

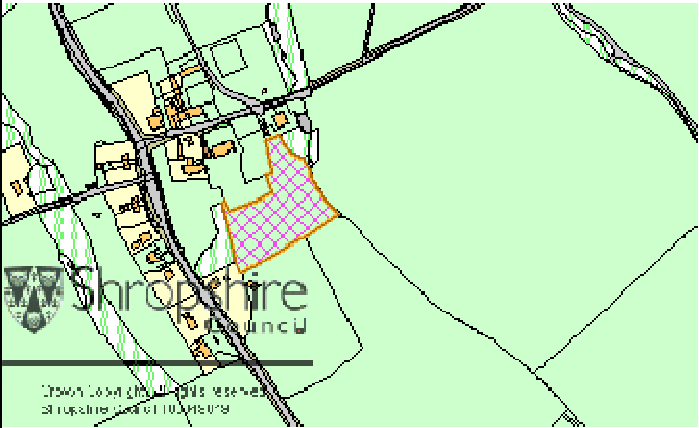
**Development Management Report**

Responsible Officer: Tim Rogers  
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**Summary of Application**

<b>Application Number:</b> 13/04962/COU	<b>Parish:</b>	Quatt Malvern
<b>Proposal:</b> Change of use of land from agricultural to cricket square and construction of access drive		
<b>Site Address:</b> Cricket Ground Quatt Bridgnorth Shropshire WV15 6QW		
<b>Applicant:</b> Mr A Evans		
<b>Case Officer:</b> Sara Jones	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 375715 - 287996



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.****REPORT****1.0 THE PROPOSAL**

1.1 This application proposes the change of use of agricultural land to form new cricket square with one artificial and three natural wickets and the construction of an access drive from Wootton Lane via the existing field gate.

1.2 In support of the application the Quatt Cricket club have confirmed the following:

For a number of years the Clubs Third team have played all their home matches at Burwarton Cricket Club, utilising a shared cricket pitch and generally poor facilities. Burwarton CC has recently confirmed that their cricket activities have folded and their facilities will not be available for use by QCC in 2014 and beyond.

1.3 A pre-requisite for any Birmingham League CC is that each club has to run three mens teams. Provisionally the mens Third team will play at its home matches at Highley CC sharing its ground for 2014. QCC's current status as one of the leading village cricket clubs in the Midlands is a risk unless a long terms solution is found.

1.4 A shared ground is not a long term solution as any growth in Highley CC's membership could displace QCC. In order to provide a sustainable platform for continued growth and development QCC need to provide an extra cricket square at its existing ground.

1.5 The application therefore proposes the creation of a new cricket square incorporating an artificial cricket wicket and a new three wicket grass square to the north of the existing club house and south of St Andrews Church wall boundary.

1.6 In parallel with the planning application QCC is preparing a series of grant funding applications and the indications from the ECB and sport England are good that funding would be forthcoming to provide the playing pitch facilities in this area of need.

1.7 At present all vehicular traffic uses the existing access directly onto the A442 opposite "Old Faithfuls farm Shop & Deli". The existing access drive follows the north west boundary of the cricket clubs existing site. Once adjacent the club house vehicles pass in front of the club house onto the grassed area and vehicles park east to west along the northern boundary of the cricket club site. The proposal is that all vehicular traffic (except delivery vehicles and disabled users) would enter the site from Wootton Lane using the existing field gate and tarmac cross over.

