

24/00355/FUL

Applicant Property Services

Location West Park Loughborough Road West Bridgford Nottinghamshire

Proposal Construction of new cricket practice facility comprising of non turf playing surface with associated net and framing together with associated ground preparation and landscaping works includes soakaway and fencing.

Ward Musters

THE SITE AND SURROUNDINGS

Details of the proposal can be found [here](#):-

1. The application site relates to the northern corner of West Park Sports ground. West Park is a purpose-built cricket ground but does also include tennis courts and junior football pitches. A Sports Pavilion building is located immediately to the south of the application site.
2. Vehicular access to the wider site comes via Loughborough Road with the access road leading to a dedicated hard surfaced carpark.
3. There are allotments immediately to the north-east of the site. The closest residential properties are to the north-east along Chestnut Grove.

DETAILS OF THE PROPOSAL

4. Planning permission is sought for the erection of cricket practise facilities consisting of an enclosed cage structure with playing surface to provide 5 lanes. The structure would be completely enclosed by nets to ensure that balls remain within the structure. The frame would have a length of 37.2m, width of 18.9m, and height of 4m.
5. The application comes forward to allow the replacement of two existing cricket practice strips which have come to the end of their usable life.
6. Acoustic fencing of 2.5m is also proposed along the north-eastern section of the structure with a fence of 1.5m to the shared boundary with neighbouring properties along Chestnut Grove.
7. A new soak away is proposed to the south-west of the proposed practice facility and a 1.8m wide footpath would be created around the sports pavilion leading to the practice facility.
8. Additional tree planting is proposed within West Park.

SITE HISTORY

94/00413/REG4 - Erect 4 floodlight columns (6.7 m high) – Approved 10.08.1994.

94/00697/REG3 - Formation of 28 additional carparking spaces – Approved 12.08.1994.

94/00788/ADV - Erect 2 externally illuminated signs – Approved 27.09.1994.

04/01150/FUL - Demolish changing block and ancillary buildings; construct pavilion, car parking, tennis courts and security fencing/gates and play equipment (existing pavilion refurbished for community hall) – Approved 24.08.2004.

06/00115/REG3 - Convert former public toilet to form caretakers office and retail concession – Approved 02.03.2006.

17/01069/FUL - Metal storage shed – Approved 10.07.2017.

REPRESENTATIONS

Ward Councillor(s)

9. Adjacent Ward Councillor (Cllr Phillips) - No comments to make.

Statutory and Other Consultees

10. Nottinghamshire County Council as Lead Local Flood Authority have no observations or comments.
11. Nottinghamshire County Council as Highway Authority – No objections.
12. Sport England - Sport England raises no objection to the application because it is considered to accord with exception 2 of our Playing Fields Policy and paragraph 103 of the NPPF.
13. Environment Agency - have no objection to this application because no ground raising has been proposed and there would be no increase in flood risk elsewhere based on the proposals.
14. Rushcliffe Borough Council Environmental Health – provide detailed comments and raise no objection subject to conditions in relation to noise management, operating hours and external lighting.

Local Residents and the General Public

15. There have been 7 written representations received including 2 letters from representatives of West Bridgford Legion Cricket Club, 4 from local residents and 1 written representation from a professional planning agent.
16. 3 written representations write in objection to the proposal on the following grounds;

- a. The development is planned to be significant in size and will have a large visual impact on the surrounding area
 - b. Increased noise nuisance from the development. The proposed facilities will have an increased usage over the current facilities
 - c. Over reliance on the modelling from the noise impact assessment. Concerns that the mitigation measures would not overcome the increase in noise from the use of the proposed development
 - d. the proposed operating hours are disproportionate and unreasonable
 - e. the type of use and the associated noise will be very intrusive, causing nuisance and stress. This will impact both garden areas and rooms within the house. It is suggested that it would render the rear gardens of property unusable
 - f. questions whether an alternative location or orientation of the development has been considered.
17. 4 written representations write in support on the following grounds;
- a. The cricket facilities at West Park are in desperate need of renewal and this proposal is exactly what we need
 - b. Would result in really good facilities for practicing cricket and good for young people to unleash their talent
 - c. We are in favour of Rushcliffe residents having the opportunity to enjoy a healthy, active lifestyle via these fantastic facilities.

Full comments can be viewed in full [here](#).

PLANNING POLICY

18. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019. The overarching policies in the National Planning Policy Framework (the NPPF) are also relevant, particularly where the Development Plan is silent.

