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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **SH** | **Date:** | **24/03/2022** | **Manager:** |  | **Date:** |  |
| **Site Notice displayed** | **N** | **Photos uploaded** | **N/A** |  |
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| **Application Ref:** | 3/2022/0159 | Graphical user interface, text, application  Description automatically generated |
| **Date Inspected:** | 31/03/2022 |
| **Officer:** | **SH** |
| **DELEGATED ITEM FILE REPORT:**  | **Decision** | **APPROVE** |
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| **Development Description:** | Removal of condition 2 of 3/2004/0538 (safety netting) |
| **Site Address/Location:** | Clitheroe Cricket Club, Chatburn Road, Clitheroe, Lancashire, BB7 2AS |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| No comment received.  |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| Sport England consultation response received 23/03/2022 – No Objections |
| **CONSULTATIONS:**  | **Additional Representations.** |
| Three comments received in relation to the application. The comments have been summarised below:* The nets have blown down in the wind and fallen on people’s properties.
* The nets should not remain up outside of the season.
* The nets should be remained in situ as property damage has occurred because of the nets being removed and the cricket field is much busier than it has ever been.
* The nets are an eyesore and spoil long distant views for neighbouring residents
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Policy DS1: Development Strategy Policy DS2: Sustainable Development Policy DMG1: General Considerations Policy DMG2: Strategic Considerations  |
| **Relevant Planning History:**3/2016/0348:Proposed alterations to existing vehicular access. (Approved)3/2013/0190:Application to display 2no. illuminated hanging signs. (Approved)3/2012/0995:Three illuminated hanging banner signs advertising Carter Leisure Club and Cricket Bowling and Tennis Club. (Refused)3/2005/0876:Demolish and re-build existing tennis pavilion. (Approved)3/2004/0538:Erection of safety netting on steel posts to prevent balls going onto private property. Safety netting to be removed in winter months. (Approved)3/1990/0258:Floodlighting of club’s 3rd tennis court. (Approved)3/1989/0257:Floodlighting of club’s 3rd tennis court and portion of existing netball court. (Withdrawn) |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application relates to Clitheroe Cricket, Tennis and Bowling Club, situated on the Western side of Chatburn Road highway within the settlement boundary of Clitheroe. The site is adjoined to the North, West and East by residential properties and to the South by further residential properties and the Pendle Primary School. The safety netting in question has been positioned on the boundary between the Cricket Club and the rear gardens of four houses situated on the Southern side of Warwick Drive. The site itself is not situated on any designated land.   |
| **Proposed Development for which consent is sought:**The application seeks the removal of condition 2 (Safety netting) of application number 3/2004/0538. This condition states: ***The removable upper posts and netting shall not be put in place any sooner than one week prior to the first match played on the ground in any calendar year, and shall not be removed any later than the day after the last match played on the ground in any calendar year. In any event, the removable upper posts and netting shall not be in place at any time between 30 September in one calendar year and 1 April in the following calendar year.******REASON: To comply with the terms of the application, in the interests of the amenities of neighbouring residents, and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.*** The club now wishes to extend the use of the facilities in both March and October, and also potentially seek to play a game in the festive period. Consent is sought for the nets at the club to remain in situ to prevent damage to the net and to maintain health and safety standards for neighbouring properties.   |
| **Principle of Development:**The application site in question features a Cricket Ground in the centre of the curtilage, with a row of neighbouring properties along the North-Eastern boarder to the site’s boundary. Application 3/2004/0538 related to the erection of safety netting along the boundary in order to prevent cricket balls entering the rear gardens of the neighbouring properties, and to reduce any visual impact created by the netting. As the club looks to extend the season in which the Cricket ground is used, and as the net is becoming damaged from being erected and pulled down at the end of the season, along with costs associated with the removal and putting up nets and posts escalating, the removal of the condition 2 from previous consent would allow the net to remain in situ throughout the year. As such it is considered that the proposed Removal of Condition 2 is acceptable in principle.  |
| **Residential Amenity:**The safety netting remaining in situ would not create any new opportunities for overshading on surrounding properties and as such would not be considered to affect residential amenity.  |
| **Visual Amenity:**Visually, the safety netting is set on the boundary between the club and neighbouring properties situated to the North-East of the site, and as such is considered to affect the view and outlook from the dwellings. However, as the nets are there for safety reasons in order to protect the residents of the properties and reduce property damage along Warwick Drive, this is therefore considered essential in safety than any visual impact created from the development being kept in situ.  |
| **Highways:**Lancashire County Council Highways have not been consulted on the proposal however given that the proposed works will not affect the property’s existing parking arrangement it is not considered that the proposal will have any undue impact upon highway safety. |
| **Other matters:**The original approval (3/2004/0538) included two conditions –

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|  | *The development must be begun not later than the expiration of five years beginning with the date of this permission.**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.* |
|  | *The removable upper posts and netting shall not be put in place any sooner than one week prior to the first match played on the ground in any calendar year, and shall not be removed any later than the day after the last match played on the ground in any calendar year. In any event, the removable upper posts and netting shall not be in place at any time between 30 September in one calendar year and 1 April in the following calendar year.* *REASON: To comply with the terms of the application, in the interests of the amenities of neighbouring residents, and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.* |

As this is an application to remove Condition 2, all other relevant conditions from the original approval should be reattached to the new decision. However, in this case the safety netting has been erected within the five-year expiry period and thus Conditions 1 and 2 from the original approval have been discharged, and thus there is no requirement for these to be re-attached to be the new decision.  |
| **Observations/Consideration of Matters Raised/Conclusion:**For the reasons discussed above the proposal to remove Condition 2 from planning application 3/2004/0538 is considered acceptable and therefore it is recommended accordingly. |
| **RECOMMENDATION**: | To Approve the Removal of Condition.  |