

**PLANNING
COMMITTEE**

15th November 2017

Planning Application 17/00973/FUL

Change of use of a field (currently used for grazing sheep) into a cricket pitch, to be used by Feckenham Cricket Club for 3rd-team and junior games. No building work is proposed.

Field 2865, Moors Lane, Feckenham, Worcestershire.

**Applicant: Mr Gerry Eost
Ward: Astwood Bank And Feckenham Ward**

(see additional papers for site plan)

The author of this report is Emily Farmer, Planning Officer (DM), who can be contacted on Tel: 01527 881657 Email: emily.farmer@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site is an agricultural field currently used for the grazing of sheep. The field is located to the east of Moors Lane with an existing access to the north west of the field. Moors Lane is characterised by sporadic residential dwellings to the north at the junction with the Saltway and becomes more agricultural in character travelling south. The field is undulating with a slight decline from north to south. Beyond the application site lies Andy's Barn Farm to the south and there is a small agricultural shelter within the far side of the field to the north.

Proposal Description

The application proposal is to use the field as a cricket pitch in association with Feckenham Cricket Club. The proposal does not include the provision of a pavilion/clubhouse with suitable changing facilities, toilets, stores or formalised car parking. The applicants explain in their submission that all they propose is the laying of 3-4 wickets in the field centre and the rolling and cutting of the field.

Relevant Policies :

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development
Policy 9: Open Countryside
Policy 19: Sustainable Travel and Accessibility
Policy 16: Natural Environment
Policy 27: Rural Economic Development
Policy 43: Leisure, Tourism and Abbey Stadium

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Others

NPPF National Planning Policy Framework

Relevant Planning History

No relevant history.

Consultations

Sport England

By providing new pitches that could help address established playing pitch deficiencies, the proposal could potentially meet the objectives of the English Cricket Board. As it stands, the application does not provide sufficient details to adequately demonstrate that provision of a suitably designed pitch, a pavilion with suitable changing facilities/toilets/stores and associated car parking are proposed. Therefore, based upon the limited information submitted, Sport England objects to the application as it stands.

Parks & Green Space Development Officer

The site lies at the centre of an important ecological corridor which is defined by Brandon Brook Meadow (Local Wildlife site), Shurnock Meadows (Local Wildlife site) and the SSSI Wylde Moor, and is close to the Bow Brook, the site is covered by the Biodiversity Action Plan (BAP) dispersal extent recorded on the County Councils habitat inventory. The SSSI has multiple recordings of principally protected species - all of which could be adversely affected by the activities which may be planned here. Due to the limited information submitted for this application I am unable to comment.

Worcestershire Wildlife Trust

The site falls in very close proximity to Worcestershire Wildlife Trusts reserve and the SSSI Wylde Moor Site as well as being in close proximity to a number of other high value ecological receptors including designated sites. There is also reason to believe that the site itself may have some ecological value. Therefore the Local Planning Authority is required to have consideration to further ecological information, prior to determination, in line with planning guidance and the LPA's duties under the Natural Environment and Rural Communities Act 2006.

Feckenham Parish Council

No objection to the principle of development, however there is insufficient detail to make an objective comment.

Highways Redditch

No objection. The field is located off an un-adopted road (Bridleway) and the existing field access is to be used. The intensification of the site is not considered to have a severe impact on the highway network as to recommend refusal.

Drainage Engineers Internal Planning Consultation

No objection subject to condition.

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Worcestershire County Council Countryside Service

It should be noted that under section 34 of the Road Traffic Act 1988 any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. If such private rights do exist then we note that the bridleway is narrow in places and we would hope for suitable arrangements/guidance to be put in place with private users to ensure that priority is given to public users of the right of way (e.g. Walkers, horseriders and cyclists). Furthermore, the submitted plan shows an area of informal parking on the western edge of the field obstructing the definitive line of Bridleway FH-680. Obstruction of the line of the bridleway with parked cars should be avoided and any informal parking should be located away from bridleway FH-680.

Natural England

As submitted, the application could have potential significant effects on Feckenham Wyldes Moor SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

Public Consultation Response

A site notice was placed on the gate at the vehicular access of the site on 22.09.2017 and an advertisement was placed in the Redditch Standard on 29.09.2017.

