

## PLANNING COMMITTEE – 23 JANUARY 2020

### PART I – DELEGATED

- 7. 19/2089/FUL - Demolition of existing cricket club and construction of two storey cricket pavilion including WCs and changing facilities, cafe and kitchen, gift shop, meeting and training space and other associated support/facility areas and viewing terrace at CHORLEYWOOD CRICKET CLUB, CHORLEYWOOD COMMON, RICKMANSWORTH ROAD, CHORLEYWOOD, WD3 5SL (DCES)**

Parish: Chorleywood Parish Council

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 30.12.2019

Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: The application was called in by Chorleywood Parish Council.

#### **1 Relevant Planning History**

- 1.1 18/1569/FUL- Single storey side and rear extension, extension to covered area to front, replacement roof including increased ridge height and insertion of clock tower within pitched roof. Approved September 2018.
- 1.2 08/2115/FUL - Alterations to existing ground levels and layout of cricket pitch including new cricket square and relocation of existing nets. Approved January 2009.

#### **2 Description of Application Site**

- 2.1 Chorleywood Cricket Club is sited on the northern edge of Chorleywood Common where it abuts Rickmansworth Road. The playing pitch is sited to the east of the clubhouse. The clubhouse is accessed from Rickmansworth Road, served by a gravel car parking area. Beyond the playing pitch are Christ Church and Christ Church JMI School, which overlooks the cricket pitch. A partially surfaced parking area is sited forward of the school abutting the common and playing field. To the south of the grass playing fields and grassland area surrounding it is the expanse of Chorleywood Common which is predominantly wooded in this part.
- 2.2 The existing cricket 'square' (the rectangular central playing area of the field accommodating the wickets) is sited towards the centre of the field. The existing pavilion has a flat roof with red painted timber cladded elevations and the building faces in a south eastern direction. The application site is located within the Metropolitan Green Belt, Chorleywood Common Conservation Area and within a designated Wildlife Site.

#### **3 Description of Proposed Development**

- 3.1 The proposed development includes the demolition of existing cricket club and construction of two storey cricket pavilion including WCs and changing facilities, cafe and kitchen, gift shop, meeting and training space and other associated support/facility areas and viewing terrace.
- 3.2 The replacement pavilion would have an overall width of 25.3m and a depth of 10.5m. The main sections of the building would have a hipped roof with a maximum height of 9.2m with an eaves height of 4.9m. A section of the building towards the south western side with a width of 8.9m would be set down from the main ridge by 1.7m. To the rear (North West) a single storey gable feature is also proposed which would have a depth of 4.2m and a width of 7.7m. This element would have a height of 7m with a roof overhang which would project

1.6m. The front elevation (south east) also includes three gable features which would be set down 1.6m from the main ridge.

- 3.3 A viewing terrace is proposed to the front elevation (south east) which will be constructed of timber with a glass viewing area for the scorer. Six rooflights are proposed within the rear roof slope (North West).
- 3.4 The external materials proposed include natural slate tiles for the roof, dark stained timber cladding to the elevations, aluminium framed windows and timber clad security doors. Roller shutter are proposed to the rear within eaves level box housing.
- 3.5 In relation to the users of the building it is proposed that the cricket facilities continue to be used by Chorleywood Cricket Club whilst the café/kitchen will be run by 'Mission Employable'. The expansion of the facilities at the Cricket Club are to allow for the provision of additional space to accommodate the future growth of membership. It is anticipated that the additional facilities will allow for the introduction of women's cricket with separate changing rooms. The existing Cricket Club is also in a state of disrepair and the facilities fail to meet ECB (English Cricket Board) requirements. Mission Employable is a charitable incorporated organisation whose purpose is to help people with learning disabilities to gain skills needed to get future employment. The café/tea room and gift shop would provide an opportunity to offer young people disability training and work experience with the aim of future employment within the café and elsewhere. Mission Employable have joined with Chorleywood Cricket Club to adopt a business plan as they considered this location could provide the ideal premises for them to function. In any one day a maximum of 6 individuals will be assisted by 5 trainers to operate a commercial kitchen and cafe. There will be separate facilities to serve ME and the Cricket Club in addition to some areas of shared floorspace with moveable walls.
- 3.6 In relation to the gift shop the agent has advised that this will be a pop up shop rather than a separate area and will include moveable shelving and on the walls. Gifts may include prints, pottery, candles and items made by people with disabilities in the local area.
- 3.7 The agent has advised that there will be no more than 6 trainees on site at any one time. They will do 4 hours shifts and therefore there may be 10 trainees over the course of the day. There will be up to 5 trainers (manager, chef, team leader and trainers) however not all 5 trainers will be present at any one time and it will only be necessary for all 5 trainers to be present during the busiest periods of the day.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Chorleywood Parish Council: [Partial objection]**

