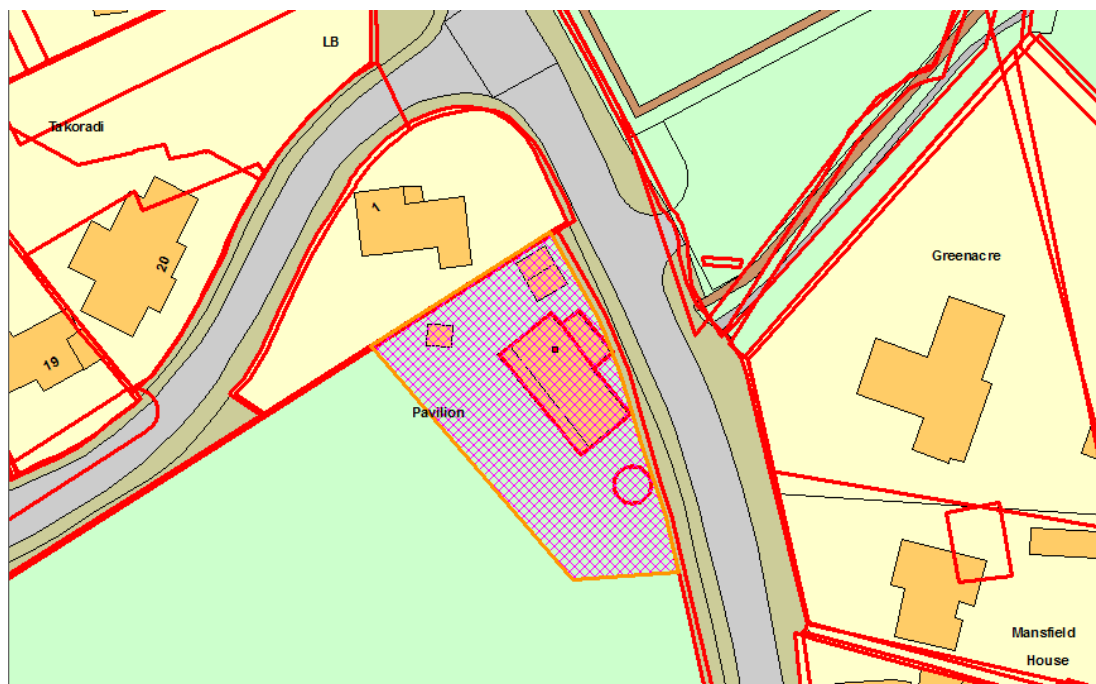


**REFERENCE NUMBER: UTT/21/3410/FUL**

**LOCATION:**

**Dunmow Cricket Club  
St Edmunds Lane  
Great Dunmow  
CM6 3AT**

**SITE LOCATION PLAN:**



© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: 20<sup>th</sup> December 2021

**PROPOSAL:** Proposed demolition of existing building and erection of new cricket pavilion.

**APPLICANT:** Dunmow Cricket Club

**AGENT:** Mr Tom Cannon

**EXPIRY DATE:** 04/02/2022

**EXTENSION OF TIME:** 31/03/2022

**CASE OFFICER:** Alishba Emanuel

**NOTATION:**

- Within Development Limits: Great Dunmow (Riverside)
- TPO Tree Type: Willow
- Outside Development Limits
- SSSI Impact Risk Zones - Natural England

---

## 1. RECOMMENDATION – APPROVAL WITH CONDITIONS

### CONDITIONS:

#### 1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

*All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, December 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

*This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.*

**Reason:** To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

**2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT**

*A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Survey and Assessment (Essex Mammal Surveys, December 2021), shall be submitted to and approved in writing by the local planning authority.*

*The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.*

**Reason:** To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

**3. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

*A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings, and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.*

**Reason:** To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

**Noise**

**4. Entertainment Noise Control**

Before the first use of the proposed building as an events venue a noise assessment and report must be submitted and approved in writing by the LPA. The assessment must demonstrate that the Entertainment noise (LAeq,5min) has been controlled to 10dB below the prevailing background noise level (LA90,T) without the entertainment noise present, in each octave band at the nearest noise sensitive location.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with the adopted Uttlesford Local Plan Policies ENV14, and the National Planning Policy Framework (2021).

