

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	15 <sup>th</sup> September 2021
<b>Application Number</b>	21/02390/FUL
<b>Site Address</b>	Potters Field, Recreation Ground, Anchor Lane, Calne, SN11 8DX
<b>Proposal</b>	Relocation of existing rugby pitch on the Recreation Ground to former football pitch on Potters Field. Erection of 1.5m high permanent perimeter fencing & 4.5/6.0m high ball-stop netting. Installation of shipping container for storage use
<b>Applicant</b>	Calne Town Council
<b>Town/Parish Council</b>	Calne
<b>Electoral Division</b>	Cllr Ian Thorn
<b>Grid Ref</b>	
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Charmian Eyre-Walker

**Reason for the application being considered by Committee**

The application was called to committee to by Cllr Ian Thorn to allow the Committee Members to assess the scale, visual impact, relationship to adjoining properties and design of the proposal.

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

**2. Report Summary**

Issues to be addressed:

- Principle of the development
- Design and layout
- Impact on neighbouring properties' amenity
- Highways impacts

20 letters of objection have been received. 1 letter of support has been received.

Calne Town Council has no objection.

### **3. Site Description**

The site is located to the north east of the recreation ground which lies to the north of Anchor Road in Calne, which is defined in the Wiltshire Core Strategy as a Market Town.

The site is relatively flat and currently used for informal recreation, hence its name – ‘The Rec’. Sports such as football, cricket and rugby have historically been played at different locations on The Rec. However, cricket has moved to Beversbrook Sport and Community Facility and the football team that used to play on the site has dissolved. Rugby is the only sport played.

There are no fenced areas on The Rec except for the dog-walk area on Hillcroft. Calne. Rugby Club currently play their games on Recreation Ground (see site plan). The existing pitch is part of the open area and is used by many people for recreation purposes as well as dog walking. The club check the site for dog fouling before each match, but due to its open nature there has been several instances of dogs running onto the pitch during games.

The land is owned and managed by the Calne Town Council.

### **4. Planning History**

No previous applications or decision relating to the application site itself. However, planning permission N/13/02833/OUT delivered S106 funding for the creation of sports pitches in this area.

### **5. Local Planning Policy**

#### Wiltshire Core Strategy

CP57 Ensuring High Quality Design and Place Shaping  
CP60 Sustainable Transport  
CP67 Flood Risk

#### North Wiltshire Local Plan 2011 Policies

NE14 – Trees and the Control of New Development.

#### Calne Community Neighbourhood Plan (Made February 2018)

Policy GA2 – Highways Impact  
Policy BE1 – Integration and Landscaping  
Policy BE2 – Design Principles and Local Distinctiveness  
Policy BE3 – Parking Provision

### **6. The Proposal**

The application seeks planning permission for the relocation of an existing rugby pitch on the Recreation Ground to former football pitch on Potters Field. The elements of the development will comprise:

- The installation of demountable, high ball-stop nylon mesh fencing to be used during rugby games to mitigate the risk of rugby balls entering nearby properties. Approximately 120metres of this fencing will 4.5m high, along the northern boundary and approximately 45metres of 6m high at the western end of the pitch. It is proposed that the poles for the ball-stop fencing be permanently fixed, but the netting is raised only during matches thus reducing the visual impact. The poles will be installed within the weldmesh perimeter fencing. An unfenced training area is to be sited to the south of the fence.
- The erection of two pedestrian entry gates and a pair of maintenance gates to the pitch area.
- The playing surface of the new pitch to be “professionally” renovated.
- The installation toward the South of the pitch of a shipping container for storage use – measuring approximately 6m(l) x 2.5m(w) x 2.5m(h) and painted dull green.

Upon the pitch relocation taking place, the submission explains that the Calne Town Council to revert that land to its originally intended purpose, described within the application as a “Pleasure Ground”.