*The Committee wish to CALL IN this application on the following grounds and as Chorleywood Parish Council are the Landowners*

*1. The Committee objected to the use of security lights around the building as detailed in the design statement as this will cause light pollution, have a detrimental effect on wildlife foraging corridors and the natural environment.*

*2. The idea of sensor lights would cause a distraction to the traffic and again have a detrimental effect on the natural environment. It is suggested that some digital form of internal security be used instead.*

*3. The Members have requested a full traffic management report be carried out and approved prior to commencement of works.*

4. Members could not find the type of material to be used for the Cladding of the building but requested that the Cedar Cladding be used as per your original consultation.

5. The Parish Council requested that any landscaping be made good at the end of construction

On a plus note they said the design was a positive contribution to Chorleywood and felt that the design was sympathetic with the aesthetic design and felt it was in keeping with the surrounding area.

4.1.2 National Grid: No comments received.

4.1.3 Conservation Officer: [Objection]

*The application is for the demolition of existing cricket club and construction of two storey cricket pavilion including WCs and changing facilities, cafe and kitchen, gift shop, meeting and training space and other associated support/facility areas and viewing terrace.*

*Pre-application advice has been provided on the proposal (19/1107/PREAPP), including follow-up advice on the current proposal. The pre-application suggestions made in regards to the current design, intended to slightly reduce the scale and bulk of the new pavilion, have not been taken into account.*

*The site is located within the Chorleywood Common Conservation Area. Designated in 1976, the area's special interest derives from the open rural nature of the Common and the variation in building stock surrounding the Common dating from the 16th/17th centuries up to the 19th century, which demonstrates the history and growth of the area. It is also within the setting of the grade II\* listed parish church of Christchurch (list entry no. 1348233) located to the south-east. The church dates from 1845, although rebuilt (apart from the tower) between 1869-70 with further additions in the 1880s. It is grade II\* listed due to its important special architectural and historic interest (only 5.8% of listed buildings are grade II\*).*

*The Cricket Club has played on the green since the early 19th century. The cricket ground is shown on 19th century OS maps in the same position as today, with Christchurch forming the backdrop. It is immediately evident that the existing pavilion is not fit for purpose due to its poor design and materials, and deteriorating condition. Its low height makes it a relatively unassuming addition to this part of the Common, however, it detracts from the overall quality of the built form in the conservation area and surrounding this part of the Common. Its demolition and replacement with a more sympathetic building with a distinct cricket pavilion character raises no objections and would enhance this part of the conservation area. The previous approval for a single storey pavilion with pitched roof and central clock tower/cupola is considered to be sympathetic.*

*The current proposal has resulted from initial pre-application advice and has been slightly reduced in scale. However, it is still considered to be too large and too prominent for its location on the Common and within the setting of the listed church. The Heritage Statement states that the new pavilion would have an impact on the significance of the conservation area and the listed church, but that this would be an enhancement. There is certainly an opportunity here to enhance the conservation area and the setting of the church by replacing the current poorly designed pavilion with a sympathetic alternative, but the scale of the proposal remains a concern. Further suggestions to reduce the scale of the building were made in follow-up pre-application advice.*

*It is considered that the proposed pavilion would harm the significance of the church by introducing a visually prominent building to the historically open and undeveloped (other than the low buildings of the existing pavilion which are unattractive but unassuming)*

*Common, detracting from its setting. It would detract from views from the west looking east along Rickmansworth Road as the experience of the church on the edge of the open Common would be diminished. Views from the church across the Common would also be detrimentally impacted by the addition of a large two storey building which are considered to provide an appreciation of the church's historic setting overlooking the Common.*

*With regards to the conservation area, the proposed building would detract from its character and appearance by introducing a large and dominant building to this part of the Common. The open, rural nature of the Common is an important aspect of the conservation area's special interest and the proposed building by virtue of its scale would detract from this. The Conservation Area Character Appraisal makes the following observation:*

*The cricket ground and associated pavilion preserve the open character of the Conservation Area. There is an adjoining small car park beyond the pavilion, which is screened from the cricket pitch by small woodland, and a small car park next to the pavilion. The activities associated with the Common, school, church, cricket club and meeting hall contribute to the character of the conservation area. (para. 4.23)*

