

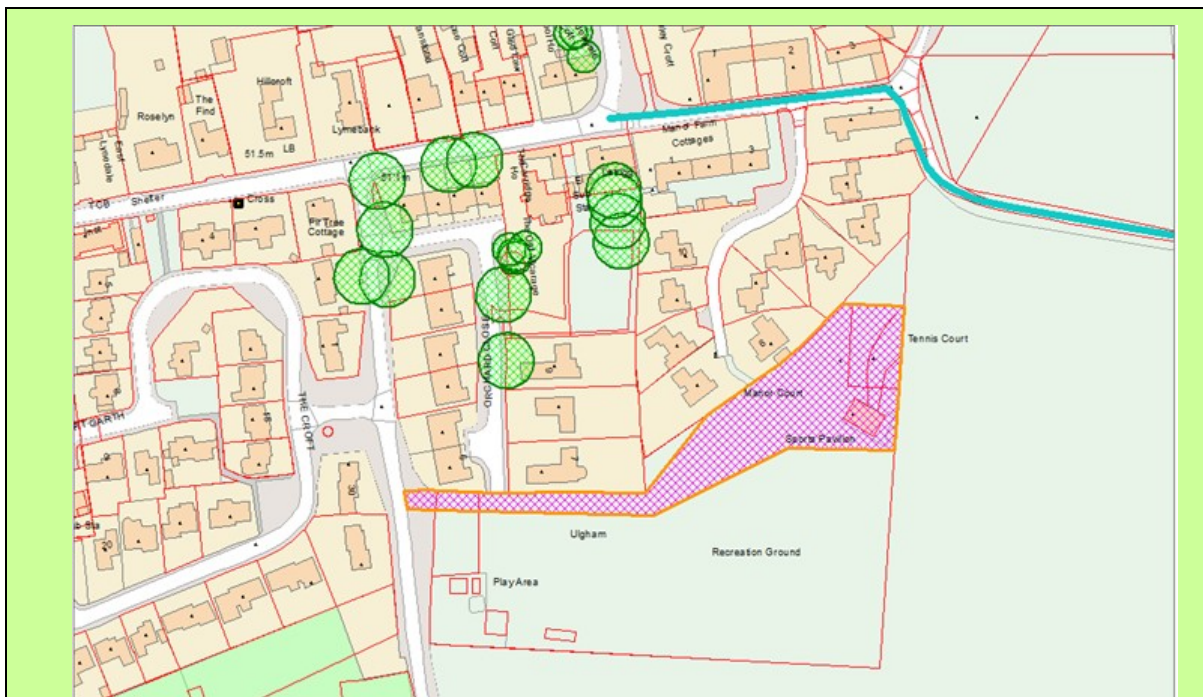


# Northumberland County Council

## Castle Morpeth Local Area Committee 10th October 2022

<b>Application No:</b>	22/01923/FUL		
<b>Proposal:</b>	Installation of a 30m x 3.65m fully carpeted single bay practice facility and fully enclosed single bay cricket cage with heavy duty galvanized tubular uprights and netting. Single pedestrian gate. White netting added behind bowler to act as a sight screen and install three protective sheets around each side of the batting end.		
<b>Site Address</b>	Ulgham Playing Field, Ulgham Lane, Ulgham, Northumberland NE61 3BG		
<b>Applicant/ Agent</b>	Mr Shaun Land 5 Harrogate Court, Ashington, Northumberland, NE63 9FJ		
<b>Ward</b>	Pegswood	<b>Parish</b>	Ulgham
<b>Valid Date</b>	15 June 2022	<b>Expiry Date</b>	10 August 2022
<b>Case Officer Details</b>	Name: Mr Ben Briggs Job Title: Planning Technician Tel No: Email: Ben.Briggs@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission.



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## 1. Introduction

1.1 This application was referred to the Executive Director of Planning and Chair of the Castle Morpeth Local Area Council committee, due to request by ward member, where it was confirmed that the application should be referred to members for a committee decision.

## 2. Description of the Proposals

2.1 The application is for the installation of a 30m x 3.65m fully carpeted single bay practice facility and fully enclosed single bay cricket cage with heavy duty galvanized tubular uprights and netting, single pedestrian gate, white netting added behind bowler to act as a sight screen and install three protective sheets around each side of the batting end. The proposed development would be located at Ulgham Playing Field, adjacent and just to the west of the tennis courts.