There are two tranches of S106 funding available for the creation of sports pitches within this area (under planning permission N/13/02833/OUT), therefore the area will be accessible by the community.

## **7. Consultations**

Calne Town Council – No objection.

Highways Officer – No objection.

*Existing Parking provision is stated as a car park with access from Anchor Road, a provision of 32 spaces exists, including 4 accessible spaces, and it has been acknowledged that the parking is on a first come first served basis, it is also stated that a large proportion of spectators are local and walk to the area. An additional 20 spaces are proposed on Hillcroft for match days, this parking area is within an area of POS and as such it is proposed that stewards will marshal any vehicle movements, PROW footpath CLAN38 runs through the car park proposed at Hillcroft and adjacent to the proposals on Potters Field as such the PROW team have been consulted.*

*The vehicle parking provision and overflow parking are within the maximum parking standards for the use and therefore deemed acceptable.*

*Given that the rugby pitch is relocating within an area in which it already operates, I would not consider that traffic movements would be increased over that already experienced. Therefore I would not wish to raise an objection in terms of highways.*

Public Protection – No objection subject to a condition about construction and demolition.

Tree Officer – No objection subject to conditions

*I do not have any major concerns at this point regarding the touchline outside the edge of the canopy. However, I do have concerns that this tree may be under pressure from the Rugby Club in the future requiring the canopy to be reduced. This will need to be managed appropriately by the Town Council to ensure the longevity of this tree.*

*With regard to the posts for the fencing which will require concrete, can we ask that all posts which are in the root protection areas of trees be contained in sleeves.*

## **8. Publicity**

The application was advertised by way of site notices and neighbour letters.

20 Letters of objection have been received raising the following main issues :-

- Overlooking from spectators
- Noise and bad language
- Destruction of land used by many people in Calne
- There are other facilities in Calne.
- Potential floodlighting
- Fence will be an eyesore.
- Too close to homes.
- Balls will clear fence and cause damage – who will be responsible.
- Anchor Road cannot take the additional traffic
- Fencing off and therefore removing a significant green space.
- The area where the temp overflow carpark is proposed is used by children to play.
- Carpark area not got sufficient surveillance leading to anti-social behaviour.
- Green container inappropriate.
- The field hasn't had football played on it for some time.
- The pitch will be covered in standing water most of the winter.
- Failure to consult the locals on the proposal.
- The club uses portable floodlights for evening training sessions. They will be extremely close to residential properties.
- This is the loss of a green space for 14 home matches a year.

- Loss of biodiversity.
- It is 15 years since football was played on the pitch.
- Will there be enough space between the fence and the rear garden fences to allow pushchairs along the fence line?
- The fence removes the land from community use – against the gift of the Harris family.
- Creation of hidden areas.
- As all hospitality and changing would remain at clubhouse the impact of the match days would have a wider impact.

There has been one letter of support stating:-

*This area has been a sports pitch for many decades, serving Saturday and Sunday football as well as rugby.*

*As it appears that the only way for the CRFC to continue playing at this location (due to the CTC future plans to develop/repurpose the main area of the recreation ground) is to move onto this pitch , this proposal seems like a fair compromise all round.*

*There is a strong need for the pitch and in fact the entire site to be fenced off from the prolific dog fouling. As there is a designated dog walking area on a former football pitch, dog owners should be satisfied.*

*As the pitch is being moved from an existing area within the Rec there will not be any loss of space ( subject to the CTC greater plan -TBC).*

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### Principle of the development

The site is currently open land as part of the larger facility of 'The Rec', a large open piece of land just off Anchor Road in Calne. There are no fenced-off areas, and the land is available for all types of recreation including dog walking and informal games. The Rugby Club both trains and plays at the site towards the middle part of 'The Rec'. This has led to problems of litter and dog faeces being found on the pitch, despite efforts to clear the site ahead of any game. Dogs are also free to run into the middle of a game, which is not satisfactory.