5. Prior to any amplified music being played as part of regularised entertainment an Electronic Sound Level Attenuation System otherwise known as an Automatic Gain Control (AGC) device or noise limiter shall be fitted before the amplifier in the signal chain with the thresholds of the limiter set on both the Left and Right stereo channels. The sound attenuation device shall be set by a suitably qualified acoustician/sound engineer so that it maintains compliance with the criteria in condition 1 above and secured so that it cannot be overridden by persons other than the appointed sound system engineers/acoustic consultant. The sound attenuation device shall not be altered without prior agreement with the LPA or Environmental Health Service. The specification of the Sound Level Attenuation System shall be submitted to and approved by the LPA.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with the adopted Uttlesford Local Plan Policies ENV14, and the National Planning Policy Framework (2021).

6. The external area shall not be used for any regulated entertainment outside of the hours of 09.00 to 23.00 on any day of the week.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with the adopted Uttlesford Local Plan Policies ENV14, and the National Planning Policy Framework (2021).

### **Air Source Heat Pump**

7. I note that the planning statement that accompanies the application proposes the installation of an air source heat pump. These are a potential source of noise that could impact on the adjacent residential

dwellings unless suitably designed, enclosed, or otherwise attenuated. I would therefore recommend the following condition to ensure this is achieved:

The air source heat pumps to be installed at the dwelling shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with the adopted Uttlesford Local Plan Policies ENV14, and the National Planning Policy Framework (2021).

### **Noise/Odour - Ventilation and Extraction**

8. There is no detail of any proposed ventilation or extraction required for the new kitchen preparation. There is the potential for disturbance from noise and odours if plant and equipment is not designed and installed properly and therefore the following condition is recommended.

Prior to the first use of the development hereby approved, full details of all equipment to be installed for heating and ventilation of the building the extraction and control of fumes and odours, including, where appropriate, details of how noise and vibration, will be attenuated together with a maintenance schedule for the future operation of that equipment have been submitted to and approved in writing by the local planning authority. The scheme shall also be in accordance with current guidance from DEFRA and the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems. The use hereby permitted shall not take place other than in accordance with these approved details.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with the adopted Uttlesford Local Plan Policies ENV14, and the National Planning Policy Framework (2021).

## **2. DESCRIPTION OF THE SITE:**

The site is located at the Dunmow Cricket Club, St Edmunds Lane, Great Dunmow. As stated within the design and access statement the Cricket Club occupies an area of land to the Eastern Edge of Dunmow, Essex. It contains a low-profile single storey detached white weatherboarded pavilion surrounded by maintained green landscaping. The site has high visibility to the public realm on riverside road; however, it is well screened by high hedging on St Edmunds Lane.

## **3. PROPOSAL**

**3.1** Full planning permission is sought for the proposed demolition of existing building and erection of new cricket pavilion.

**3.2** The building proposed will be one and a half storeys, with the first floor for use as a functional space with dormer windows. The building will be 375 sqm of floor space and will be used for the Dunmow Cricket Club and Community use including a:

- Clubroom
- Kitchen, Canteen & bar to serve clubroom
- Home & away changing including WC & shower facility
- Ladies changing including WC & shower facility
- Officials changing including WC & shower facility
- Disabled changing including WC & wet room facility
- General internal storage
- Storage for sports equipment externally
- Function & Clubroom WC's
- First floor function room
- First floor bar to serve function room
- Accessible WC and lift

**3.3** The site is accessed from St Edmunds Lane and will be retained for both pedestrian and vehicular access.

## **4. ENVIRONMENTAL IMPACT ASSESSMENT**

**4.1** The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## **5. APPLICANT'S CASE**

**5.1** To support the application, the applicant has provided the following documents.

- **Transport Statement**

- **Ecological Survey**
- **Design and Access Statement**
- **Biodiversity Checklist**

