

SITE PLAN ATTACHED

**03. SHENFIELD CRICKET CLUB CHELMSFORD ROAD SHENFIELD ESSEX
CM15 8RQ**

**CONVERSION OF EXISTING GRASS RUN UP AREA TO HARD SURFACE
AND REFURBISHMENT OF THE TWO EXISTING CRICKET NETS IN THEIR
EXISTING POSITION**

APPLICATION NO: 14/00836/FUL

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|---|--|---------------------------|--|
| WARD | Shenfield | 8/13 WEEK DATE | 29.08.2014 |
| PARISH | | POLICIES | NPPF NPPG GB1 GB2 GB22 CP1 C5 PC4 T2 |
| CASE OFFICER | Charlotte Allen | | 01277 312536 |
| Drawing no(s) relevant to this decision: | D2002 REV 07; D3001 REV 01; NSSCC002 ; PLANNING STATEMENT ; | | |

1. Proposals

This application is presented to Committee as the Council are the freeholders of The Courage Playing Fields, which were gifted to the Council by two Deeds of Gift in 1950 and 1951 for the purpose of providing public open space, recreation ground and playing fields. The Council is subject to a covenant to allow the Shenfield Cricket Club to have the use of the cricket ground situate upon the Courage Playing Fields for so long as the Club remains in existence and upon such reasonable terms as have been and as may be agreed between the Council and the Club.

Planning permission is sought to alter the existing cricket net facilities, including the conversion of the grass run up area to a hard surface. The proposed nets measure 18.3m in length, 7.32m in width and 4m in height, with the hardsurfaced area having a maximum length of 31.9m and a maximum width of 7.92m. The existing nets have a width of 7.3m and a length of 12.4m with the hardsurfaced area having a length of 14.4m and the grassed run up area to the back on the nets having a total length of 35m. The proposed nets are located in a similar location to the existing nets.

A planning statement has been submitted with the proposal which indicates that, following previous applications for cricket nets, the Club has explored alternative locations and options for the nets but that this proposal is the only realistic option. The statement also indicates that cricket nets provide an essential facility for young cricketers, that there is no increase in the number of nets or a material change in their use. The development is in-keeping with the existing facility which compares to other Clubs of a similar size. The orientation remains the same and that the longer nets will retain more balls and is therefore safer than the existing structure.

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

GB1 - New Development in the Green Belt

GB2 - Development Criteria

GB22 - Outdoor Sports Facilities

CP1 - General Development Criteria

PC4 - Noise

C5 - Retention and Provision of Landscaping and Natural Features in Development

T2 - New Development and Highway Considerations

3. Relevant History

- 12/01223/FUL: Replacement cricket nets with 2 lanes to be located in a similar position as the existing cricket nets at the Shenfield Cricket Club. The replacement nets would have a larger playing surface and netting enclosure.
-Application Withdrawn
- 11/01252/FUL: Relocation of cricket nets for use by Shenfield Cricket Club
-Application Refused

4. Neighbour Responses

71 notification letters were sent out and a site notice was displayed. To date 22 letters of support and 11 letters of objection have been received; one letter of objection is said to have the support of 7 properties; the comments received are summarised below:

22 letters of support:

- Improve the facility; nets are vital for sporting and cricket community.
- Enhance the appearance of the area. Blends in with surroundings.
- Will serve and benefit the community; used by all ages and genders.
- Little change from existing. In same location as existing nets.
- If can't improve nets will lose players to other clubs. Important for the future of the Club.
- Shenfield only has 1 Cricket Club.
- Social, community hub; sociable and inclusive.
- Never experienced residents voice concerns over noise/balls in their gardens from using the nets.
- How do balls go into gardens when the opening faces the open field.
- Club results in 220 children participating in cricket.
- Nets are essential part of children's development.
- Existing facilities dilapidated, dangerous, unusable and in need of replacement.
- Will be England Cricket Board (ECB) approved.
- Will resemble grass.
- Is permeable, improving drainage.
- No trees, shrubs or hedges will be removed.
- Asset to the local community.
- Will not impact neighbours.
- Shenfield Cricket Club is our heritage.
- It supports Shenfield High School - providing a resource the school is unable to provide.
- Proposal is minor alterations to an existing facility.
- Will be a safer structure.