Relevant National Planning Policies and Guidance

19. The NPPF carries a presumption in favour of sustainable development. Paragraph 11 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
20. Paragraphs 96-97 of the NPPF set out the role of the planning system in facilitating social interaction and creating healthy, inclusive, communities and plan positively for the provision of, amongst other things, community facilities.

Policy 12 of the Core Strategy is consistent with this objective and states "The provision of new, extended or improved community facilities will be supported where they meet a local need, as too will the retention of existing community facilities where they remain viable and appropriate alternatives do not exist".

21. Guidance contained within the National Planning Policy Framework states that one of the key principles of sustainable development is to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. It also goes on to state that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Relevant Local Planning Policies and Guidance

22. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the determination of the application:

Policy 1 - Presumption in favour of Sustainable Development
Policy 2 - Climate Change
Policy 5 – Employment Provision and Economic Development
Policy 10 - Design and Enhancing Local Identify
Policy 12 - Local Services and Healthy Lifestyles
Policy 13 - Culture, Tourism and Sport
Policy 14 - Managing Travel Demand
Policy 17 – Biodiversity.

23. The following policies in the Rushcliffe Local Plan Part 2: Land and Planning Policies are considered to be relevant to the determination of the application:

Policy 1 - Development Requirements
Policy 15 – Employment Development
Policy 30 - Protection of Community Facilities
Policy 31 - Sustainable Tourism and Leisure
Policy 38 - Non Designated Biodiversity Assets and the wider Ecological Network
Policy 39 - Health Impacts of Development.

24. The policies in the Core Strategy and Local Plan Part 2 are available in full along with any supporting text on the Council's website at: <https://www.rushcliffe.gov.uk/planning-growth/planning-policy/local-plan/>.

25. Rushcliffe Borough Council – Corporate Strategy 2024 - 2027, Rushcliffe Sustainable Community Strategy 2009-2026 and Leisure Strategy (2017 – 2027) are of relevance. The Borough Councils Corporate Strategy identifies the Councils four priorities including quality of life with a commitment to, inter alia, protecting our residents health and facilitating healthier lifestyle choices and providing high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council.

26. The Borough Council has an adopted Leisure Facilities Strategy (2017 – 2027). The vision of the Strategy is 'to provide high quality, financially sustainable leisure facilities to support Rushcliffe residents to enjoy healthy active lives'.

27. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.

APPRAISAL

28. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
29. The main issues in the consideration of the application are; the principle of development; impacts upon residential amenity including noise nuisance, design/impact upon the character and appearance of the area, landscaping, impact on local ecology and impact on flood risk.

Principle of Development:

30. Local and National Planning Policies and guidance promote the enabling of, and supporting healthy lifestyles and promoting social interaction, including the provision and improvement of community facilities. Planning should promote and facilitate opportunities for sport and physical activity, which is important for the health and well-being of communities. This should be balanced with the need to ensure that the amenity of existing residents is carefully considered and any undue detrimental impact mitigated if necessary.
31. Policy 12 (Local services and Healthy Lifestyles) the LPP1 states that the provision of new, extended or improved community facilities will be supported where they meet a local need.
32. Policy 12 goes onto advise that;
- ‘New community facilities of an appropriate scale should:*
- a) be located within District, Local Centres or Centres of Neighbourhood Importance, wherever appropriate;*
- b) be in locations accessible by a range of sustainable transport modes suitable to the scale and function of the facility; and*
- c) where possible, be located alongside or shared with other local community facilities.’*
33. In terms of local need, the proposed development would replace an existing practice facility within West Park that has come to the end of its usable life. It is therefore considered that the local need for the development has been demonstrated and that the proposal would be compliant with Policy 12 in this respect.
34. The application site is not located within a designated District or Local Centre however due to the nature of the proposed development being a sports facility,

it is considered that the siting within West Park, an established cricket ground, is wholly appropriate.

35. Furthermore, West Park is easily accessible by public transport and the proposed development would sit within, and be used in conjunction with, the existing wider cricket ground facility. The proposed development would therefore accord with the criteria within Policy 12.
36. Policy 13 of LPP1 (Culture Tourism and Sport) States that the Provision of culture, tourism and sporting facilities of an appropriate scale will be encouraged throughout Rushcliffe. In relation to sports facilities, criteria b and c of Policy 13 states;

‘New sporting facilities will be encouraged, especially where this complements the strengths of existing major facilities located in Rushcliffe;

and c) Where appropriate, existing cultural, tourism and sporting facilities will be protected and their further development will be supported.’
37. In light of the above policy support, it is considered that the principle of development is acceptable.