- 1.8 The proposed access drive would follow the existing boundary hedgerow and enter the CC site via the existing field access gates and park to north to south along the eastern boundary of the site. The proposed parking would be accommodated within the clubs existing ground i.e. not within the land subject of the change of use application.
- 1.9 The proposed access drive would follow the existing field hedgerows and the current field gates would remain and would be locked out of core hours (match days and training days.)
- 1.10 The information submitted with the application confirms that the access drive would be surfaced by a layer of terram overlain by red "Forest of Dean" road stone to the first internal field gate.
- 1.11 The applicant has confirmed that the preparation of the proposed new cricket square and wickets would involve a shallow plough and a small amount of regarding and levelling. The proposal would not involve any soil being imported or removed from the site (cricket loam would be brought in in bags which comply with the manual handling guidance). The artificial wicket is proposed to be installed in early summer 2014 with the other wickets and outfield seeded in late summer with a view to being able to play at the start of the cricket season 2015 and the natural wickets in 2016.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The proposal involves a site of approximately 0.84 hectares of rough pasture land which lies within the Quatt Conservation Area. The proposed a new cricket square incorporating an artificial cricket wicket and a new three wicket grass square would be located on land to the north of the existing club house and south of St Andrews Church wall boundary.
- 2.2 It is understood that the land in question is owned by the National Trust who have indicated to the applicant that they are content to grant them an additional lease to be co-terminus with its existing 25 year lease and that this would be triggered by the granting of planning permission for the change of use.

## **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 Application requested to be referred to South Planning Committee by the Local Member as the matters raised by the Parish Council are not matters that can be addressed through planning conditions.

## **4.0 Community Representations**

- Consultee Comments

- 4.1 Quatt Malvern Parish Council – Recommend Refusal. Support and welcome the provision of the cricket square but object to the proposed new additional access arrangements on highway safety grounds as it would lead to significant numbers of vehicles using Wootton Lane which has a speed limit of 40mph.

Requests consultation between the Cricket club Committee, residents of the parish and Shropshire Highways.

4.2 SC Highways – No objections.

4.3 SC English Heritage – Recommends that as the development site is in the vicinity of known archaeology, the advice of the local authority's archaeological advisor is sought.

4.4 SC Archaeology – Recommend condition.

4.5 SC Ecology – No objections.

4.6 SC Conservation – No comment.

- Public Comments

4.7 Advertised 24.12.2013. Expired 14.01.2014. Site notice displayed/dated 24.12.2013. Expired 14.01.2014. Re-advertised Site Notices A458 and Wootton Lane displayed/dated 17.02.2014. Expired 10.03.2014.

4.8 Ten representations received – Nine of which were objecting to the application.

-Highway safety concerns with respect to the use of Wootton Lane.

-The lane at this point is too narrow for extra access.

-There are 2 blind summits at either side of the proposed gateway.

-Properties are directly accessed from the road, there is no footpath.

-The lane is often used by horse riders and pedestrians following Dudmaston's pathways particularly at weekends.

-Church services, which will clash with activities at the cricket club, involve increased traffic and parking issues.

-The Cricket Club's previous planning application in April/June 2010 (ref: 10/01342/FUL) the Design and Access statement proposed 3.4 The Final phase 3 of the project will then see new dedicated parking provision alongside the hedge running along the South West boundary of the ground. The vehicles will not be visible from the A442 as they will be well below the top of the well established hedge. The principal advantage of this third phase of the project is that it will remove parked vehicles from the grassed area along the Northern part of the ground, thus enabling an unobstructed view of the Church as well as removing the potential hazard of vehicles and spectators in the same locality.

-The continued development and growth of the club inevitably means increased vehicular access and on a more regular basis.

-During the cricket season, the club is in almost constant use during the evenings and most weekends suggest the opening hours stated in section 20 of the application are inaccurate.

-As well as the training and match day traffic, the Club offers it's facilities for social events in the evenings. Therefore the proposal would lead to increased noise for the residents in Wootton Lane late at night as people leave an event.

-Increased traffic would change the character of the village around the Church.

4.9 One representation received supporting the proposals for the following reasons:

-Would allow for a much safer access off the A442 as the traffic would be turning at an existing and clearly signposted junction.

-There have been numerous occasions where accidents have been narrowly avoided by cars turning into the current entrance and vehicles travelling at speed have not anticipated the manoeuvre.