*Despite its poor design, the scale and low height of the existing pavilion helps to preserve the area's open character but the proposed pavilion would be more visually dominant. The activities mentioned, including the cricket club, certainly do add to the historic interest and the character of the area but any new pavilion needs to respect the open character of this part of the conservation area. The Character Appraisal also identifies important views (Appendix 8) within the conservation area, one of which is the view from the west looking east from Rickmansworth Road past the cricket ground and towards Christchurch. This would be detrimentally impacted by the proposal and para. 7.3 of the appraisal recommends that key views are maintained.*

*In its current form, there remains an objection to the proposal, although a reduction in the scale and massing of the building (as previously suggested) could overcome this. Whilst new facilities are needed, they should not cause harm to the significance of the conservation area or the grade II\* listed church.*

*The proposal is considered to amount to 'less than substantial' harm to the Chorleywood Common Conservation Area and the grade II\* listed Christchurch, as per para. 196 of the NPPF. Consideration should also be given to para. 193 of the NPPF which requires great weight to be afforded to the conservation of heritage assets, and para. 194 which requires any harm to have clear and convincing justification. Para. 200 is also relevant in stating that new development in conservation areas or the settings of heritage assets should seek to enhance or better reveal their significance. Furthermore, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to have regard to the preservation or enhancement of the character or appearance of conservation areas.*

4.1.4 Landscape Officer: [No objection subject to a condition]

The Landscape Officer has verbally confirmed that they would not raise an objection to the application subject to a condition requiring the submission of tree protection details prior to commencement of works.

4.1.5 Hertfordshire Highways: [No objection]

**Decision**

*Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following condition:*

*Construction Management Plan / Statement:*

*No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:*

- *Construction vehicle numbers, type, routing;*
- *Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);*
- *Siting and details of wheel washing facilities;*
- *Cleaning of site entrances, site tracks and the adjacent public highway;*
- *Timing of construction activities (including delivery times and removal of waste)*

*Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).*

**HIGHWAY INFORMATIVE:**

*Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:*

*AN) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website*

*<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.*

**COMMENTS / ANALYSIS:**

*The application comprises of an extension to the cricket pavilion at Chorleywood Cricket Club, Rickmansworth Road, Chorleywood. Rickmansworth Road is designated as a classified A main distributor road, subject to a speed limit of 30mph and 40mph and highway maintainable at public expense. Public footpath Chorleywood 032B runs in a south-westerly direction from the site*

*The proposals do not include any new/altered vehicular or pedestrian access from the highway. The existing vehicle entrance and present inter vehicle to vehicle visibility and pedestrian forward visibility from the access is deemed to be satisfactory and acceptable and in accordance with guidelines in Roads in Hertfordshire; Highway Design Guide and Manual for Streets (MfS). The level of parking is to remain unaltered.*

*The proposals include alterations to an existing use of the site therefore whilst the increased size of the proposed pavilion has the potential to generation some additional trips, the trip generation linked to the proposed would not be considered to be significantly different.*

*HCC as Highway Authority has considered that the proposals would not have a significant or negative impact on the safety and operation of the nearest highway. HCC has no objections or further comments on highway grounds, subject to the inclusion of the above condition and informative.*

## *Sport England – Statutory Role and Policy*

*It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.*

*Sport England has considered the application in light of the National Planning Policy Framework (NPPF) (in particular Para. 97), and against its own playing fields policy, which states:*

*'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*

- . all or any part of a playing field, or*
- . land which has been used as a playing field and remains undeveloped, or*
- . land allocated for use as a playing field*

*unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.*

*Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:*

*[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)*

### *Assessment against Sport England Policy/NPPF*

*The proposal is for the demolition of the existing Chorleywood Cricket Club pavilion and for it to be replaced with a new two storey sports pavilion at Chorleywood Common. The existing cricket pavilion is now over 50 years and is inadequate in terms of size, quality and facilities offered for meeting the current needs of Chorleywood Cricket Club. The new pavilion is intended to address the quantitative and qualitative deficiencies of the existing pavilion and provide a modern fit for purpose pavilion that would accord with England & Wales Cricket Board (ECB) design guidance. The new pavilion would include changing rooms on the first floor for use by the cricket club, and a cricket club lounge and groundskeeper's store on the ground floor for use by the club. There would also be a café provided with supporting kitchen and servery that would be used by the club and the wider community and would be managed for the club by their partner body, Mission EmployAble. The café would provide support the operation of the cricket club as well as the wider local community because a facility to serve refreshments to home and visiting teams and for social events forms part of a cricket club's requirements.*