37 letters of support have been received. It is noted that four of these letters of support had no text. The majority of the letters of support made generalised comments of which are not planning considerations in regards to the cricket club, and the community rather than specific observations regarding the application proposal. The further comments raised are summarised as follows;

- The field would be used for a short time and can revert back to its current use
- Occasional noise would not have impact on the nature reserve
- The proposal would discourage anti-social behaviour within the village
- The development would have a negligible impact on current infrastructure
- Young children would benefit from time within the natural environment

1 Letter of objection has been received from a neighbouring property, the contents of the objection has been summarised as follows;

- The location is unsuited for the associated traffic
- The applicant has underestimated the proposed vehicles accessing the site given this is an 11 aside team plus associated umpires and support staff
- The site is adjacent to Feckenham Wyldes Moor Wetland Reserve. This fragile 'flagship reserve' is a Site of Special Scientific Interest managed by the Worcestershire Wildlife Trust (WWT) and concern is raised to impact on this SSSI.
- Noise nuisance
- Maintenance issues of un-adopted road

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Assessment of Proposal

The main issues for consideration are as follows:

Principle

The site is located within the designated Open Countryside and therefore should comply with Policies 9 and 27 of the Borough of Redditch Local Plan. Policy 9, Open Countryside seeks to protect the countryside for its own sake and prevent unsustainable, dispersed patterns of development. Furthermore, having regard to this policy, applicants are required to demonstrate with evidence, the need for the proposed development to be within the Open Countryside. Policy 27 Rural Economic Development states that proposed development should be accessible via sustainable transport and not generate traffic levels unsustainable for the rural road network.

The proposed application is accompanied by a statement outlining the need for the additional pitch; however, this does not provide a great level of detail and does not demonstrate the requirement for the development to be located in the Open Countryside. Furthermore, the application site is 1 mile from the existing cricket club and 0.7 miles from the southern edge of the settlement of Feckenham. Therefore, given the siting of the proposed cricket pitch, away from the existing use on Mill Lane and within largely undeveloped countryside, the proposal would create a dispersed pattern of development directly conflicting with these policies. In addition to this, the site is accessed via a bridleway and would be completely reliant on the use of private vehicles. Therefore the application does not constitute a sustainable form of development and would generate traffic levels unsuitable for the rural road. The proposal is therefore contrary to Policies 9 and 37 of the Borough of Redditch Local Plan No. 4.

Landscape Character

The application site is an open field used for sheep grazing, with a hedgerow on the west boundary along the bridleway and mature trees on the other boundaries. The site is undulating with a slight decline from north to south and completely devoid of built form. The farm to the south is not highly visible from the site and there are some sheep grazing on the field to the north. The objective of Policy 9 is to protect and enhance the high quality of Redditch's rural landscape. No built form is proposed as part of this application; however future pressure may be likely on site following any granting of the change of use for associated facilities. The comments provided from Sport England suggest that a pavilion with suitable changing facilities/toilets/stores and associated car parking would be necessary. Provision of such facilities would significantly alter the character of the area and would not be welcomed in such an open and agricultural setting. The applicants have not provided any details to establish whether any engineering operations, levelling or new surfaces would be required to facilitate the use and if any equipment will be left onsite or how this would be arranged. Presently, insufficient information has been submitted to establish the impact on the landscape character of the area.

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Highways

The Highway Authority have been consulted on this application and do not consider the intensification of the site, based on the figures provided by the applicant would be so significant as to have a severe impact on the highway network having regards to Paragraph 32 of the NPPF. In making these comments the Highway Authority have considered the wider highway network given Moors Lane is an un-adopted privately owned road. Given the road is un-adopted the Highway Authority would have no control over the use and upkeep on this lane. Having regard to the status of the lane the applicants would be required to ensure that they have lawful right of access to the site and the maintenance of the road is upheld. This is a private legal issue to be dealt with outside of the planning process.

Public Rights of Way

The plans submitted indicate that there would be parking in the field along the western boundary; no information has been given as to whether this area would have hardstanding or the amount of parking required to facilitate the use. The Countryside Access Mapping Officer has raised concerns given the siting of this parking would be over existing Bridleway FH-680. Obstruction of this bridleway would not be supported. Furthermore, given access to the site would be reliant on this bridleway and it is narrow in places, suitable arrangements/guidance should be put in place with private users to ensure that priority is given to public users of the right of way (e.g. Walkers, horseriders and cyclists). No information has been submitted to demonstrate whether any conflict arising through the intensification of the proposed use on the bridleway could be mitigated.

Protected Species

The site lies at the centre of an important ecological corridor which is defined by Brandon Brook Meadow (Local Wildlife site), Shurnock Meadows (Local Wildlife Site), the Site of Special Scientific Interest (SSSI) Wylde Moor, and is close to the Bow Brook, a site covered by the Biodiversity Action Plan (BAP) dispersal extent recorded on the County Councils habitat inventory. The SSSI has multiple recordings of principally protected species in the locality. Policy 16 of the Borough of Redditch Local Plan No. 4 states that new land use changes likely to have an adverse impact on SSSI's, Local Wildlife Sites and Local Nature Reserves, directly or indirectly, will not be allowed unless there are no reasonable alternative means of meeting that development need and the reasons for development clearly outweigh the intrinsic nature conservation value of the site or network of sites.

