

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

10 March 2021

**REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

20/1034/FUL

Yarm Sports And Social Club, Leven Road, Yarm

Creation of a two bay non-turf system (33m x 7.3m) cricket practice enclosure.

Expiry Date

SUMMARY

The application site is Yarm Sport and Social Club, a designated playing field within the Local Plan Policies Map.

Permission is being sought for the construction of a two bay non turf system cricket practice enclosure to be located within the North Western corner of the playing field. The purpose of the facility is to enable members of the club to train and practice. During the course of the planning application process, revised plans have been submitted to amend the location of the practice enclosure and this is supported by a Noise Impact Report.

A total of 7 letters of objection have been received, principally from the occupiers of the properties along The Grove which forms the western boundary to the site. A total of 14 letters of support have been received. No objection has been received from technical consultees.

The proposed development would represent an enhancement of an existing sporting facility as supported in principle by Local and National Planning Policies. On balance and subject to the recommended conditions, it is not considered that, the proposed development would adversely affect the residential amenity of the occupiers of the surrounding residential properties to such a degree as to sustain a reason for refusal.

The proposed development is therefore considered to be in accordance with the policies in the Development Plan and therefore the recommendation is to approve the applications subject to the conditions set out in the report below.

RECOMMENDATION

That planning application 20/1034/FUL be approved subject to the following conditions and informatives detailed below;

01 Approved Plans

The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number Date Received

SBC0001A	25 January 2021
05	25 January 2021
06	25 January 2021
07	25 January 2021
08	25 January 2021
09	25 January 2021

Reason: To define the consent.

02 Bund Details

Prior to the commencement of the development details of the final location and appearance of the bund as detailed within the submitted Noise Assessment Report received by the Local Planning Authority on the 27 January 2021 shall be submitted to and agreed in writing with the Local Planning Authority. The bund which shall be constructed in accordance with the approved details and shall be in place prior to the practice enclosure being brought into use and maintained for the lifetime of the development thereafter.

Reason: In the interest of protecting the amenity of the occupiers of the surrounding residential properties

03 Compliance with Noise Impact Report

The development hereby approved shall be carried out in complete conformity with the Noise Assessment Report received by the Local Planning Authority on the 27 January 2021 and thereafter managed in accordance with the report for the lifetime of the development.

Reason: In the interest of protecting the amenity of the occupiers of the surrounding residential properties.

04 Time of Operation

Notwithstanding the submitted Noise Assessment Report the development hereby approved shall not operate outside of the following days and hours;

April- May

- Wednesday- 17:30- 20:00
- Friday- 17:30- 20:00
- Saturday- 09:15- 11:45

May- August

- Wednesday- 17:30- 20:00
- Thursday- 17:30- 20:00
- Friday- 17:30- 20:00
- Saturday- 09:15- 11:45

September- October

- Wednesday: Senior Practice - 17:30- 19:30

Reason: In the interest of protecting the amenity of the occupiers of the surrounding residential properties.

05 Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

Reason: To ensure any unknown contaminative features encountered during the development are investigated and remediated to an acceptable standard.

06 Construction/ Demolition Noise

All Construction/Demolition operations including delivery/removal of materials on/off site be restricted to 08:00 – 18:00Hrs on weekdays, 09.00 – 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

Reason: In the interest of protecting the amenity of the occupiers of the surrounding residential properties.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

SITE AND SURROUNDINGS

1. The application site is Yarm Cricket Ground located to the south of Leven Road and currently includes a full-size cricket field and with a pavilion in the southeast corner and score board in the north east corner. The cricket ground is bound by residential premises on The Grove to the west, Leven Road to the north and Hemmingford Gardens to the east with Leven play area directly to the south.
2. The cricket ground shares access from Leven Road with Yarm Squash and Tennis Clubs via an access road that abuts the western boundary. This leads to shared car parking, the Social Club building and outside tennis courts. A small parking area is also located near to the entrance of the shared access road.