*The proposed pavilion is considered to be essential ancillary facility for supporting the use of the playing fields and all of the facilities provided within the pavilion are considered to be necessary to support the operation of a modern cricket club. I have consulted the ECB for their views and they have advised that the cricket Club's existing facility is outdated and requires replacement and that the ECB support the principle of redevelopment. The design and layout of the proposed pavilion is compliant with ECB's current design guidance (TS5 design guidance). From a design perspective, the current scheme would also address the concerns raised by the ECB on the previous planning application (Ref: 18/1569/FUL) for the refurbishment and extension of the existing clubhouse which was not compliant with ECB guidance.*

*In terms of the impact on the playing field, the proposed pavilion would be sited broadly on the footprint of the existing pavilion and while it would encroach slightly beyond the current footprint, it would not have an adverse impact on the cricket pitch outfield area.*

## Conclusion

*Further to the above assessment, Sport England is therefore satisfied that the proposal meets the following Sport England Policy exception:*

*The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.*

*Sport England therefore does not wish to raise an objection to this application, nor do we wish to recommend any conditions should planning consent be granted. Sport England is also supportive of the application as a non-statutory consultee for the reasons set out above.*

*The absence of an objection to this application in the context of the Town and Country Planning Act, does not in any way commit Sport England or any National Governing Body of Sport to support for any related funding application.*

*Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.*

*If you would like any further information or advice please contact the undersigned at the address below.*

### 4.1.7 Local Plans: [No objection]

*The application site is located in Chorleywood, identified as a Key Centre in the Core Strategy (adopted 2011). The proposal seeks for demolition of the existing cricket club and construction of a two storey cricket pavilion.*

*The application site is within the Metropolitan Green Belt. Policy CP11 of the Core Strategy (adopted 2011) states that 'there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.' The National Planning Policy Framework (NPPF) (2019) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DM2 of the Development Management Policies LDD (adopted 2013) states that the construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in the NPPF.*

*According to the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations. One exception is the partial or complete redevelopment of previously developed sites (i.e. the proposal site), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development. In order to satisfy the exception stated in the first part of para. 145(g), the proposed building footprint, bulk and height of the development must not result in a greater impact on the openness of the Green Belt than the existing development. The proposal site is a two storey replacement building with a greater footprint than the existing building and as such would have an impact on the openness of the Green Belt.*

*The replacement structure is more than just a sports facility, offering a café and kitchen, gift shop, meeting and training space. Policy CP1 of the Core Strategy states that development should protect and enhance existing community, leisure and cultural facilities and provide new facilities. The application site therefore complies with Policy CP1.*

### 4.1.8 Herts Ecology: [No objection subject to conditions and informatives]

The application site comprises an existing flat roofed cricket pavilion and hardstanding car park and some grassland. The site falls within Chorleywood Common, which is designated as a Local Nature Reserve and Local Wildlife Site. The registered common supports a range of habitats including acid / heathland with neutral grassland areas and secondary woodland. The nearby woodland habitats will provide suitable foraging and commuting opportunities for bats and there are records of them in the vicinity. There are also numerous records of Great crested newts from the vicinity.

#### Local Wildlife Site

I do anticipate that the Local Wildlife Site will be adversely impacted by the proposal. Notwithstanding, I advise that careful attention is given to the need to protect it from significant impact during the demolition / construction phases, and I recommend that the following Informative is placed on any permission granted:

“All works, including vehicle movements, materials and waste, are kept strictly within the curtilage of the proposed development site and that under no circumstances should there be any detrimental physical impact to the adjacent Local Wildlife Site (Chorleywood Common)”.

#### Great crested newts

Great crested newts (including the animals, eggs, breeding sites and resting places) are protected by European and national legislation. These amphibians spend the majority of their lifecycle on land, typically up to 100m from their breeding pond but can travel further if suitable contiguous commuting and sheltering habitat is present.

The development proposal will not destroy any ponds that support breeding Great crested newts, or any significant Great crested newt terrestrial habitats. Consequently, I do not consider amphibian surveys are necessary in this instance.

The greatest risk to Great crested newts during development is from construction activities, when they may take refuge under building materials (when they are terrestrially active typically March-April and June-Oct) and become trapped or harmed. To minimise the risk of Great crested newts being harmed and of an offence being committed, I recommend that Reasonable Avoidance Measures are followed, and the following Informative is added to any permission granted:

*“Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for Great Crested Newts to cross. Stored materials (that might act as temporary resting places) should be raised off the ground e.g. on pallets or batons away from hedgerows if possible. Caution should be taken when moving building materials as any sheltering animals could be impacted on. Trenches should be provided with a means of escape for any animals that may have become trapped; this is particularly important if the trench fills with water. In the event that a Great crested newt is encountered during works, construction must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.”*

#### Trees

I understand no trees will be removed under the proposal. Existing trees (including roots and overhanging branches) that are remaining on or adjacent to the site should be protected from damage. Protection barriers and/or a no-dig policy may be required and advice may need to be sought from an Arboriculturist.