## **6. RELEVANT SITE HISTORY**

- DUN/0045/52 - Additions to the pavilion – APPROVE WITH CONDITIONS
- DUN/0425/66 - Addition of verandah – UNCONDITIONAL APPROVAL
- DUN/0376/69 - Erection of 13ft chain link fence – APPROVE WITH CONDITIONS
- DUN/0463/71 - Addition of ladies & gents cloakroom bar store etc. – REFUSE
- UTT/0895/76 - Change of use of land for part private recreational part private garden or paddock – REFUSE
- UTT/1067/90 - Erection of a new pavilion to replace existing – APPROVE WITH CONDITIONS
- UTT/1042/95/FUL - Renewal for the erection of a new pavilion to replace existing (approved under UTT/1067/90) – APPROVE WITH CONDITIONS
- UTT/1917/08/FUL - Erection of 3 bay cricket net – APPROVE WITH CONDITIONS

## **7. CONSULTATION RESPONSES**

### **7.1 HIGHWAYS**

“From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1”

### **7.2 Essex County Council Place Services Ecology Service**

**“No objection subject to securing biodiversity mitigation and enhancement measures**

#### **Summary**

We have reviewed the Biodiversity Checklist (CANNON Architectural Design Ltd., November 2021) and Ecological Survey and Assessment (Essex Mammal Surveys, December 2021) to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.”

### **7.3 Environmental Health**

“This service has no objection to this proposal in principle but notes from comments in the accompanying planning statement that one of the reasons for this proposal is that “the size of the kitchen is unable to cope with the expanding membership and growing use of the pavilion for events” There is therefore the potential for noise disturbance to local residents subject to conditions.”

### **7.4 Call in From Cllr R Jones**

- Overdevelopment of the site
- Lack of information regarding parking provisions

## **8. REPRESENTATIONS**

### **33 Neighbour Representations have been received,**

Two objections were received by the neighbouring occupiers and an agent acting on their behalf. The objections are summarised below:

- Lack of public consultation prior to application submission
- No existing vehicular access of formal parking arrangements
- Concerns regarding loss of privacy for neighbouring dwellings
- Concerns regarding additional overlooking of neighbouring dwellings
- Loss of Light
- Overshadowing
- Overbearing

**31 comments written in support were received by neighbours, users of the cricket club and nearby businesses. The comments are summarised below:**

- Improves the community hub
- The proposed development will provide sustainable facilities for community use
- There are currently insufficient facilities for sporting use for the current location
- The current building requires renovation



## **9. POLICIES**

9.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

- (a) the provisions of the development plan, so far as material to the application, (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

9.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **9.3 National Policies**

National Planning Policy Framework (2021)

### **9.4 Uttlesford Local Plan (2005)**

- Policy S7 – Other Development Limits
- Policy GEN2 – Design
- Policy GEN4 – Good Neighbourliness
- Policy GEN7 – Biodiversity
- Policy LC3 – Community Facilities
- Policy LC4 - Provision of Outdoor Sport and Recreational Facilities Beyond Development limits
- Policy ENV3 – Open Spaces & Trees
- Policy ENV10 – Noise Sensitive Development
- GEN1 – Access
- GEN8 – Vehicle Parking Provision

## **10 CONSIDERATION AND ASSESSMENT:**

10.1 The issues to consider in the determination of this application are:

- A The principle of the development (ULP Policy S7, LC3, LC4, H8 and the NPPF)**
- B Design, Character and Appearance (ULP Policy S7, GEN2 and NPPF)**
- C Access and Parking Arrangements (GEN1, GEN8, NPPF)**
- D Neighbouring Amenity (ULP Polices GEN2 and GEN4)**
- E Biodiversity (GEN7, NPPF)**
- F Impact on Open Spaces and Trees (ENV3 NPPF)**

**G Previously Developed Land (NPPF)**

**A The principle of the development (ULP Policy S7, LC3, LC4, H8 and the NPPF)**

**10.2** The Local Plan identifies the site to be outside of the Great Dunmow settlement development limits and so Local Plan Policy S7 applies. The principle of development on the site will be established if the development's design and scale conform and respects the immediate character and setting.

**10.3** Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is considered that the development would meet the requirements of Policy S7 of the Local Plan as the community benefit would outweigh the potential harm of the additional built form within the countryside. Therefore, sufficient justification is given to the increase in size, scale and height proposed. This is due to the additional facilities to improve public health and recreational opportunities within the settlement.