Residential Amenity:

38. Policy 1 of the Local Plan Part 2: Land and Planning policies sets out criteria that need to be considered for new development which include impact on highway safety, residential amenity by reason of the type and levels of activity on the site or traffic generated, noise pollution being minimized.
39. In terms of the potential noise impact, the application is supported by a noise impact assessment which includes technical details and modelling of the increase in noise resulting from the development.
40. The proposal includes acoustic fencing along the edge of the structure where the batting area is proposed as well as the boundary with neighbouring residential properties. This has been put forward as the predominant mitigation measure against the noise generated by the proposed development.
41. It is noted that there are concerns raised by local residents in relation to the potential noise generation of the proposed development.
42. However, it is also noted that there are no objections raised by the Environmental Health officer to the proposed development subject to the inclusion of recommended conditions in relation to further mitigations measures within a noise management plan, the structure remaining enclosed while in use.
43. It is acknowledged that the proposed development has the potential of resulting in a more intensive use of the application site. However, having also taken into account that the site is an established cricket ground, it is considered that with the appropriate conditions attached to any grant of planning permission in relation to noise management, the proposal would not result in a material impact on residential amenity over the existing situation to warrant a refusal of planning permission. The suggested hours of use have been carefully

considered and it is considered prudent to condition no use outside the hours of 9am and 9pm. The applicant has agreed to these reduced hours.

44. There is no flood lighting included within this application and any future installation of external flood lighting would require planning permission. Accordingly, it is considered that the proposal would not increase light pollution at the site.

Design and Appearance:

45. Policy 1 of the Local Plan Part 2 requires the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area.
46. The proposed structure would measure 4m in height, 37.2m in total length and 18.9m in width and would be visible from within West Park and surrounding residential properties and areas.
47. However, it is considered that the structure would be seen in the context of the established cricket ground and as such would not appear incongruous or unduly prominent.
48. Furthermore, the proposed structure would have a lightweight appearance, with the elevations made up predominantly of netting. While acoustic fencing would be positioned along the batting area, this would make up a small proportion of the structure and located at the rear.
49. In light of the above, the proposed development would be acceptable from a design and appearance and would accord with the criteria of Policy 1 in this respect.

Access and Parking:

50. In considering applications, Policy 1 (Development Requirements) of the Local Plan Part 2 requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highway Authority.
51. The vehicular access to the site would remain unchanged by the proposed development and it is considered the existing hard surfaced car park would remain capable of accommodating off street parking associated with the use of the proposed development.
52. Furthermore, it is noted that the Highway Authority have not raised any objection to the proposal.
53. In light of the above, the proposed development is not considered to give rise to any material highway safety concerns.

Ecology and Biodiversity:

54. Policy 17 of the Core Strategy envisages that biodiversity will be increased in the Borough during the plan period by, amongst other things, seeking to ensure

new development provides biodiversity features and improves existing biodiversity features wherever appropriate.

55. The proposed development would be exempt from mandatory Biodiversity Net Gain (BNG) due to the application being submitted for determination prior to the 2nd April when the legislation came into effect for smaller sites.
56. Given that the site is currently regularly cut grass forming part of West Park, it is not envisaged that the site would be suitable habitat for any protected species.
57. The submitted layout plan does include additional planting within the wider West Park site along the north-western boundary and eastern edge of the park. It is also considered appropriate to introduce planting between the two fences. This could be secured via planning condition attached to any grant of planning permission.
58. In light of the above, it is considered that the proposal would be acceptable from an Ecology perspective and accord with the overarching aims of Policy 17.

Flood risk

59. The application is located entirely within flood zone 3 (land at a high risk of flooding) but is protected by Flood defences.
60. Policy 17 (Managing Flood Risk) of the LPP2 states that "planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided that the sequential test and exception test are applied and satisfied in accordance with the NPPF and NPPG [and] development does not increase the risk of flooding on the site, or elsewhere" amongst other things. It goes on to state that "development proposals in areas of flood risk will only be considered when accompanied by a site-specific flood risk assessment. Proposals will be expected to include mitigation measures which protected the site and manage any residual flood risk".
61. In regard to the regard to the sequential test Para 168 of the NPPF advises that;
62. "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."
63. Given that the proposed development would form a replacement of an existing facility within the site and that the wider site is an established cricket ground, it is considered that there would not be any other reasonable alternative sites at a lower risk of flooding for the siting of the proposed development. As such it is considered that the sequential test has been passed.
64. Having had regard to Annex 3 Flood Risk Vulnerability Classification of the NPPF, the proposed development would fall into a water compatible land use classification.