PROPOSAL

3. Planning permission is being sought for the erection of a two bay non – turf cricket practice enclosure. The enclosure would measure 33m x 7.3m x 4m. During the planning application process, discussions to understand the justification for the site selection have been undertaken with the cricket club.
4. The practice enclosure will be located to the northwest of the cricket field, adjacent to the existing car parking area on the shared access road with the southwest corner of the facility 22 metres from the fence line of residential premises on The Grove. The siting of the enclosure has also been moved to the east of the original siting. Following some initial confusion over the proposed hours of use the submitted Noise Survey confirms that the intended users of the facility for both senior and junior training sessions for the following periods during the season:

April – May:

- o Wednesday: Senior practice 17:30 – 20:00
- o Friday: Under 11,12 practice 17:30 – 20:00

o Saturday: Junior practice 09:15 – 11:45

May – August:

- o Wednesday: Senior practice 17:30 – 20:00
- o Thursday: Coaching or fixture 17:30 – 21:00
- o Friday: Under 11,12 practice 17:30 – 20:00
- o Saturday: U13, 15, 17 and All Stars Practice 09:15 – 11:45

September – October:

- o Wednesday: Senior Practice 17:30 – 19:30

5. Following further correspondence with the applicant it has been confirmed that notwithstanding the above the Thursday coaching or fixture within the months of May and August will be restricted to 20:00hrs not the above 21:00hrs.
6. The facility is not proposed to be illuminated.

CONSULTATIONS

7. The following Consultations were notified and any comments received are set out below:-

Environmental Health Unit

I have no objection in principle to the development, subject to the imposition of the recommended conditions.

Noise

I have reviewed the submitted noise impact assessment and I am satisfied with the findings of the report which concludes that the LAeq noise levels over 1 hour period of use during the week and weekend will not cause a significant increase in noise levels and that the LAMax noises which will be generated by the proposal will be in-line with current LAMax noises which already exist in the area.

The report states that the proposal may increase existing noise levels on a weekday evening, 1 hour LAeq period when the proposal is in use by 1.8dB and a Saturday morning this may be an increase of 1.6dB from existing levels. These predicted noise level increases are not deemed to be a significant increase in noise.

The report states the impact noise of the proposal will be approximately 62.4dB, however during the nine hours of background measurements on weekday evenings there were 1,481 noise events 65dB or higher, whilst during a three hour period on Saturday morning there were 1,353 noise events 65dB or higher. The impact noise from the proposal will be audible at the nearest residential properties but the noise levels generated are not likely to be significantly different to the existing noise levels in the area.

The report states that the proposal will generate noise levels of 53.5dB LAeq, 1hr on a weekday evening as detailed in table 9.1 and 54dB LAeq 1hr, on a Saturday morning as detailed in table 9.2 which are below 55dB LAeq which is the WHO guidance level for outdoor amenity. As a result of these predicted noise levels I believe that the noise from the proposal will not cause a significant adverse impact.

I would request the mitigation measures detailed with section 1.5 of the report are implemented prior to the approval of the proposal and are maintained for the lifetime of the proposal; these refer to a 1.2m high earth bund and padding on the practice enclosure posts in the batting area.

I would also recommend that conditions be imposed on the development regarding the hours of use such as those detailed in paragraph 1.5.6, listed below:

April- May

Wednesday- 17:30- 20:00

Friday- 17:30- 20:00

Saturday- 09:15- 11:45

May- August

Wednesday- 17:30- 20:00

Thursday- 17:30- 21:00

Friday- 17:30- 20:00

Saturday- 09:15- 11:45

September- October

Wednesday- 17:30- 19:30

Highways Transport & Design Manager

General Summary

The Highways, Transport and Design Manager has no objection to this application.

Highways Comments

There are no highway objections to this proposal.

Landscape & Visual Comments

There are no landscape and visual objection to the proposed practice enclosure.