#### Nesting birds

Any destructive works (significant tree/shrub works, demolition of buildings) should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be

made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

### Bats

Given the nature of the application site, and lack of apparent characteristics of the building, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey. However, in the unlikely event that bats are found, given the proposal will involve demolition, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.

*“If bats, or evidence for them, are discovered during the course of demolition works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.”*

### Lighting

If relevant, any external lighting scheme should be designed to minimise light spill, in particular directing light away from trees to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites. If external lighting is proposed, I advise a Lighting Plan, detailing how impact to wildlife will be minimised; and use of timer switches, is produced as a Condition should consent be given. I can suggest the following wording (or similar):

*“No development shall take place until details of an external lighting scheme designed to minimise the impact of lighting on wildlife have been submitted to and approved in writing by the Local Planning Authority. The development must then be carried out in accordance with the approved details and retained permanently thereafter.”*

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 4 No. of responses received: 52 (Supporting comments)

4.2.2 Summary of responses received:

- Great to use the facility for wider community
- Meeting area/ café and provides work for those who might not get it readily
- Increase all year round use of pavilion
- Encourage visitors to village
- Promotes Cricket which is good for the community
- Pavilion will enhance views along the common
- Sympathetic to neighbouring buildings
- Has a ‘Cricket Pavilion’ feel
- Proposal should be supported
- Charity’s mission will be a welcome local service
- Traditional design
- Tea room is a great idea
- Great training opportunity for young adults with learning disabilities
- Existing pavilion is unpleasant and needs upgrading
- Valuable community asset
- Meets the standards of the English Cricket Board
- New pavilion will provide much needed space to expand facilitates to female cricket
- Provides an opportunity for young people to integrate with the wider community
- Increased awareness of adult SEN services
- More small and medium sized events can be offered
- Provides a unique opportunity

- Will enhance the common
- Refreshments after a walk are currently lacking
- Long overdue
- In keeping with church and school opposite
- Quintessential sight of English Cricket
- Will increase membership numbers
- Impress passers by
- Community will be proud of the support for young adults with learning difficulties gaining employment skills
- Could help progression to higher leagues
- Additional local businesses
- Does not harm Green Belt
- Is not disproportionate
- Preserves openness
- Would not cause harm in accordance with Policy CP11, DM2 and the NPPF
- Complies with Policy DM3, CP1 and CP12
- Ensures the site will continue for sporting purposes within the limitations of exception 145 (b) of the NPPF
- Enhances facilities for generations to come
- Will assist local school
- Flexible facility for local organisations
- Café will be a hub for the community

4.2.3 Site Notice: Expired 04.12.2019                      Press notice: Expired 06.12.2019

## **5 Reason for Delay**

5.1 Committee cycle

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

### **6.2 The Three Rivers Local Plan**

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM11, DM12, DM13 and Appendix 5.

The Chorleywood Common Conservation Area Appraisal 2010 is also relevant.

### 6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

## 7 **Planning Analysis**

### 7.1 Principle of demolition in Conservation Area

7.1.1 The existing building is located within the Conservation Area, however it is acknowledged that the existing building is not one of outstanding architectural merit and does not make a particularly positive contribution to the wider Conservation Area. Therefore there is no in-principle objection made to its demolition in terms of the impact on the Conservation Area. However the replacement building would need to be of an appropriate size, scale and design given its sensitive location. Other material considerations are discussed below.

### 7.2 Green Belt

7.2.1 The application site is within the Metropolitan Green Belt. The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence.

7.2.2 The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate development in the Green Belt, however exceptions to this include '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' and 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.