65. Table 2: Flood risk vulnerability and flood zone 'incompatibility' within the NPPG advises that water compatible development is not required to pass the exception test.
66. It is noted that the Lead Local Flood Authority raise no objection to the proposed development and that the Environment Agency comment that there would be no increase in flood risk elsewhere based on the proposals.
67. In light of the above, it is considered that the proposal would not result in any increase in flood risk at the site and would comply with the aims of the NPPF and Policy 17 of LPP2 in this respect.

Other Matters

68. Under S149 of the Equality Act 2010 a duty exists which require decision makers to give specific, careful consideration as to the potential implications of any equalities impact on those with protected characteristics. The protected characteristics to which the act applies include age, race, religion, sexual orientation, disability and pregnancy. The facility will have linking accessible paths which lead directly to the car park and public toilets ensuring the DDA accessible when the Sports Pavilion is closed.

Conclusion

69. In conclusion, the proposed development would enhance the facilities available locally and within the Borough and also provide community facilities in line with the Borough Council Leisure Strategy, providing health benefits in line with guidance within the NPPF and the Council's own local planning policies. Any undue impact can be appropriately mitigated by the use of planning conditions.
70. The application was subject of pre-application discussions providing general advice. The scheme is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

- 1. The development must be begun not later than the expiration of three years beginning with the date of this permission**

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004]

- 2. The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:**

Flood Risk Assessment by BWB Ref. 243743 FRA received 4 March 2024

G_1217 02 Proposed Landscaping received 7 May 2024

G_1217 03 Proposed Site Works Rev C received 7 May 2024

G_1217 04 North East Rev A Elevation received 7 May 2024

G_1217 05 South East Elevation Rev C received 7 May 2024

G_1217 06 south west Elevation Rev A received 7 May 2024

G_1217 07 North West Elevation received 7 May 2024

G_1217 08 Proposed Layout Plan Rev C received 7 May 2024

Planning Statement received 8th May 2024

Noise Impact Assessment Ref. NP-010871-02 by Nova Acoustics received 7 May 2024

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

- 3. The development hereby permitted must not be occupied or first brought into use until a written scheme the hard and soft landscaping of the site (including the location, number, size and species of any new trees/shrubs to be planted) has been submitted to and approved in writing by the Local Planning Authority. This shall include provision for landscaping between the two proposed fences**

Thereafter the scheme must be carried out and completed in accordance with the approved details no later than during the first planting season (October – March) following either the substantial completion of the development hereby permitted or it being brought into use, whichever is sooner

If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development

[Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe]

- 4. The use hereby permitted shall only take place between the following hours of 9am to 9pm**

[To protect the amenities of nearby residential properties, having regard to having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning

Policies (2019)]

- 5. Prior to the first use of the development hereby approved, a noise management scheme which includes further mitigation measures including the installation of foam padding on the metal enclosures and the management of people related noise. The Noise Management Scheme must include a review mechanism whereby it is reviewed if a complaint is received by the Local Authority or, if not, at least annually. The use shall thereafter be carried in accordance with the approved Noise Management Scheme**

[To protect the amenities of nearby residential properties, having regard to having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)

- 6. The acoustic fencing shown on plan G_1217 03 Proposed Site Works Rev C received shall be constructed with a minimum surface mass of 10kg/m² and have no holes or gaps in accordance the details within the submitted noise impact assessment by Nova Acoustics (Project Ref: NP-010871 Rev 02; dated 3rd May 2024). Both sections of acoustic fencing shall be installed prior to the use of the development commencing. The acoustic fencing shall thereafter be maintained for the lifetime of the facility**

[To protect the amenities of nearby residential properties, having regard to having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

- 7. The practice facility hereby approved shall only be used while the cage structure is fully enclosed by netting.**

[To protect the amenities of nearby residential properties, having regard to having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)

- 8. There shall be no external lighting installed in or around the Practice Nets**

[To protect the amenities of nearby residential properties, having regard to having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].