13 letters of objection:

- Prevent access to Courage playing Fields from rear garden gates.
- Suggestion that increased length will reduce danger might be valid if properly maintained but poor history of maintenance.
- Regularly return cricket balls throughout the summer.
- Indication that location alongside vet would not be allowed due to noise is flawed - noise from clubhouse, members and supports is more usually - would be a better location and flat is used for a single employee of practice, not a 24 hour family residence. This was a scheme residents were happy with. Proposal nearer to a number of properties than if next to the vets. Scale of intrusion greater than if next to vets.

- More noise and disturbance to residents - nets can be used when unsupervised by the Club late into the evenings; causes antisocial behaviour, littering and noise.
- Traffic/Highways.
- Residential amenity.
- Inaccurate plans, particularly with regard to amount of additional hardstanding.
- Additional hardstanding on Green Belt land.
- Water runoff into nearby properties is an issue and will increase, affecting residents and road users.
- Red line is inaccurate and doesn't reflect covenant.
- Nets never had planning permission in this location.
- Dangerous to residents; will result in more balls near footpath.
- Should restrict weekend afternoon use to give residents some safe access to Courage playing fields.
- Further encroachment out of land allocated to the Cricket Club in covenant, decreasing land available to the rest of the community.
- Intrusive feature aesthetically and unsightly structure.
- At end of Cricket season nets left up which become a hazard.
- 2012 permission refused; 2 reasons still relevant; impact on character and appearance of area, effect on public right of way and unacceptable impact upon other persons enjoyment of the countryside.
- Potential for injury to public and children using the Courage playing fields.
- Harmful affect on living conditions of adjoining residential properties; noise and loss of privacy.
- Detrimental impact on openness and natural character of the open space.
- Sited on the established footpath; detrimental impact on public rights of way.
- Restrict public use and enjoyment of the Courage Playing Fields and breach the covenant.
- If approved concerned Club may try to extend their footprint into the Courage fields further.
- Is longer and wider than the current structure.
- Danger from balls struck past the bowler and concern children could use the nets as a play area and fall onto the hardstanding.
- Closer to Chelmsford Road residents gardens.
- Increased noise and litter and antisocial behaviour.
- Increase parking congestion and may cause increased parking in neighbouring roads/Chelmsford Road.
- Covenant is a constraint.
- Unless rejection/restriction on hours would face continual intrusion into family garden usage throughout the summer.
- Inaccuracies and inconsistencies

5. Consultation Responses

- **Sport England:**

No objection is made by Sport England as a statutory consultee and the principle of the development is supported as a non-statutory consultee.

- **Building Control:**

We would not have any comments under the Building Regulations.

- **Environmental Health & Enforcement Manager:**

As this proposal does not differ significantly from the current situation, this Service has no objections to the application.

- **Arboriculturalist:**

No objections

- **Highway Authority:**

No objections.

6. Summary of Issues

The application site constitutes the Courage Playing Fields which is Council owned land. The location of the proposed nets is in a similar location to the current nets; to the rear dwellings in Chelmsford Road. The site is located within the Green Belt and as such the main considerations in this case are Green Belt considerations, design and visual amenity, residential amenity, landscaping and highway considerations:

Site History

In terms of planning applications for cricket nets, there have been two recent applications to replace the cricket nets on the Courage Planning Fields:

- 12/01252/FUL - (the proposed nets were located in a similar location to this proposal) - Withdrawn but recommended for approval by Officers
- 11/01252/FUL (the proposed nets were located in a different location to this proposal) - Refused for three reasons:

1. The proposed location of the cricket nets would have an unacceptable detrimental impact upon the character and appearance of the surrounding area and landscape and would have a detrimental effect on public rights of way through the Courage Playing Fields, contrary to policies CP1(i) and CP (viii) and GB2(i) and GB2 (iii) of the Brentwood Replacement Local Plan.

2. The removal of the semi-mature sycamore tree, which provides amenity value, would not preserve or enhance the existing landscape features of the site, contrary to policy GB2(ii) of the Brentwood Replacement Local Plan.

3. The siting of the proposed cricket nets, in a location that is frequented by local residents, would have an unacceptable detrimental impact upon other persons enjoyment of the countryside, contrary to policy GB22 of the Brentwood Replacement Local Plan.