2.2 The proposed development is located in open countryside, Green Belt area and upon protected open space.

## 3. Planning History

**Reference Number:** CM/88/D/579

**Description:** Extension to pavilion to provide storage building

**Status:** PER

**Reference Number:** CM/81/D/91

**Description:** Outline - Erection of ten detached houses with garages

**Status:** REF

**Reference Number:** CM/83/D/46B

**Description:** Renewal - Continuation of use of playing field

**Status:** PER

**Reference Number:** CM/83/D/46/A

**Description:** Landscaping, parking and Access details

**Status:** NOOBJ

**Reference Number:** CM/83/D/46

**Description:** Change of use of agricultural land to playing field

**Status:** PER

### Appeals

**Reference Number:** 81/00008/REFUSE

**Description:** Outline - Erection of ten detached houses with garages

**Status:** ALLOW

## 4. Consultee Responses

Pegswood Parish Council	No response received.
Open Spaces South East Area	No response received.
Architectural Liaison Officer - Police	Thank you for sending through the above planning application, we have no objections or comments from a crime prevention viewpoint.
The Coal Authority	<p>I have reviewed the site location plan and the proposals and supporting information available to view on the LPA website and can confirm that parts of the application site fall within the defined Development High Risk Area.</p> <p>The Coal Authority's information indicates that the site lies in an area of outcropping coal seams, which may have been worked in the past. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.</p> <p>However, the part of the site where the development is proposed lies outside of the defined High Risk Area and, in any case, the proposed development is unlikely to require significant groundworks or foundations. Therefore, we do not consider that a Coal Mining Risk Assessment is necessary to support this proposal and we do not object to this planning application.</p>
Sport England	<p>Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:</p> <p>'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'</p> <p>This being the case, Sport England does not wish to raise an objection to this application.</p>
Public Protection	Public Protection have no comments/objections on this consultation.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	14
Number of Objections	3
Number of Support	8
Number of General Comments	0

### Notices

General site notice – 22/07/2022.  
No Press Notice Required.

### Summary of Responses:

Three objections and eight numbers of support have been received.

In summary the objections raise the following concerns:

- The practice net is far too close to the properties.
- The size of the net and the visual effect from the properties.
- Noise impact- The noise of wood on willow and any noise from the practicing cricketers.
- Location of the development and why it can't be on the other side of the Sports Pavilion.
- Concerns regarding children potentially congregating around the net in the off season/summer

In summary the support comments are the following:

- Opportunity to develop the skills of junior cricketers, from the local area. The practice facilities will give all members of the cricket club a safe place to practice and train others.
- The club provides an important sports activity for the village and the surrounding area and the addition of a practice net will further add to this.
- The proposal is sensitive to its surroundings. It's usage would most likely be limited to certain days of week and as such would cause minimal (if any) impact on environmental factors.
- Enhance the facilities available to residents of the village
- The nets cannot be placed at the other side of the pavilion as the score hut and container are there. Our current nets are no longer safe for use hence the need for an upgrade.

The above is a summary of the comments. The full written text is available on our website at: <https://publicaccess.northumberland.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Northumberland Local Plan - 2016 - 2036 (Adopted March 2022)

STP 1 – Spatial strategy (Strategic Policy)  
STP 3 – Principles of sustainable development (Strategic Policy)  
STP 5 – Health and wellbeing (Strategic Policy)  
STP 8- Development in the Green Belt  
QOP 1 – Design Principles (Strategic Policy)  
QOP 2 – Good Design and Amenity  
QOP 5 – Sustainable design and construction

ENV 1 – Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

ENV 3 - Landscape

INF 5 – Open space and facilities for sport and recreation

## 6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

## **7. Appraisal**

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The main issues for consideration in the determination of this application are:

- Principle of the development (Open Countryside, Green Belt and Protected Open Space)
- Design and visual impact
- Impact on amenity

### **Principle of development**

(Open Countryside)

7.3 The application seeks permission for works within the grounds of a well-established cricket club and playing field, which is located within open countryside, Green Belt and upon protected open space. Policy STP 1 sets out that development within the open countryside can be supported provided it demonstrates that it supports sustainable growth of a business, sustainable leisure developments and the retention, provision or improvement of accessible local services and community facilities. The proposals would support an existing community sporting facility that is relatively well related to the village of Ulgham. In addition, Policy STP 5 of the Local Plan supports development that promotes, supports and enhances the wellbeing of communities, residents and visitors and the development would provide access to enhanced sports facilities.

(Protected Open Space)

7.4 The site is defined as protected open space within the Local Plan. Policy INF 5 supports the development of ancillary facilities on open space subject to criteria, including that the proposal would be appropriate in scale and would not detract from the character of the site and its surroundings; the proposal would not have an unacceptable negative impact on residential amenity; and the proposal is necessary to, or would facilitate the functioning of, the open space. The proposal would meet the two first criteria and the proposal would lead to an improvement to the existing

sporting facility. The proposal therefore accords with Policy INF 5 of the Local Plan, and the public benefits of the proposal are to be afforded weight in favour of the application.