The Wildlife and Countryside Act 1981 (WCA) protects a number of species and their habitats in England, Scotland and Wales. The Local Planning Authority are obligated by law (Natural Environment and Rural Communities (NERC) Act 2006) to make sure that they have all the information on the presence of protected species at a site before they make a decision on a planning application. In the absence of such definitive information the Local Planning Authority are unable consider the likely impact on protected species and their habitat and would be failing in its legal duty if it was recommended that planning permission was granted until this information was forthcoming. In this instance the

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applicants have not submitted any surveys to identify habitats which are likely to support protected species or the presence of any other ecological features on site. Given insufficient information has been submitted to establish whether any protected species would be impacted by this proposal and no mitigation has been demonstrated it is not possible to establish whether the proposal would result in significant harm to biodiversity. The Local Planning Authority is therefore unable to discharge its legal duty having regard to the NERC Act 2006.

Other Matters

It is noted that a number of letters of support have been received predominately related to the health and wellbeing benefits to the community as a result of this proposal. Policy 43 of the Borough of Redditch Local Plan seeks to support applications for leisure facilities where the proposal is located in places that are sustainable and accessible by a choice of transport modes and where visitors can be accommodated without detriment to the local economy and environment. Furthermore Policy 27 promotes sustainable rural economic development proposals which deliver economic, social and environmental benefits to the local community. The proposal for an additional cricket pitch would have some benefits to the local community, however, given the proposal is solely for the use as a cricket pitch, this would only be beneficial to a section of the community. Notwithstanding this, the site is not considered to be sustainable or be accessible by a choice of transport modes and therefore the proposal fails to meet the criteria of Policy 43.

Conclusion

The creation of a new cricket pitch is considered to have some benefits to the local community by way of generating access to additional local sport facilities. The weight to be afforded to this benefit is somewhat limited given it would only provide for a section of the community involved in cricket. Therefore having regard to this, the impact on the Open Countryside, the unsustainable location of the proposal, the possible conflicts with the Public Rights of Way and the lack of information regarding protected species the application is not considered to be an appropriate facility in this location and is recommended for refusal. The application has been submitted to the Council with no details in regards to provisions to meet the English Cricket Board standards, ecology or impact on the Public Right of Way. Therefore, the Council are unable to assess the impact of the proposal in relation to these important details.

RECOMMENDATION:

That having regard to the Development Plan and to all other material considerations, planning permission be Refused for the following reasons:

Reasons for Refusal

- 1) The proposed new cricket pitch is located 1 mile south of the existing Feckenham Cricket Club and 0.7 miles south of the settlement of Feckenham. Given this distance it is considered that the proposal would create a dispersed pattern of development and not protect the high quality rural environment. The application is

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therefore contrary to Policy 9 of the Borough of Redditch Local Plan No. 4 and paragraph 28 of the NPPF.

- 2) The objective of Policy 9 of the Borough of Redditch Local Plan No. 4 is to have a high quality environment and to protect, promote and enhance the quality of the Borough's landscape. The application site is a field, with hedgerow boundaries, devoid of built form. Insufficient information has been submitted to understand the extent of the parking required on site and whether the parking area shown on the plans would have hardstanding. Furthermore insufficient information has been submitted to establish whether any engineering operations, levelling or new surfaces would be required to facilitate the use and if any equipment will be left onsite or how this would be stored. Therefore the Council are unable to establish the impact of the proposal on the character of the landscape. The proposal is therefore contrary to Policy 9 of the Borough of Redditch Local Plan No. 4 and paragraph 109 of the NPPF.
- 3) The site is accessed via bridleway FH-680 with no public transport facilities; therefore, the development would be completely reliant on the use of private vehicles. The application is not considered to constitute a sustainable form of development and would generate traffic levels unsuitable for the rural road network. The proposal is therefore contrary to Policy 27 of the Borough of Redditch Local Plan No. 4 and paragraphs 29-32 of the NPPF.
- 4) The submitted plan shows an area of informal parking on the western edge of the field obstructing the definitive line of Bridleway FH-680. Paragraph 75 of the NPPF requires planning policies protect and enhance public rights of way and access and Local Authorities should seek opportunities to provide better facilities for users. Therefore the proposal is contrary to paragraph 75 of the NPPF.
- 5) The site lies at the centre of an important ecological corridor which is defined by Brandon Brook Meadow (Local Wildlife site), Shurnock Meadows (Local Wildlife site) and the SSSI site of Wylde Moor, and is close to the Bow Brook. Insufficient information has been submitted to establish whether the development is likely to have an adverse effect on the SSSI or Local Wildlife Sites, directly or indirectly. No alternative means of meeting the development has been identified and no mitigation has been proposed. The Council are therefore unable to discharge its legal duty under the Natural Environment and Rural Communities (NERC) Act 2006 and in addition the proposal is contrary to Policy 16 of the Borough of Redditch Local Plan No. 4 and paragraph 109 and 118 of the NPPF

Procedural matters

Councillor Clayton has requested that this application be considered by Planning Committee rather than being determined under delegated powers. The reason provided was that the Council should support local sporting teams and encourage local residents to take up sport in Redditch.