## 5.0 THE MAIN ISSUES

Principle of development – Green Belt  
Visual impact and Historic Environment  
Highway Safety  
Residential Amenity  
Ecology

## 6.0 OFFICER APPRAISAL

6.1 Principle of development – Green Belt

6.1.1 The National Planning Policy Framework (NPPF) emphasises that the planning system can play an important part in “facilitating social interaction and creating healthy, inclusive communities”. It acknowledges that access to high quality open space and opportunities for sport and recreation can make an important contribution to the health and well being of communities.

6.1.2 Further the NPPF indicates at para. 81 that local planning authorities should plan positively to enhance beneficial use of the Green Belt, giving as an example “to provide opportunities for outdoor sport and recreation”.

6.1.3 Saved Bridgnorth District Local plan policy S3 reflects the guidance set out in PPG2 which has been replaced by the guidance set out in the NPPF and therefore has limited weight.

6.1.4 In terms of the construction of the access drive the NPPF confirms that such types of development i.e. engineering operations; constitute appropriate development provided that they preserve the openness of the green belt and do not conflict with the purposes of including land in the green belt. The NPPF identifies that the Green Belt serves five purposes:

- 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.

6.1.6 Given the fact that the proposal utilises the existing field access arrangements and the scale and character of the works proposed it is considered that the provision of the driveway would not conflict with the purposes of the green belt identified above.

6.1.7 Shropshire's Core Strategy policy CS5 and CS16 reflects the guidance set out in the NNPF supporting recreational development which requires a countryside location and acknowledges the benefits that such development has for local communities.

## 6.2 Visual impact and Historic Environment

6.2.1 Core Strategy policy CS5, CS6, CS16, and CS17 seek to ensure that all development protects and enhances the natural, built and historic environment and is appropriate in taking into account the local context and character of the area.

6.2.2 In this case it is noted that the proposed development lies within the Quatt Conservation Area adjacent to the scheduled monument of Medieval cross in Quatt churchyard (National Ref: 1015710) and the Grade II\* listed Church of St Andrew, Quatt (National Ref: 1367569). Additionally there are non-designated heritage assets recorded on Shropshire Councils Historic Environment Record that are located in the vicinity of the development boundary.

6.2.3 It is noted that English Heritage have raised no issues regarding the possible impact of the proposals on the setting of the Grade II\* listed Church of St Andrew and its associated scheduled Medieval cross.

6.2.4 Given the scale and nature of the proposals it is not considered that the development proposed would harm the character or appearance Quatt Conservation Area or the existing setting of the designated heritage assets.

6.2.5 The proposals do however involve some ground disturbance in the vicinity of the above monuments and others in the immediate area as such there may be some potential to disturb un-recorded archaeological remains. Accordingly the Councils Archaeological Officer recommends an appropriate condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) that makes provision for a watching brief during any ground disturbance.

### 6.3 Highway Safety

- 6.3.1 The cricket club has an existing access from the A442 directly opposite the village shop known as “Old Faithfuls Farm Shop & Deli”. The applicants state that this has three main disadvantages, namely:

All cars have to pass in front of the club house to park – interrupting the spectators view of the cricket.

Young children tend to play in close proximity of the club house which causes potential conflict.

When vehicles are parked they can quite easily be seen by traffic heading north along the A442 which interrupts the view of St Andrews Church.

- 6.3.2 Concern has been expressed by the Parish Council and local residents regarding the proposed new additional access arrangements on highway safety grounds as it would lead to significant numbers of vehicles using Wootton Lane.

- 6.3.3 Currently access the cricket club ground is via their existing access onto the A442. Accordingly traffic has to make turning movements on the A442 and although the Councils Highway Development Control Officer considers the present access layout to be satisfactory, the proposal would reduce such vehicle movements and transfer them to the Quatt House junction and then onto the unclassified road running passed the former Dower House School. The road junction is clearly visible and passing drivers on the A442 would expect traffic to be turning in/out of it. The Councils Highway Development Control Officer advises that the Quatt House road junction is satisfactory to accommodate the likely addition vehicle movements and that such vehicle movements would not present an undue conditions detrimental to highway safety.