7.2.3 The purposes of including land within the Green Belt as set out in the National Planning Policy Framework are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 7.2.4 The Framework further advises that substantial weight should be given to any harm to the Green Belt and that Very Special Circumstances (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 7.2.5 Core Strategy Policy CP11 reflects this approach and sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it and Policy DM2 of the Development Management Policies document sets out that within the Green Belt, except in very special circumstances, approval will not be given for extensions to buildings that are disproportionate in size to the original building.
- 7.2.6 Paragraph 145 of the NPPF also outlines that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:
- b) the provision of appropriate facilities for outdoor sport, outdoor recreation...as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- 7.2.7 In assessing the proposal the starting point would be Paragraph 145 of the NPPF as outlined above. The proposed building would have a footprint 69% greater and floor area 188% greater than the existing building, and would be served by an additional storey. In addition, its use would not be solely as a cricket pavilion. Therefore the proposed building would be materially larger and therefore would not meet exception d). It is therefore considered that the only relevant category would be b).
- 7.2.8 Exception b) has two elements. Firstly whether it is considered the proposal provides an appropriate facility for outdoor sport and recreation and secondly whether the facility preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 7.2.9 Not including the shared space, the café alone would occupy 22% of the total floorspace of the building. If the shared space were included the café could comprise 41% of the total floor area. On the basis of a minimum of 22% together with its separate operation by Mission Employable it is considered that this exceeds what could reasonably be considered to be a use ancillary to the use of the Cricket Club.
- 7.2.10 It is acknowledged that the floorspace used for the Cricket Club is not considered to be excessive against ECB (English Cricket Board) requirements, and therefore those elements of the building proposed for use by the cricket club are considered to be 'appropriate facilities for outdoor sport'. However the proposal would not constitute an appropriate form of development owing to the additional floorspace which would be occupied by Mission Employable and the Café.
- 7.2.11 In respect of the second element of NPPF Para 145 exception b), even if the floorspace were to be solely occupied by the Cricket Club and the element serving the Café removed it is considered that the proposal would still fail to comply with the part of exception b in respect of openness. The significant increase in the overall bulk of the building with the addition of another storey and the additional height, depth and floor area when compared to the existing would result in a significant loss of openness when compared with the existing single storey flat roofed structure.
- 7.2.12 The proposed development would therefore constitute inappropriate development in the Green Belt and fails to comply with the exceptions set out within Paragraph 145 of the NPPF. An assessment therefore needs to be made as to whether there are Very Special

Circumstances which would outweigh the identified harm and any other harm if identified within the remaining sections of this appraisal below. This is assessed at paragraph 7.9 below.

- 7.3 Impact on the Character and Appearance of the Street Scene and the significance of heritage assets (Chorleywood Common Conservation Area and listed buildings)
- 7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.3.2 In respect of Conservation Areas Policy DM3 outlines, amongst other points, that development will only be permitted if the proposal would retain historically significant boundaries, important open space or other elements including gardens. Development should ensure that it does not harm views into, or out of, the Conservation Area and should protect landscape features, hedgerows and trees.
- 7.3.3 The Cricket Club is located opposite Christ Church and the playing field is adjacent. Christ Church is a Grade II\* Listed Building. In addition to the impact on the Chorleywood Common Conservation Area an assessment also needs to be made in respect of the impact of the proposed building on the setting of the Listed Building.
- 7.3.4 The Conservation Officer has reviewed the proposal and considers that the proposed building would result in less than substantial harm to the Chorleywood Common Conservation Area and the adjacent Grade II\* Listed Christ Church.
- 7.3.5 A cricket club has been present at the site since the early 19<sup>th</sup> century. The Conservation Officer acknowledges that the existing building is not fit for purpose due to its poor design and use of materials. Its demolition and replacement with a more sympathetic building with a distinct cricket pavilion appearance raises no objections in principle and would enhance this part of the Conservation Area. The Conservation Officer notes that the previous approval for extensions to the existing pavilion are considered to be sympathetic.
- 7.3.6 However it is not considered that the replacement pavilion as proposed would be sympathetic to the Conservation Area or adjacent heritage asset. The Conservation Officer considers that the proposed pavilion would harm the significance of the church by the introduction of a visually prominent building to the historically open and undeveloped common (with the exception of low building of the existing pavilion), detracting from its setting. The proposed pavilion would detract from the views from Rickmansworth Road as the experience of the church from the open common would be diminished. The large two storey building would detrimentally impact views of the Church which provide an appreciation of the church's historic setting overlooking the Common.
- 7.3.7 Whilst the existing pavilion is of a poor design the Conservation Officer considers that it does help to preserve the area's open character whereas the proposed pavilion would be visually more dominant. The presence of a cricket club does add to the historic interest and character of the area however the new pavilion does not respect the open character of this part of the Conservation Area. It is therefore concluded that the proposed development would amount to less than substantial harm to the Conservation Area and Grade II\* Listed Church. By virtue of its size, scale and overall bulk the proposed building would result in an unduly prominent addition detracting from the open nature of the Common and

Conservation Area in addition to diminishing views which detract from the setting of the adjacent Listed Building. The proposal would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 Development Management Policies LDD (adopted July 2013), the Chorleywood Common Conservation Area Appraisal (2010) and the NPPF (revised 2019).