Sport England

Sport England does not wish to raise an objection to this application.

Sport England consulted with the England and Wales Cricket Board on the technical and design aspects of the proposal. It responded to advise;

The specification appears to be an ECB approved System (total-play 'tp 5T' Synthetic Turf Pitch System) The proposed location considers appropriate orientation of the facility and there are no obvious concerns regards ball strike as this is an enclosed system. Additionally The location doesn't encroach on minimum boundaries and therefore ECB would support this planning application in its entirety.

PUBLICITY

8. Neighbours were notified and a site notice displayed. The comments received are set out below:-
9. A total of 7 number of objections had been received. All those comments received and a list of those who have contributed are identified below (in summary). The full contents of the letters can be viewed on the public access.

Mr P Dobson 1 The Grove Yarm, Mr Ian Hesling 7 The Grove, M Scott 5 The Grove Yarm, Mr and Mrs Grainger 3 The Grove Yarm, Mrs. J Bevitt 9 The Grove Yarm, Mrs Helen Walker Meadow Rise Yarm, Mrs Barbara Appleby 10 Gainsborough Place Hutton

- Location to close to the dwellinghouses on The Grove would have a negative impact due to size and noise generated.
- Alternative locations should be considered

- Development would be overbearing in its nature and design, being the equivalent of a very large dwelling
 - Prominent position and is inappropriate as it will negatively impact views from the highway (Leven road), completely obscuring any sight lines of the ground.
 - Will increase vehicle and pedestrian interactions at the junction.
 - Will significantly reduce the natural soak away of the land, which is an elevated position. The cricket club road junction with Leven Road already suffers from flooding.
 - The planning application submission states that there will be a doubling in the number of people using the club facilities and additional greater usage from local schools/youth groups. This is not noted in the hours of use. Essentially making the facility on free vend at all hours.
 - Insufficient car parking. The Yarm site already shares its facilities between squash, tennis, cricket and the social club. The current car parking facility is insufficient for the current usage, as car overcrowding is a regular issue. During busy periods, cars already park along the access road, increasing the risks to pedestrians. Impact on disabled access and emergency services.
 - Will set a precedent for building large structures on open green spaces.
 - Increase litter
 - Noise from groups congregating
 - Devalue properties
 - Prevent use of garden
 - Create anti social behaviour
 - Hours of use too long
 - Proposed mitigation not sufficient
 - Noise report does not adequately consider the impact
- Do not consider alternative sites have been properly considered

10. 14 letters of support have been received. All those comments received and a list of those who have contributed are identified below (in summary). The full contents of the letters can be viewed on the public access.

Mrs Ruth Dawson 11 Newsam Road Eaglescliffe, Mr James Bromiley 7 Dunottar Avenue Eaglescliffe, Rev Graham Peacock 2 Enterpen Hutton Rudby, Mr Peter Koepl 12 Silver Street Yarm, Mr Richard Nixon 8 Norderdale Close Yarm, Mr T and S Payne 1 Busby Way Yarm, Harry Wilkinson 1 Rochester Court Ingleby Barwick, Mr Hirsch Tailor East View The Green, Dr Philip Ingram Rectory View Butts Lane, Mr J and G Hewling 8 Braeworth Close Yarm, Dr Shazia Majeed 48 Bowood Close Ingleby Barwick, Mr Stewart Ballantyne 49 Coatham Vale Eaglescliffe, Mr Luke Montgomery 1 Miller Close Yarm, Mr Shengchao Qin 98 Lullingstone Crescent Ingleby Barwick

- Youth would benefit from being a part of this inclusive and community based club in a safe environment
- Helps to keep children fit and healthy
- Help develop young players
- Weather dependent sport their cricket training is often cancelled due to the weather. This facility would enable them to train in the same way/groups as they do already but without the regular cancellation due to inclement weather.
- The facility will not be open at all hours and training sessions will be at designated times and be fully supervised by trained coaches. This is the same as at present. Many other local cricket clubs already have similar facilities.