**10.4** The NPPF has a presumption in favour of sustainable development combining as it does the three strands (or roles) to sustainable development, namely the economic strand, the social strand, and the environmental strand. The NPPF advises that these roles should not be undertaken in isolation as they are mutually dependent where it goes onto say that "Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system.

**10.5** Additionally, the paragraph 93 (b) should "take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community" whilst paragraph 84 (d) relating to the rural economy advises that the development plan process should promote "the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship".

**10.6** Paragraph 84 of the NPPF, in supporting a prosperous rural economy, allows for sustainable rural tourism and leisure developments, which respect the character of the countryside. The

Great Dunmow Neighbourhood Plan Policy SOS1 lists the cricket club pitch as a community sporting asset, therefore it is considered improving the use of the cricket club and incorporating greater facilities to increase its useability is a positive contribution to the surrounding settlement.

**10.7** Policy LC3 applies which states Community facilities will be permitted on a site outside settlements if all the following criteria are met:

- a) The need for the facility can be demonstrated.
- b) The need cannot be met on a site within the boundaries;
- c) The site is well related to a settlement.

**10.8** It is considered there is a proven need for the cricket ground as sporting facilities serving the settlement are limited. It is also noted the expansion of the cricket club will benefit a wider range of the community through the multiple uses the proposed development offers.

**10.9** The existing village pavilion building as outlined within the design and access statement, was constructed as a temporary pavilion prefabricated pavilion. Therefore, the replacement of the pavilion is necessary as the current life of the temporary structure has been exceeded. It is also considered as the community expands, the need to improve and increase the facilities is greater. It is considered using evidence provided and the assessment made during the application process there is a strong, proven, and justified community need for a replacement pavilion at the site.

**10.10** As such, the proposal would be fully compliant with the provisions of the NPPF (2021) and also the above policies described above. The existing use of the site and regular use by nearby schools (as described within a consultee comment) where this is presently the case would mean that there would be a presumption in favour of sustainable development under the NPPF where it would be difficult to sustain a policy objection under ULP Policy S7 as the proposed development would not cause significant harm to the countryside at this "interface" location.

**B Design, Character and Appearance (ULP Policy S7, GEN2 and NPPF)**

**10.11** ULP Policy GEN2 has a dual role to promote good design in new developments and at the same time through this role to protect residential amenity. The pavilion is located within the north-eastern corner of the site and has little if any architectural merit, this commensurate with its functional use promotes its removal is therefore not resisted given that it would be replaced with a higher standard pavilion.

- 10.12** The significant level of vegetation and hedging surrounding the site boundaries will assist in screening the new building into the local landscape (ULP Policy S7). The design and appearance of the proposed pavilion is considered suitable and proportional for its intended use.
- 10.13** The front elevation of the replacement pavilion as proposed would have a modern appearance with a balanced pitched gable front. The 1 ½ storey building will also have two proportionate symmetrical box dormers with a high level of glazing. It is considered the dwelling although increasing upon the built form of the site, the position, siting, and retention of the grounds will reduce the harm to the countryside setting. It is considered that the pavilion building would represent a design improvement for the site. The accompanying Design & Access Statement indicates that the building would provide an internal environment which would meet the reasonable needs of all potential users as well as meeting sustainable build objectives. As such the proposal would comply with ULP Policy GEN2 in terms of design.
- 10.14** The replacement pavilion will occupy the position of the existing pavilion, reducing the level of meaningful amenity impact on residential properties where the nearest building to the site is 1 Riverside Way located along the western boundary of the application site, whilst any potential increased vehicle movements at the site as a result of the more multipurpose nature of the replacement pavilion would not have any discernible noise or disturbance impact on the occupiers of the nearest residential properties located west of the site. As such, the proposal would not be contrary to ULP Policies GEN2 and GEN4 in this respect. It is therefore considered that the proposed development accords with the above policies in so much as they relate to character and design.