Potters Field is part of the larger site to the east side, and the proposal is to fence off an area for the rugby pitch with a 1.5m high fence roll top green weldmesh to protect the surface of the new pitch and prevent dog entry. The fence will have 2 pedestrian accesses and a further access wide enough for vehicles to enter. Additionally, demountable netting attached to high poles to be raised during match play will be used to prevent balls going into peoples' gardens. The demountable fencing will be 120m in length at 4.5m high along the eastern boundary and 45m

in length at 6m in height along the northern end. A shipping container measuring approx.. 6mx 2.5m and 2.5m in height is to be sited to the south of the pitch. This will be used for general storage associated with the rugby club.

The proposal involves spending some S106 funds secured via the planning permission for the nearby housing development to renovate the pitch. There is also a proposal to site a shipping container to store associated equipment to the south east of the pitch.

The use of the land will remain in some community use and provide a local club with a suitable match day pitch. However, as the S106 monies are for wholly community use, the land must have some other community uses and it is understood that the pitch will be available for hire for other uses. A methodology for controlling this can be achieved by a suitably worded condition.

### Design and layout

The siting of the fencing to the east boundary is close to (approx. 3-4m) from the rear fences of properties in Woodruff Square. There is an approx. 1m footpath directly outside those rear fences with access from the gardens to it. Concern has been raised by local residents about the restriction it would place on them accessing the recreation ground. It is considered that there would be some inconvenience to those residents, but access is not prevented and a short walk in either direction of no more than 80m will allow open access to the remainder of the ground.

The 1.5m weldmesh fence is not considered to be overly intrusive itself and is required to be of that height to prevent dogs jumping into the pitch area or people readily climbing over.

The higher fencing will be only in place during matches. The posts will be permanently in place, but they are not considered to be overly intrusive being lightweight poles (as shown in the submitted illustrative photo) spaced approx.6- 8m apart. The exact design and positioning of the poles can be conditioned.

Subject to the imposition of suitably worded planning conditions, the proposal is considered to comply with policies CP57 of the WCS and BE2 of the Calne NP in terms of design and layout.

### Impact on neighbouring properties' amenity

The impact of the 1.5 perimeter fence will be minimal on the residential amenity of the surrounding properties as it is lower than the garden fences. In terms of visual amenity to 'The Rec' users the ball-stopping fencing will only be used when games are played and is sufficiently lightweight to be almost totally see-through. It is not considered that a reason for refusal on loss of amenity can be sustained.

Many local residents are concerned about the impacts of having rugby played so close to their residential properties. This is not an unusual situation in a town location. However, the concerns raised concerning potential evening training and floodlighting are noted. It is considered that any

floodlighting in this area would not be acceptable and late evening games could be considered to be intrusive in terms of noise levels. It is understood that the rugby club currently trains under temporary floodlighting mid-week. They have been made aware that such training will not be possible under any floodlights on the new pitch. This can be controlled by way of a suitable planning conditions on hours of use of the pitch and a restriction on any lighting.

The proposal is considered to comply with policies CP57 of the WCS, saved policy NE18 of the NWLP 2011 and BE2 of the Calne NP in respect of impact on neighbouring properties' amenity.

### Highways impacts

Existing parking provision is a car park with access from Anchor Road, a provision of 32 spaces, including 4 accessible spaces, and it has been acknowledged that the parking is on a first come first served basis, it is also stated that a large proportion of spectators are local and walk to the area. An additional 20 spaces are proposed on Hillcroft for match days, this an existing parking area that is currently locked except for when access is required. as such it is proposed that stewards will marshal any vehicle movements. The club already plays and trains at The Rec, however, so no additional traffic is anticipated.

PROW footpath CLAN38 runs through the car park proposed at Hillcroft and adjacent to the proposals on Potters Field as such the PROW team have been consulted, but have not commented on this aspect. They have however raised concerns about CLAN 75 which runs along the west side of the proposed pitch. The applicant has confirmed that this PROW will be un-affected by the proposal, which indicatively runs in the line of trees. An informative will be added to remind the Town Council of the need to keep this right of way unfettered.