- Proposed facility will bring huge benefits and help an essential community sports club to further support and develop young cricketers.
- Other clubs have this facility already
- Revised scheme would result in less anti social behaviour will happen on the ground when it is not being used.
- No alternative location
- Neighbours have enough privacy
- The Practice sessions will continue as they are now to be managed by our Qualified ECB Coaches and only available to members to use when supervised by our Coaches. As we are all volunteers, the times in which the facility will be used will be within reasonable times of the day and evening. No different to the times of the week in which we currently train.

PLANNING POLICY

11. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
12. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

13. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
14. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
 - approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Para 96. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

Para 127. Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local Planning Policy

15. The following planning policies are considered to be relevant to the consideration of this application

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
- b. Landscape character of the area, including the contribution made by existing trees and landscaping;
- c. Need to protect and enhance ecological and green infrastructure networks and assets;
- d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
- e. Privacy and amenity of all existing and future occupants of land and buildings;
- f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
- g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
- h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

Transport and Infrastructure Policy 2 (TI2) - Community Infrastructure

6. Development on existing sports and recreational buildings and land, including playing fields will be resisted, unless:

- a. An assessment has been undertaken which has clearly shown the buildings or land as surplus to requirements; or
- b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or
- c. The development is for an alternative sports and recreational provision, the needs for which clearly outweigh the loss.

MATERIAL PLANNING CONSIDERATIONS

16. The main material planning considerations of this application include compliance with national and local planning policy and the impacts of the proposal on the character and appearance of the area, residential amenity and highway safety.

Principle of development

17. The site is an existing cricket club and is designated playing field as part of the Council's Adopted Local Plan. Local Planning Policy TI2 (4) (a) seeks to support opportunities to widen cultural, sport, recreation and leisure offer to ensure the community infrastructure is met.

18. Paragraph 96 of the National planning Policy Framework seeks to ensure that there is access to a network of high quality open spaces and opportunities for sport and physical activity, recognising the importance for the health and well-being of communities

19. The proposed development would represent an enhancement of an existing sporting facilities within the perimeter of a designated playing field. It is considered that the proposed development accords with Local Planning Policy and the NPPF and the principle of development is there for accepted.

20. In addition, Sports England have commented that the facility is ancillary to the main use and does not affect the quantity or quality of playing pitches and have raised no objection to the proposal. The EGB also support the development in its 'entirety'.

Character and Appearance

21. Some of the objectors have raised concerns over the impact of the proposed development within the context of the street scene and open space. The impact on the character of an area is not something which is purely about the visual appearance, it is also about the nature of development and how that creates a sense of place.

22. Whilst the proposed appearance of the practice enclosure would introduce a sizeable structure, given the context of the existing cricket pitch and the relationship the proposed development would have with the use and wider function of the site it is not considered that on balance the introduction of the built form would appear incongruous. Where views are obtained from public vantage points, particularly from Leven Road, these will be filtered views through the existing trees (which are protected through a Tree Preservation Order) and be seen against the back drop of an existing cricket club and the tennis courts.

23. It is noted that the Councils Senior Urban Designer has raised no objection to the proposed development. However, a condition is recommended requiring further details of the bund, as referred to within the submitted Noise Impact Report to be submitted and agreed by the Local Planning Authority to ensure a satisfactory form of development is achieved.
24. It is therefore considered that on balance the proposed development would accord with the principles of Local Plan Policy SD8 and Paragraph 127 of the National Planning Policy Framework.