7.3.8 Paragraph 193 of the NPPF outlines that when considering the impact of a development on the significance of a designated heritage assets great weight should be given to the asset's conservation. Paragraph 195 outlines that where a proposal would lead to less than substantial harm to a designated heritage asset, which is considered to be the level of harm identified by this proposal, Local Planning Authorities should refuse consent. This harm can only be overcome by demonstrating that the public benefits of the scheme outweigh the harm to the Heritage Asset.

7.3.9 The proposed public benefits and case put forward are discussed within section 7.9 below.

#### 7.4 Impact on amenity of neighbours

7.4.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.

7.4.2 Policy DM9 of the DMP LDD advises that development should not result in noise or disturbance.

7.4.3 Given the location of the replacement pavilion and that the additional it is not considered that the proposed development would result in any harm to residential neighbouring amenity.

#### 7.5 Wildlife Site and Biodiversity

7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMP LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.5.3 Hertfordshire Ecology have advised that they do not consider the development will have an adverse impact on protected species subject to the inclusion of informatives and a pre commencement condition requiring the submission of external lighting details.

#### 7.6 Trees and Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.6.2 The application site is located within a Conservation Area and as such all trees are protected. The Landscape Officer has advised that a tree protection scheme including

details of storage of materials would need to be submitted in order to ensure that no harm results in this respect.

## 7.7 Highways, Access and Parking

7.7.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

7.7.2 Appendix 5 of the DMP LDD outlines that outdoor sports grounds should provide 50 spaces per hectare and that Cafes should provide 1 space per 5sqm and 3 per 4 employees. The applicant has advised that at any one time there would be a maximum of 11 staff (5 trainers and 6 trainees). The café would therefore require 19.65 spaces however there would be no additional requirement for the cricket pavilion.

7.7.3 The transport statement and additional information submitted outlines that the existing informal parking area adjacent to the Cricket Club can accommodate 20 cars. However the spaces are not physically marked out and as such most efficient use of the space is often not made. There is no proposal for any physical demarcation or space assignment and the Parish Council as land owners have advised the Cricket Club that this cannot be undertaken on common land. Whilst there would undoubtedly be an increase in the use of the site at peak times as a result of the proposed Cricket Club enlargement and introduction of the Café, it is acknowledged that many visitors will already be visiting the common and therefore will be dispersed amongst the other car parks within the area. Visitors may also arrived by public transport into Chorleywood Station and via bus to the stop opposite the application site on the Rickmansworth Road. A parking management plan could be required by condition to explain and detail how the car parking arrangements would be managed for staff, visitors and cricket club members during match and non-match days however for the reasons outlined above it is not considered that the proposed development would have a significant adverse impact in this respect.

## 7.8 Refuse and Recycling

7.8.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals.

7.8.2 A bin store is proposed within the new pavilion. Whilst details of collections have not been provided given that there is an existing cricket pavilion on the site it is not considered necessary to require the submission of further details.

## 7.9 Very Special Circumstances and Planning Balance

7.9.1 As noted above, in Green Belt terms the proposal is considered to constitute inappropriate development. The NPPF is clear at paragraph 143 that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Paragraph 144 sets out that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

7.9.2 In addition to this Paragraph 195 outlines that where a proposal would lead to less than substantial harm to a designated heritage asset, which is considered to be the level of harm identified by this proposal, Local Planning Authorities should refuse consent. This harm can only be overcome by demonstrating that the public benefits of the scheme outweigh the harm to the Heritage Asset.