7.5 The above policies are considered to be in line with Paragraphs 92 – 93 and 98 – 99 of the NPPF in terms of promoting healthy and safe communities and enhancing the provision of and access to sports facilities.

(Green Belt)

7.6 The application site is located within the Green Belt. Policy STP 8 of the Northumberland Local Plan relates to development in the Green Belt. Policy STP 8 states “development which is appropriate in the Green Belt, as defined in national planning policy, will be supported”.

7.7 Paragraph 138 of the NPPF sets out the five purposes of the Green Belt, and the proposal would not conflict with these purposes as the proposal is to install a practice net within the existing cricket club grounds and playing field.

7.8 Paragraph 149 of the NPPF states that the construction of new buildings should be viewed as inappropriate in the Green Belt but follows on to list a number of exceptions. In regard to this specific application the development would fall to be considered under category *b) “the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries, burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”*. The proposal would fall under the exception under Paragraph 149 b) as it would result in the installation of a net facility in connection with the existing use of land of a well-established Cricket Club and playing field. It is considered that the proposed works would not have a great impact on the openness of the Green Belt in either a spatial or visual sense, as there is already a net facility, clubhouse and tennis court with a high cage around it..

7.9 Paragraph 145 of the NPPF sets out that “local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation.” Favourable weight can therefore be given to the proposal as it would seek to improve the existing facilities at a well-established Cricket Club and playing field.

7.10 The proposed works are therefore supported in principle within the Green Belt as it would improve an existing outdoor sports facility. The proposal is therefore in accordance with Policies STP 1, STP 5, STP 7, STP 8 and INF 5 of the Northumberland Local Plan and the NPPF.

### **Design and visual impact**

7.11. Policy INF 5 of the Northumberland Local Plan relates to development to open space and facilities for sport and recreation. It is proposed to install a practice net facility to the northern edge of the site next to the existing tennis court. The measurements for the proposed are 30m in length, 3.65m in width and 4m in height.

7.12. The practice cricket net would include the installation of a one lane fully enclosed net facility. The addition of the practice net will have a minimal impact due to the current scale of the tennis court and its caging which is situated in close proximity to the proposal. As well as other facilities in the area such as the clubhouse and original net. The proposed installation will have a minimal impact on the amenity of the site or the character of the wider area. As such it is considered that the proposal would be of an appropriate layout, scale and design for its purpose of a ancillary to a well-established Cricket Club and playing field.

7.13. As such the proposals would be in accordance with Policies QOP 1, ENV 1, ENV 3 and INF 5 of the Northumberland Local Plan and the NPPF.

### **Impact on Residential Amenity**

7.14. Officers are mindful that the proposal would be ancillary to an existing well-established Cricket Club at the site. Concerns regarding the noise and location of the proposal to nearby properties has been noted. Therefore, officers have carefully considered this. The application has been assessed against relevant policies and it is considered that as the scheme would not have a negative impact on the amenity of occupiers of nearby properties, due to the siting, layout, existing facilities and scale of the development and its relationship with the existing site. The proposal is therefore in accordance with Policies QOP 2 and INF 5 of the Northumberland Local Plan and the NPPF.

### **Other Matters**

#### **Equality Duty**

7.15 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

#### **Crime and Disorder Act Implications**

7.16 These proposals have no implications in relation to crime and disorder.

#### **Human Rights Act Implications**

7.17 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.18 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.19 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision-making process as a whole, which includes the right of review by the High Court, complied with Article 6

## **8. Conclusion**

8.1. The proposed works are considered acceptable in principle as appropriate facilities alongside the existing use of the site. The proposed works would not result in inappropriate development in the Green Belt, would not have an adverse visual impact on the appearance on the site or the character of the surrounding area, and would not have an adverse impact on the amenity of neighbouring properties. The proposal is therefore acceptable in accordance with relevant policies in the Local Development Plan and the NPPF.

## **9. Recommendation**

That this application be GRANTED planning permission subject to the following:

### Conditions/Reason

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:

1. Titled: PROPOSED LAYOUT PLAN AND ELEVATIONS (received 26th May 2022)
2. Titled: 3D PLAN (received 26th May 2022)
3. Titled: PROPOSED SITE PLAN (received 15th June 2022)
4. Titled: APPLICATIONFORM (26th May 2022)
5. Titled: DESIGN & ACCESS STATEMENT (15th June 2022)



Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

3. The facing materials and finishes to be used in the construction of the development shall be in accordance with the details contained within the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with Policies QOP 1, QOP 2, ENV 3 and INF 5 of the Northumberland Local Plan and the National Planning Policy Framework.

**Date of Report: 24/08/2022**

**Authorised by:**

**Date:**

**Background Papers:** Planning application file(s)