The rugby club currently operates from the site and it is not envisaged that the proposal will lead to expansion. There is no change in parking requirement, but the vehicle parking provision and overflow parking are within the maximum parking standards for the use and therefore deemed acceptable.

The proposal is considered to comply with policies CP57 and CP60 on the WCS and policies BE3 and GA2 of the Calne NP.

### Impact on Trees

The west of the proposed pitch is lined by a mature line of very attractive Purple Beech Trees. The tree officer does not object in principle, but is concerned about any activity that might put pressure on the trees to be cutback or felled. The applicant has stated that the touchline is outside the canopy of the trees and the fence posts can be hand dug. The Tree Officer has requested that the posts are fitted in sleeves. This can be conditioned.

It is considered that the impact of the fence on the trees can be appropriately conditioned and given that the Town Council is the owner of the site, the pressure for any works to the trees can be appropriately managed.

Subject to the imposition of planning conditions, it is considered that policies CP57 and saved policy NE14 of the NWLP 2011 are complied with.

#### Other Matters

The site is not in any designated flooding area and enhancements to the pitch will ensure that it drains correctly.

The green container, although of a temporary type nature in design, is not considered to be detrimental enough to refuse the application. Its siting can be conditioned to be only kept on site whilst the rugby club are based at the ground to ensure that it retains an appropriate purpose.

#### **10. Conclusion**

The proposal is considered to provide a much-needed safe rugby pitch with additional community uses available in an area already used for recreational purpose. The fences are not in themselves considered to be visually intrusive and there is considered to be sufficient parking at the site. Overall, and subject to the imposition of planning conditions, the proposal is considered to comply with the requirements of CP57 & CP60 of the Wiltshire Core Strategy, Saved Policy NE18 of the North Wiltshire Local Plan 2011 and Policies BE2, BE3 and GA2 of the Calne Community Neighbourhood Plan.

#### **11. Recommendation: That Planning permission be GRANTED subject to the following conditions:**

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The ball stopping netting hereby approved shall be only raised during and for a maximum of 1 hour before and 1 hour after any matches or training sessions.

REASON: In the interests of visual amenity.



- 3 There shall be no floodlighting whatsoever (including temporary and mobile lighting units) of the pitch hereby permitted.

REASON: In the interests of the amenity of local residents.

- 4 Prior to the commencement of the development hereby permitted, details of the methodology for securing community and public access to the pitch hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The agreed methodology shall be implemented in perpetuity thereafter.

REASON: To ensure that public land is not lost.

- 5 Prior to the commencement of the development hereby permitted, details of the posts and their exact spacing for the demountable netting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity.

- 6 Prior to siting the container hereby approved on the land in the agreed position, details of its exact size and colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The container shall be removed from the land within one month of the rugby club no longer using the facility for training or matches.

REASON: To define the permission

- 7 The pitch hereby approved shall only be used between the hours of 09:00 and 18:00 on any day.

REASON: To define the permission and protect residential amenity.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

Revised site plan V3 showing fence position received 2<sup>nd</sup> September 2021

Ball stopping netting fence plan CTCPF6 (position of net only) received 16<sup>th</sup> April 2021

Location Plan CTCPF1

Ball stopping fence photo CTCPF3

Rugby pitch dimensions CTCPF5

Weldmesh roll top fencing example photo CTCPF4 received 8<sup>th</sup> March 2021.

REASON: For the avoidance of doubt and in the interests of proper planning.

- 9 Prior to the commencement of the development hereby permitted, details of the methodology for placing the posts for the weldmesh fence in the Root Protection Areas of any trees shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To protect the nearby trees in the interests of visual amenity.

#### INFORMATIVES TO APPLICANT

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.