- 6.3.4 The road from the A442 junction and the proposed access point is wide enough to accommodate two-way traffic, up to a point in the vicinity of the former Dower House School. Beyond this it is restricted over relatively short sections between some wide entrance points that could facilitate the passing of vehicle travelling in opposite directions. Although the restricted carriageway width is of concern with intensified vehicle movements, it is considered that the additional traffic would only be over a relatively short period of time at the start and finish of cricket matches/practices and the frequency of such occurrences is not excessive and is only seasonal.

- 6.3.5 Concern has been expressed regarding the potential increase in the numbers of vehicles using Wootton Lane travelling from the direction of the A458 and the conflict with other road users such a horse riders and walkers. It is considered that it is unlikely that the majority of people would travel to the cricket club from that direction and that whilst some may do this as it may be more convenient for people travelling from the West Midlands Conurbation they would be doing that in any event to use the existing access off the A442. Between the A442 junction and proposed entrance it is unlikely that any reasonable person would

travel above 20mph as they would only be going a short way and be looking out for the entrance. In this rural location pedestrians are relatively few and the original school has been converted to residential use.

#### 6.4 Residential Amenity

6.4.1 Core strategy policy CS6 seeks to ensure that all development contributes to the health and wellbeing of communities, including safeguarding residential amenity. As noted above concern has been expressed that the new access arrangements would lead to increased noise for the residents in Wootton Lane late at night as people leave an event. As discussed above those members and visitors who travel through the lanes to access the cricket club from the A458 would do so in any event. It is also noted that the replacement club house is subject of a condition restricting its use to club members and their guests only. Traffic generated would be seasonal and evening events would be occasional. As such it is considered that the proposed new access arrangements would unduly harm the existing residential amenity of the area.

6.4.2 Turning to the proposed new cricket pitch this is associated with the existing historic cricket club and as such it is considered that the extension of the use to incorporate this land would not significantly harm the existing residential amenity of the area.

#### 6.5 Ecology

6.5.1 The proposals would not result in the removal of trees or hedgerows. The Councils Planning Ecologist has considered the proposals and raises no objections.

### 7.0 CONCLUSION

7.1 The use of the land as an extension to the existing cricket pitch would provide a permanent solution to the lack of sufficient pitches and enable the sustainable development of this successful community asset. The construction of the access drive constitutes appropriate development in the Green Belt as it would preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt. The proposals would not detract from the character or appearance of the Quatt Conservation Area, the rural character of the locality or the setting of designated heritage assets. The proposed new access arrangement would be acceptable in highway safety terms and the residential amenities of the area would not be unduly harmed by the proposed development.

### 8.0 Risk Assessment and Opportunities Appraisal

#### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.



- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Saved Local Plan Policies:  
S3: Green Belt  
D6: Access and parking

Core Strategy:  
CS5: Countryside and Green Belt  
CS6: Sustainable Design and Development Principles  
CS17: Environmental Networks

RELEVANT PLANNING HISTORY:

10/01342/FUL Erection of a cricket club house with changing facilities following demolition of existing pavilion; provision of additional car parking facilities and relocation of cricket playing field GRANT 23rd June 2010

<b>List of Background Papers</b>
<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
<b>Local Member</b> Cllr Tina Woodward
<b>Appendices</b> APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. This permission relates to the amended plans received 10.02.2014.

Reason: To define the permission for the avoidance of doubt.

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) that makes provision for a watching brief during any ground disturbance. This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The area is of archaeological potential and it is importance that any archaeological features and finds are properly recorded.

5. Before the development hereby approved commences a sample of the proposed stone to be used to surface the access drive shall be submitted to and approved in accordance with the approval details.

Reason: To protect the visual amenity of the area.

6. Details of the means of access, including the layout, construction and sightlines, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

**Informatives**

1. POLICIES MATERIAL TO THE DETERMINATION OF THE APPLICATION:

In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:  
National Planning Policy Framework

Saved Local Plan Policies:  
S3: Green Belt  
D6: Access and parking

Core Strategy:  
CS5: Countryside and Green Belt  
CS6: Sustainable Design and Development Principles  
CS17: Environmental Networks

2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.