Amenity

25. Following receipt of the revised scheme the proposed practice enclosure would be sited approximately 22m from the closest residential boundary. Taking this into consideration along with the height of proposal (approximately 4m) along with the nature of the construction it is not considered that the proposed nets would result in a loss of light or appear overbearing to any occupiers of the surrounding residential dwellings.
26. Due to the existing boundary treatments to the rear amenity spaces of the properties which form the western boundary to the site, the degree of separation and position of the access road and car parking it is considered the proposed development would safeguard the privacy of the closest residential properties,
27. The cricket club currently occupiers the playing field without any planning restrictions. Whilst the proposed development would formalise the area of practice and enable the club to operate at periods of adverse weather conditions, it is understood from the club that the area of the proposed siting is currently where they undertake training.
28. As part of the planning process officers have requested the club demonstrate that there is no other alternative siting for the practice nets. The Club have advised that this is their only viable option due to constraints which include the existing drainage system and covenants on the site and adjoining land. Whilst objectors do not deem the reasons given for the inability to relocate the practice enclosure elsewhere on the site to be adequate, the application has to be determined as it is submitted, on its individual planning merits and whether this is acceptable.
29. As part of the consideration of the acceptability of the revised location a Noise Impact Report was requested to understand the potential impact on the occupiers of the closest residential dwelling. It is noted the acceptability of the report and proposed mitigation is challenged by neighbours. However, the Councils Environmental Health Officer was asked to review the report in light of the objection comments and they have confirmed that subject to the imposition of the recommended conditions, they have no objection to the proposed development. The recommended conditions include the operation of the practice enclosure to be in full accordance with the submitted Noise Report.
30. The practice enclosure is only proposed to be operational for limited times of the year and on certain days and times. It is acknowledged that the proposed operation will have the potential to impact the occupiers of the adjacent properties in terms of noise and disturbance. The suggested operating hours as detailed within the report stated that in the month of May through to August the proposed practice enclosure would be in operation to 21:00 on a Thursday. It was considered that notwithstanding the comments from Environmental Health, that 21:00 would, albeit only 1 night a week for a limited period of time, have the potential to have a greater impact on the occupiers of the adjacent dwelling. Following further discussions with the club, they have confirmed that they are happy for this to be limited to 20:00. This is reflected in the recommended conditions.

31. In considering the context of the site within an existing playing field, the relationship with the Tennis Court and the principle of Local and National Planning Policy being to support existing sporting facilities, subject to a condition limiting the operation to that of the recommended conditions, it is considered that on balance the impact on residential amenity of the adjacent properties would not be so significant as to support a reason for refusal on these grounds.
32. Concerns have also been raised by the objectors that the proposed nets would lead to an increase in anti-social behaviour and littering. The Police Liaison Officer has been consulted and any comments received will be reported to Members in an update report.

Highway Safety

33. It is noted that a number of objectors have raised concern over the impact of the proposed development putting pressure on the existing car parking and impact on the existing access and conflict with disabled persons and emergency access.
34. The Highways, Transport and Design Manager has considered the proposed development and has raised no objections to the scheme. Consequently, it is considered that the proposal will not result in an adverse impact on highway or pedestrian safety.

Residual matters

Drainage

35. Concern has been raised by some of the objectors that the extent of development would impact on the drainage of the Site. The Site is within flood zone 1 and is at very low risk of surface water flooding. At the time of writing no written representations have been received from the LLFA.

Impact on property value

36. Concerns have been raised that this development would have a negative effect on the property values, however, this is not a material planning consideration in the determination of this application.

CONCLUSION

37. It is recommended that the application be Approved with Conditions for the reasons specified above.

Director of Finance, Development and Business Services
Contact Officer Helen Boston Telephone No 01642 526080

WARD AND WARD COUNCILLORS

Ward	Yarm
Ward Councillor	Councillor Tony Hampton
Ward Councillor	Councillor Julia Whitehill
Ward Councillor	Councillor Andrew Sherris

IMPLICATIONS

Financial Implications:

N/A

Environmental Implications:

N/A

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Supplementary Planning Documents

SPD2 – Open Space, Recreation and Landscaping

SPD3 – Parking Provision for Developments