- 7.9.3 The case put forward would therefore need to establish whether the wider public benefits of the proposal outweigh the less than substantial harm to the Heritage Asset and outweigh the harm to the Green Belt by virtue of the inappropriate nature of the development and that it would result in actual harm to openness.
- 7.9.4 The ECB (English Cricket Board) have confirmed that they are supportive of flexible and sustainable buildings and have supported a number of similar facilities such as within public parks with public access cafes. The ECB have also confirmed that suitable social space is required and needs to be proportionate to a club's membership and development plans. A changing room pavilion has a minimum requirement of around 200sqm but additional desirable facilities or those dependent on development needs such as additional social space or flexible changing rooms will increase this.
- 7.9.5 It is acknowledged that in itself the proposed pavilion would not be excessive in relation to ECB space and facility requirements however notwithstanding the use the café floorspace would fail to fully comply with the exception set out at Paragraph 145b of the NPPF. Nevertheless the building is required to be of a larger scale than would otherwise be required owing to the desire to accommodate the café floorspace. Therefore the Very Special Circumstances would need to overcome significant harm to the Green Belt by virtue of the inappropriate nature of the use together with the harm to openness.
- 7.9.6 Officers acknowledge that the applicant outlines that the CC is only used for around 10% of the year therefore leaving an underused facility. It is also acknowledged that the business model and objectives of ME would undoubtedly be positive for those members of the community for which it would assist, as well as visitors to the Common and users of the cricket club. However the planning balance must identify whether the wider public benefits of the scheme outweigh the identified harm.
- 7.9.7 The applicant has outlined that they have looked at a number of locations for ME to operate but that this location has proven to be the most suitable for the needs of those individuals it serves. It is noted that ME have established there is a need within the local area to provide employment and training opportunities for people with learning disabilities and that the training/employment provided would have long term benefits for these individuals. It is also noted that the ME project is supportive of the TRDC Local Strategic Partnership Strategy. A letter dated October 2019 has been contained within the planning statement submitted which confirms that the Local Strategic Partnership considers ME supports a number of themes and priorities of the Community Partnership 2018-23.
- 7.9.8 The statement submitted also outlines that the new facility would increase the future potential of the CC including women's and disabled cricket which there currently isn't capacity for at the existing club. It is also anticipated that the new facilities will allow the club to increase its number of members and the uptake of cricket by people in the local area. Further public benefits include toilet facilities for walkers, enhanced surveillance, presence of first aiders, supporting local schools, interaction with local care homes and a natural meeting/end point for activities on the common. The increase in the number of members at the Cricket Club is acknowledged and it is accepted that a larger building to accommodate women's and disabled cricket would potentially outweigh the harm to openness if the pavilion were solely in sport and recreation use. However, the presence of a stand-alone café does not represent a benefit to help achieve the aim of encouraging a greater take-up of women's and disabled cricket.
- 7.9.9 It is acknowledged that members of the public would endorse a café within the common however this application ultimately seeks permission for the principle of a café not just a café run by ME. Whilst a personal permission could be considered the floorspace would ultimately still exist. Therefore regard would need to be had as to whether an independent or chain café would be acceptable. In response to "Is it appropriate to use conditions to limit the benefits of the planning permission to a particular person or group of people?" the National Planning Practice Guidance confirms "Planning permission usually runs with the

land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need". Therefore, the use of a condition to provide a personal planning permission is unlikely to be acceptable or meet the relevant tests for a planning condition at NPPF Para 55.

- 7.9.10 This aside when looking at the use by ME and the individuals this would serve there would be a maximum of 10 trainees over the course of any one day. Therefore the balance would need to be made as to whether the significant harm to the Green Belt is outweighed by the benefits to these individuals and the wider public. Whilst a café could be desirable it not considered that this is an essential facility to the wider enjoyment of the common nor has there been significant evidence that the long term enjoyment of the common is reliant on toilet or café facilities. There has been no robust justification as to whether each use is reliant on the other to make the proposal or future running viable.
- 7.9.11 The applicant also acknowledges that Paragraph 92 of the NPPF seeks to provide social, recreational and cultural facilities that serve the needs of a community. However this policy also needs to be read in conjunction with Green Belt policies and the delivery of such facilities should be prejudice the purposes of any other aims within the NPPF.
- 7.9.12 It is acknowledged that there were a number of comments made in support of the proposed development during the public consultation period.
- 7.9.13 Taking into account the environmental, economic and social benefits of the proposed development. It is acknowledged that there are community benefits arising from the enhanced facilities of the cricket club however the cricket club use is an appropriate use in the Green Belt. The public benefits of this and those arising from the support for those working within ME would demonstrate public benefits to address the less than substantial harm to the heritage asset. However the issue still remains that the café element of the proposal does not comply with any of the exceptions to inappropriate development in the Green Belt and it is this element that ultimately makes the building larger. Having considered the case put forward the overall social/economic benefits of ME's café would not outweigh the harm to the Green Belt when making a balanced judgement.
- 7.9.14 In summary the objection on Green Belt ground is upheld however it is considered that the less than substantial harm to the heritage assets are outweigh by the public benefits demonstrated as part of the information submitted.

## **8 Recommendation**

- 8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

### **R1 Green Belt**

The proposed building is not considered to provide appropriate facilities for outdoor sport. In addition the proposed building by reason of its size and scale would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within it, and would therefore constitute inappropriate development in the Green Belt which is by definition inappropriate. No Very Special Circumstances exist to outweigh the harm that would be caused by the proposed development by virtue of its inappropriateness and actual harm. The proposal would therefore be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

**Informatives:**

- 11 In line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Whilst the applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions, the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.