would be visually harmful to either the character of the area or the character and appearance of the Conservation Area (as noted above the Conservation Officer has raised no specific concerns). The proposal would therefore be acceptable against Core Policy 9 and Policy DM5 as well as the heritage principles of Core Policy 14 and Policy DM9.

#### Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The Design and Access Statement qualifies that the intention is for the proposed nets to be used on a weekly evening basis and before match commencement on match days. However, in reality it would not be enforceable to control the hours of usage and therefore an assessment must be made on the likelihood of the nets being used on a potentially more frequent basis.

The proposal does not include details of lighting and it is confirmed that no lighting is proposed as part of the development. The use of the nets would therefore be governed by daylight hours. The netting enclosure would assist in containing the associated noise of the ball being hit on a frequent basis (albeit for short periods of time). Officers have sought the advice of Environmental Health colleagues in relation to potential noise impacts. As per the comments above, it is acknowledged that the nature of the proposed use is not suited to objective measurement and assessment of noise. The comments do outline a number of measures which may mitigate noise which have been carefully considered. Firstly, it is suggested to control the hours of operation but as above this would be self governed by daylight hours and therefore it is not considered necessary to impose a separate condition. Other suggestions are made such as signage and the use of 'soft' training balls. Officers consider the most reasonable, enforceable and proportionate means of mitigation would be the inclusion of foam padding to the metal casing of the structure which would reduce the noise impacts of a ball striking the enclosure. A condition requiring further details of potential noise mitigation can be added to any forthcoming permission. The applicant has agreed to this in principle and also confirmed their intentions to install signage in any case.

Whilst it is accepted there could be usage into the evenings during the summer months, the associated noise and disturbance which can be expected is not considered harmful to neighbouring amenity in terms of noise and disturbance. This is particularly the case having regard to the established use of the site for cricket.

The Parish Council and the local Councillor have raised concerns regarding the enclosure of the nets and the potential for balls to escape. The agent has responded to this by submitting a photograph of what the nets would look like albeit the proposal is for one lane rather than the two shown below and the proposed nets will be fully enclosed (and lockable). On the basis of this specification, Officers are satisfied that the safety risk associated with the use of the nets would be extremely low and would not form a material planning consideration worthy of refusing the application.



*Illustrative image of proposed nets NB proposal is for one lane as opposed to two lanes as shown in image*

The modest height of the nets and the distance between residential properties (around 36m away to the east) and the site would mean that no harmful overbearing impacts would occur.

Given the specific and infrequent use of the development proposed, it is not considered that the proposal would amount to harm to neighbouring amenity against the relevant criteria of Policy DM5.

### Impact on Public Footpath

As is already referenced, the site is adjacent to a public right of way. A neighbouring party has raised concern that the concrete pad on the ground is obstructing the public right of way and is too close to the hedgerow. It is understood that the applicant has been in discussions with the Rights of Way team during the life of the application and it has been suggested that the applicant should move the net further from the hedge line so that the footpath could be used without hindrance. Updated plans have been received during the life of the application to this effect and a re-consultation has been undertaken with NCC Rights of Way Team.

NCC Rights of Way Team have queried the accuracy of the submitted plan (as has a neighbouring party). Essentially it is contended that based on what is on site at the moment, the hardcore base would need to be moved more than a metre away from the hedge to achieve the annotated 3.6m (taken from the centre of the hedgerow i.e. the legal boundary line). This is not necessarily disputed but in some respects is largely irrelevant given that what is on site at the moment would need to be subject to separate enforcement processes. If Members were minded to approve the application then the LPA would have the ability to enforce the submitted plans to ensure that a 2m distance remained from the edge of the hedge to the development to allow the effective and efficient use of the public right of way. On the basis that there would be 2m between the hedge and the edge of the development, the proposal is not considered harmful to the use of the right of way. An informative could be added to any decision to make the applicant clear of their duties in relation to the footpath.

### Other Matters

The proposal would enhance the facilities which serve the cricket facility and in doing so enhance the sporting offer of the overall site. This is considered as a benefit in terms of the enhancement of an established community facility.

The proposal has not included details of vehicular or parking arrangements other than to confirm that the site would be accessed via the existing arrangements for the cricket club. Given that the facility would serve the existing operations of the club it is not considered that the proposal would amount to significant additional trips to the site and therefore there is no concern in respect to the operation of the highways network.

### Conclusion

The development would enhance an existing community facility. The physical form of the development, namely the nets structure, is modest in height and would be read alongside the existing pavilion building adjacent to the site such that no harmful impact on the openness of the green belt. No other adverse character, heritage or amenity impacts have been identified. Overall, no other harm has been identified which would outweigh the benefits of the proposal and the proposal is therefore recommended for approval subject to the conditions outlined below.

## **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below and the sealing of a legal agreement to prevent the extant scheme being implemented.**

### Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and details:

- Single Lane 33m Open System 33m x 3.65m – EN 01;
- Perspective Views and Details – EN 02;
- Location & Site Plan as Proposed – 0237-222D.

Reason: So as to define this permission.

03

Prior to the development hereby approved being brought into use, a scheme for the mitigation of potential noise impacts shall be submitted to and approved in writing by the local planning authority. This should include the provision of foam padding to the metal enclosure. The agreed measures shall thereafter be implemented in full prior to the development being brought into use and retained for the lifetime of the development.

Reason: To reduce noise impacts in the interests of residential amenity.

### Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the footpath or materials unloaded or stored on the Footpath so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.
- If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.
- Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed
- If a skip is required and is sited on a highway, which includes a Public Footpath then the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 21/02082/FUL