Green Belt

Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Is the proposal inappropriate development in the Green Belt:

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt with some exceptions including:

- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

The planning statement submitted indicates that the Club has a thriving youth section comprising over 200 local boys and girls aged 5-16 and that the nets provide an essential facility for bringing on these young cricketers.

Sport England have been consulted on this application and have commented that 'I have consulted the England and Wales Cricket Board (ECB), the sports governing body, who have advised that Shenfield Cricket Club are a successful developing club which needs up to date practice facilities to help them develop and retain players. The proposal would therefore help facilitate the club's development by providing modern fit for purpose practice facilities.' Sport England also comment that it 'is supportive in principle of the proposed development as a non-statutory consultee due to the sport related benefit offered by the modernisation of the Club's cricket practice facilities.

As such the proposed development is an appropriate facility for outdoor sport and will not constitute inappropriate development in the Green Belt provided it preserved openness and does not conflict with the purposes of including land within the Green Belt:

Openness and Purposes of Including Land in the Green Belt:

Whilst the proposed nets and hardsurfaced area are larger than the existing facility, given the nature of the nets which are relatively open and the location of the proposal, it would not result in material harm to the openness of the Green Belt and would not

materially conflict with the purposes of including land in the Green Belt, especially considering that there are already nets in a similar location to that proposed.

Other Green Belt considerations

Local Plan Policy GB22 states that proposals for the use of land for outdoor participatory sport and recreation will only be allowed in the Green Belt where the following criteria are met;

- The proposal would not have an unacceptable detrimental impact on other people's enjoyment of the countryside.

A number of neighbours have raised concerns in this regard. The Courage Playing Fields are open to the public and are used by the local community; however, given that the location of the nets is in a similar location to the existing facility and is parallel to the rear gardens of dwellings in Chelmsford Road the proposal would not materially impact other people's enjoyment of the countryside/playing fields.

- It would result in the permanent loss of the best or most versatile agricultural land.

The site does not constitute the best or most versatile agricultural land.

- It would not have an unacceptable detrimental impact on a site of special scientific interest, a county wildlife site or an area of special landscape.

The site is not located within a SSSI, county wildlife site or an area of special landscape.

- It would not require unacceptable prominent ancillary features e.g. fences, floodlighting, car parking, etc.

The site is already used by the Cricket Club and ancillary features such as parking are already in situ which this proposal does not alter. No floodlighting is proposed.

Policy GB22 also requires applications to be considered against the criteria set out in Policy GB2:

Policy GB2 states that the local planning authority needs to be satisfied that a proposal in the Green Belt does not conflict with the purposes of including land in the Green Belt and does not harm the openness of the Green Belt. Account will also be taken of the following

- The effect of the proposal on public rights of way

A number of neighbours have raised concerns in this regard. In terms of comments received relating to the proposal blocking a public right of way, as already discussed the proposal would not materially harm other peoples enjoyment of the countryside. However, the Public Rights of Way Inspector at Essex County Council has also been contacted in this regard, who confirms that there are no public rights of way shown as being located in the area the planning application concerns. The Courage Playing fields are for community use; however, given the location and extent of the existing cricket nets, the proposal would not result in any undue harm to other people's use of the playing fields and will not adversely impact public rights of way.

- The need to preserve and enhance existing landscape features

The proposal would not result in any loss of trees and would not therefore adversely impact the landscape of the area.

- Any building must be satisfactory located in respect of the surrounding landscape and any adjoining buildings.

The location of the nets is in a similar location to the existing nets which is close to the rear gardens of dwellings in Chelmsford Road and is considered to be a satisfactory location in respect of the surrounding landscape and buildings.

It should also be noted that paragraph 81 of the NPPF states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access and to provide opportunities for outdoor sport and recreation.

The proposal therefore complies with Chapter 9 of the NPPF and Policies GB1, GB2 and GB22 of the Local Plan.

Design and Visual Amenity

There are already cricket nets in a similar location to that proposed and the cricket nets are not prominently located and as such would not result in any harm to the visual amenity or the character or appearance of the area. The proposal therefore complies with Chapter 7 of the NPPF and Policies CP1(i) and CP1(iii) of the Local Plan.