## **C Access and Parking Arrangements (GEN1, GEN8, NPPF)**

- 10.15** The pavilion will utilise the established access into the site from St Edmunds Lane, thereby negating the need for any new vehicular openings onto the highway at this location, the access consists of existing timber gates for both pedestrian and vehicular access.
- 10.16** Essex County Council Highways have been consulted on the application given the community nature of the proposed development and the potentially intensified nature of the existing access point. The comments state the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County

Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 10.17** The proposed replacement pavilion does not result in any material changes to the access or existing parking provision. The local objections which have been raised concerning the lack of on-site parking allocation are noted. However, it is difficult for the Council to sustain an objection under ULP Policy GEN8 in the absence of any parking objections received from Essex County Council Highways. It is also noted vehicular parking is provided via the car park located towards the southwest corner of the Cricket Ground, off Braintree Road. The car park is able to accommodate 20 vehicles which has as noted within the transport statement historically served the cricket club well. The proposal also includes 6 cycle parking spaces, at the pedestrian access along St Edmunds Lane increasing the sustainability of the site. In addition, the site is well served by public transport, bus routes to Stansted Airport and Braintree at regular intervals.

**D Neighbouring Amenity (GEN2, GEN4, NPPF)**

- 10.18** The siting of the proposed development would prevent any effects on the amenity of neighbouring residents from a loss of privacy or daylight, or from overbearing impacts. Furthermore, the use of the site would be unaltered, such that no significant nuisance is considered likely. In terms of noise and disturbance, the Councils Environmental Health Officer has been consulted and provided the following comments:

- 10.19** “This service has no objection to this proposal in principle but notes from comments in the accompanying planning statement that one of the reasons for this proposal is that “the size of the kitchen is unable to cope with the expanding membership and growing use of the pavilion for events” There is therefore the potential for noise disturbance to local residents.” Therefore, conditions are required to reduce the impact to neighbouring occupiers. The proposed pavilion will be some distance from the properties to the west of the site and therefore the development will not have any material harmful impact that will have a significant impact to the amenity of neighbouring residential properties. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

**E Biodiversity (GEN7, NPPF)**

- 10.20** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species,

measures to mitigate and/or compensate for the potential impacts of development must be secured.

- 10.21** Essex County Council Ecology were consulted and commented that they had no objection, subject to securing biodiversity mitigation and enhancement measures. Ecology commented “The mitigation measures identified in the Ecological Survey and Assessment (Essex Mammal Surveys, December 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly mobile mammal species and Common Toad.
- 10.22** As bats are likely to continue to forage on site post-development, we recommend a Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats, especially on the vegetated boundaries”.
- 10.23** Ecology also recommended the provision of “reasonable biodiversity enhancements including the installation of two bird nesting boxes, two solitary beehives and a Hedgehog nesting box, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent.” The following of the conditions outlined will improve compliance with the Neighbourhood Plan policy SOS1 which states sports facilities which consist of fields should be designed and maintained to support benefits to biodiversity and wildlife corridors.

**F Impact on open spaces and trees (ULP Policy ENV3)**

- 10.24** The proposed development will be located adjacent to a Willow tree which is subject to a tree preservation order. The proposal will not impact upon any existing trees or hedging on the site. Therefore, the proposal will have a limited impact on the visual amenity and designated trees on site and nearby. harm. The proposal would not therefore be contrary to ULP Policy ENV3 with regard to tree protection.

**G Previously developed land (NPPF)**

- 10.25** The NPPF encourages the reuse of previously developed land, a classification which applies to the application site. Therefore, weight should be given to the positive effect of the development in this regard

## **11 EQUALITIES**

### **11.1** Equality Act 2010

**11.2** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

**11.3** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**11.4** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

## **12 CONCLUSION**

**12.1** The principle of the development is not in conflict with ULP Policy S7, LC3, LC4 and the NPPF.

**12.2** The layout, scale and appearance of the development is considered appropriate in terms of the character of the site and surrounding area. The development accords with ULP Policy GEN2 and the NPPF.

**12.3** The submitted layout plans shows that impacts on residential amenity are likely to be insignificant and therefore accords with ULP Policies GEN2 and GEN4.

**12.4** The proposal accords with ULP Policy ENV3, GEN7

**12.5** The proposal accords with ULP Policy ENV10

**12.6** The proposal accords with ULP Policy GEN1, GEN8