Residential Amenity

The nearby properties in Chelmsford Road have long rear gardens with the houses set back from the cricket nets, there is also some dense vegetation on the boundary between the dwellings and the nets. The proposal would not therefore result in any harm to the adjoining residents in terms of dominance or an overbearing impact.

Given the nature of the proposal it would not result in any harm in terms of overlooking or loss of privacy.

Due to the orientation of the proposed cricket nets and the proposed enlargement to the length of the netting area, it is considered that it would be very unlikely for a cricket ball to enter any of the adjacent properties and furthermore that the proposed enlargement to the netting area would help to reduce the risk of this occurring in comparison to the existing nets. Given that there are already cricket nets in this location and the proposal seeks to replace two lanes with two lanes, the proposal would not result in significant or demonstrable harm in terms of noise and disturbance compared to the existing situation. The Environmental Health Officer has also commented that given that the proposal does not differ significantly from the current situation, Environmental Health would have no objections to the proposal.

Landscaping Considerations

The Council's Tree Officer has raised no objection to the proposed development. The proposal will not affect any trees within the Courage Planning Fields in accordance with Policy C5 of the Local Plan which seeks to retain natural features such as trees in new developments. Given the existing character of the Courage Playing Fields no additional landscaping is required.

Highway Considerations

The Highway Authority has commented that there are no highway issues associated with this proposal. Officers consider that the replacement of the nets would not necessarily result in an increase of activity to the Shenfield Cricket Club and as such no objection is raised on this basis.

Other Matters

Sport England raises no objection to the proposal as a statutory consultee and supports the principle of the development as a non-statutory consultee. And the proposal will achieve the requirements of the England Cricket Board (ECB) standards.

The letters of support are noted and the positives that result from this proposal including an improved facility for the community, the appearance of the area, safety, the similarities to the existing nets and its importance to the future of the club are all noted.

In terms of the concerns raised by neighbours, many of these have already been considered in this report including access and impingement of others' enjoyment of the playing fields, design, danger, noise, disturbance, traffic and highway

implications, Green Belt and residential amenity. The other matters raised will also be considered:

In terms of an alternative location for the nets adjacent to the vets, whilst there were concerns raised about this location by the Environmental Health Officer at pre-application stage, the Planning Statement submitted indicates that there were also other concerns with the relocation of the nets in this position include the slope of the land, the loss of trees, would impact vehicular and pedestrian access, results in the loss of parking and results in young players being close to moving vehicles. In any case, the application has been submitted with the nets in a similar location to the existing nets and this is what must be determined by the Council. The planning department cannot insist that alterations are made to any application submitted.

Comments were received which suggest that the replacement nets will increase antisocial behaviour and littering. However, there is no evidence that the replacement nets would result in any increased harm in this regard.

With regard to water runoff, Building Control were consulted on this application and have indicated that the department would not have any comments on this application. However, Building Regulations did provide comments to the previous, similar application (ref. 12/01233/FUL) and concluded that they would not consider that the works would unduly alter any pre-existing ground water situation.

Reference has also been made to a covenant on this site. However, the Council's Asset and Technical Manager has commented that it is incorrect to say that the site is outside the covenant when no boundary has been set other than the plot edged red. No boundary exists for the club under the terms of the covenant. In any case, in planning terms land ownership and covenants are not material planning considerations.

Objections have been received in terms of the location of the nets, stating that there was never permission for nets in this area. However, the planning statement states that the existing net enclosure has been in its current location for over 20 years and the run-up area for over 10 years. Council aerial photos indicate that there has been a cricket practice net in this location since at least 2007 and as such no enforcement action would now be taken against the nets even if they originally did not have planning permission.

Conclusion

The proposal does not constitute inappropriate development in the Green Belt, would not materially harm openness or the purposes of including land in the Green Belt and would not adversely impact the character of the area or the residential amenity of adjoining residents. The proposal would not adversely impact landscaping, trees or parking or the highway in the area and as such the proposal is recommended for approval, subject to conditions.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 U08602

No development shall take place until samples of the materials to be used in the construction of the netting and the playing surface of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The surface materials for the proposed playing surface should be permeable in accordance with DCLG guidance. Development shall be carried out in accordance with the approved details.

Reason: In Order to safeguard the character and appearance of the area.

Informative(s)

1 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, GB22, CP1, C5, PC4, T2 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including

planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND DOCUMENTS

DECIDED: