

<b>Date of Meeting</b>	14 <sup>th</sup> October 2010
<b>Application Number</b>	E/10/1047/FUL
<b>Site Address</b>	Glebe Field, Burbage, Wiltshire
<b>Proposal</b>	Change of Use of Existing Agricultural Land to Playing Fields
<b>Applicant</b>	Burbage & Easton Royal Sports Club
<b>Town/Parish Council</b>	BURBAGE
<b>Grid Ref</b>	423537 161261
<b>Type of application</b>	Full Planning Permission
<b>Case Officer</b>	Rachel Yeomans

### Reason for the application being considered by Committee

This application has been brought to Committee at the request of Councillor Stuart Wheeler.

### 1. Purpose of Report

To consider the recommendation that the application be approved.

### 2. Site Description

The application site is an agricultural field located outside but immediately to the east of the built up area of the village. To the south lies 'Red Lion Field' - the existing cricket field, pavilion building and tennis courts and home of Burbage and Easton Royal Cricket Club. To the east and north lies open countryside. A raised track lies to the northern and eastern edges that appears to be the commonly walked footpath route, though its official route crosses the field which is currently laid to crops. The boundaries of the site benefit from a variety of shrubs and a good number of trees which filter views of the application site from the wider countryside (to the east) and from dwellings beyond to the west and south. The site is relatively flat, with a single large oak tree towards the centre.

The site can be accessed by proceeding from Pewsey or Marlborough (south on the A338) until the Esso Garage on the roundabout. Take the exit after the one signed for Burbage – A338 east towards Shalbourne & East Grafton. Take the first turning left into the village and the first turning right into East Sands. After approx ¼ mile, just after the houses and the builders yard, there is a left turning into Red Lion Field and Glebe Field lies directly to the north. The site can also be accessed on foot via the public footpath which runs east from Eastcourt road.

### 3. Relevant Planning History

There is no planning history for this site, nor any other planning history considered particularly relevant to the consideration of this application.



.. Location of proposed playing field and aerial photograph of the site and its surroundings



#### **4. The Proposal**

The application proposes the change of use of an existing agricultural field for use as a recreation field. This is principally intended as an additional cricket field to accommodate fixtures and practices for the numbers of players the club currently has and also to accommodate its plans for the future, including the fielding of youth and ladies teams. The site also includes an area to the west of the field which may be utilised as an informal football playing area. The applicants have confirmed that despite the presence of the oak tree to the centre, as no 'formal' pitch is required, the tree will remain and they have no intention or desire to harm or remove the tree. An 'indicative' pavilion building is shown to indicate the club's aspirations but does not form part of the current application and cannot be considered at this stage. Any additional parking requirements are proposed to be accommodated on the existing informal parking area on the grassed field adjacent the tennis courts and on road and layby parking nearby. A large layby currently exists on East Sands in front of the Builder's Yard which may also be utilised.

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

Kennet Local Plan 2011 (KLP) – policies PD1: General Development and Design & NR7: Protection of the Landscape are relevant as are national Planning Policy Guidance Note 17: Planning for open space, sport and recreation, Planning Policy Statement 9: Biodiversity and Geological Conservation and Planning Policy Statement 7: Sustainable Development in Rural Areas, the latter due to the site's location within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). (Policies NR12 and TR21 quoted in some responses have not been 'saved' under policy changes which came into effect in 2007, and are therefore not relevant.)

#### **6. Consultations**

Parish Council – Object to the application on the grounds that:

1. The development of this site will increase the traffic onto the site considerably when it is in use. The current access route is already of concern to the (Parish) Council and is often the subject of discussion at (Parish) Council meetings. The current access road is narrow with many residential cars parked on either side of the carriageway. The Parish Council is already concerned about the access for emergency vehicles on this route. The increase in vehicular traffic, and the increased possibility of the need for emergency services created by increasing the use of this land for recreational purposes is now of serious concern.
2. The applicants have been offered the use of an existing football pitch, with attached parking, elsewhere in the village. This has been rejected by the applicant.
3. A survey of the whole village in 2004/2005 soundly rejected the development of this area for recreational purposes.
4. There is currently an agricultural tenancy agreement in place on the land specified. The current lessee (present at the Parish Council meeting) has not been informed of any proposals for changes of use.
5. The tree marked in the middle of the plan as submitted is not marked correctly. The position of the tree is within the boundaries of the proposed football pitch and would have to be removed which is contrary that stated in the application.
6. This is an AONB and bats (a protected species in the UK) are regularly seen flying over these fields in the evening. Their natural habitat should be protected. Although not specified in the application, it is anticipated that if this application were approved a further application for floodlighting would follow and this would affect the bat's habitat and habits.
7. Speaking to individual Councillors in a private capacity does constitute consultation with the whole Council and it is a huge leap and an unfounded claim to state that this is consultation with the Parish Council. The Parish Council have no documentary evidence of

any consultation prior to receiving this application.

8. The Parish Council was presented with documentary evidence that the information provided to the local residents was factually untrue and suggested that houses would be built on the land if the application wasn't granted. The Council has been reliably informed that there is no intention to build on this land.

Wiltshire Council Highways – No objections – parking and access facilities are adequate to accommodate any additional vehicles and the extension of this facility will likely reduce numbers of vehicles commuting out to use alternative facilities in other villages.

Wiltshire Council Rights of Way – In summary: ideally the footpath (Burbage 6) should be diverted to skirt around the edges of the field (as appears to be currently utilised) to avoid conflict between users. However, in view of the fact that the application proposes no operational development which would physically obstruct the public footpath, (meaning that during play, either the game could be stopped until walkers have cleared the area or walkers would likely continue to use the path to the edge of the field), it is not considered reasonable to insist on the diversion of the footpath through the imposition of a condition. An informative is recommended should Members be minded to approve planning permission to remind the applicant that the permission would not authorise the stopping up, diversion or obstruction of any public right of way.

Wiltshire Council Environmental Health – Raise no objections to the proposals but would wish to be consulted on any future proposals for any floodlighting or amplified public address system.

Wiltshire Council Leisure Officer – Support plans for the designation of the land in question to recreation. Have every confidence that the proposal will be successful and will complement Wiltshire Council's vision 'To create stronger and more resilient communities'.

## **7. Publicity**

Neighbours of the development have been notified by letter and the application has been advertised by means of 2 site notices and advertisement in the local press.

At the time of writing, objections had been received from 8 neighbouring residents, some of which amount to very detailed responses, the full versions of which can be viewed on the file. However these objections can be broadly summarised as:

1. Noise and disturbance resulting from the use of the pitches, associated activities and traffic. In particular, some neighbours are concerned about the football pitch which they consider is close to neighbouring properties especially given they can already hear the existing football pitch adjacent the village hall. Contrary to Policy TR21.
2. Loss of privacy and overlooking of neighbouring properties resulting from the use of this land and stray balls.
3. The proposal would adversely impact upon wildlife and biodiversity. Concerns have also been expressed about the impact on the mature oak tree towards the centre of the field.
4. The majority of players come from outside the village and hence the proposal would significantly increase the number of vehicular movements and parking requirements of the club which the site cannot accommodate.
5. The retention of high quality agricultural land is more important to the village than the extension of recreation facilities as food production is important and the land sustains employment use. This is contrary to Policy NR12. The village already has more than its fair share of recreation space (>30% NPFA guidelines) so additional facilities should be accommodated in villages which do not meet the guidelines. In a village survey in 2008 regarding a proposal to use other farmland as recreation, 650 were against and 62 were for.
6. The club has been offered the use of the existing football pitch at Barn Field which is currently under-utilised. Alternatively, their current arrangements with Marden cricket field should be used.

7. The proposal would take away direct access to the countryside from neighbouring residents.
8. The area should not be developed because it is in a conservation area.
9. The footpath will be more difficult to maintain with the additional use resulting and it will also need to be fenced off. Large nets would be unsightly and harmful to the area. Stray balls or use of the footpath during play would cause a major health and safety hazard.
10. The applicants have supplied much misleading/ false information regarding 'prior consultation' – this was not carried out with residents or the parish council, and also comments concerning the proposal may prevent future residential development of the site as these plans have already been shelved. The public footpath is not accurately shown on the plans.
11. Both the parish council and the village are universally against the proposal which would prevent more walkers from enjoying the footpath than it would please villagers using the new facilities for only 7 months of the year – the disbenefits would outweigh any benefits.
12. The pitch could not be fenced off to protect it as this would conflict with footpath users. The existing right of way across red lion field is already being obstructed and signs have been erected telling people to keep off the existing footpath.
13. The application includes few details about the proposed football field and its intended use.

Three letters of support have been received at the time of writing which state that;

1. There is a need for recreational opportunities, particularly for the younger people of the community who benefit from the focus and discipline of being part of the club and is an important part of their education and will help prevent anti-social behaviour.
2. The Club have been and are successful in providing such opportunities and should be supported in their plans to develop these facilities. Nothing but positive thoughts towards the proposal.
3. Sporting facilities for residents are a necessary part of community life, often becoming a centre for village functions.
4. We should support and value the many hours of voluntary contributions to this club and the community in running and maintaining the club and its facilities.
5. Barnfield would not represent a suitable alternative as it would necessitate unsightly netting due to the proximity of the road and houses.
6. If agricultural land for food production were so important, why is so much being set aside through European Directives?
7. One criticism that has been made is that many of the cricketers come from outside the village; in reply to this I say are we to become so insular that we restrict all activities within the village to residents only? If so, the village shop, pubs, the church and many other clubs would all close soon. It is quite common for children at a school to encourage friends for a nearby village to come and play cricket at their club.
8. There are many walks around the village which can be used by walkers and dog walkers. If the only reason to keep Glebe field is for a dog roaming area then I think this is not justified.

## **8. Planning Considerations**

The key planning considerations are considered to be; the principle of the development, the impact of the proposed change of use upon visual amenity (including the impact on the AONB), neighbour amenity, the public footpath (Burbage 6) and the impact upon highway safety.

### The Principle of the Development & Benefits of Recreation Provision

There are no policies within the Local Plan 2011 which have been saved that are specifically relevant to the provision of recreation space. However national Guidance contained within PPG17 outlines in Paragraph 26, the presumption in favour of the new recreation facilities to meet the needs of the local community where they are located within or adjacent to villages. In addition, Paragraph 20 sets out general guiding principles for all new open space, sports and recreation facilities, many of which are mirrored in Policy PD1 of the adopted Kennet Local Plan 2011. Paragraph 28 sets out that recreational facilities within the AONB should be endorsed

where the proposals are consistent with the primary objective of the conservation of the natural beauty of the landscape. Consequently, the proposal is acceptable in principle subject to the proposal adequately addressing several key issues. The key issues relevant to this site are considered to be; accessibility and highway safety, impact upon neighbour amenity, impact upon visual amenity, the wider AONB landscape and biodiversity, the impact upon health, well-being and social inclusion.

#### Impact upon Neighbour Amenity

With the exception of the recently built dwelling known as Maple House; the modern dwelling known as number 39A Eastcourt Road; and number 39 Eastcourt Road, the nearest properties are separated from the application site by lengthy gardens (c.54 metres). The boundaries with neighbouring residents benefit from a degree of cover provided by fencing, trees and hedging. In view of these factors and the nature of the activities and likely levels of use of the field, it is not considered that this would result in any significant harm to the amenities of the occupiers of these properties, either in terms of noise and disturbance from accessing the site or its proposed use, or from loss of privacy and overlooking.

Whilst it is true that the most affected neighbour is the recently constructed property, Maple House, which lies approximately 12 metres from the boundary of the field, the existing property currently does not benefit from the same level of privacy and cover. Views of both the property and its garden may currently be afforded from the adjacent public footpath. The garden area between the house and the application site, together with the recently planted hedge would be sufficient to preserve neighbour privacy once this has matured.

With regard to noise and disturbance, it is clear that that the proposed use as a recreation field will give rise to additional noise on a more regular basis than the existing agricultural use of the land. However, it is understood that the 'informal football field' is not intended for intensive, organised use and was simply included as an option for how the land remaining outside the proposed cricket pitch could be best utilised. Furthermore, it is not anticipated that the cricket matches would give rise to significant harm resulting from increased noise levels due to the nature of the game and also the relatively large distance between the proposed pitch and neighbouring properties over and above the existing uses of the nearby Red Lion cricket field and Barn field football pitch. Consequently, the impact of the proposed use with regard to noise and disturbance is not considered significant so as to warrant refusal of planning permission.

#### Impact Upon Visual Amenity, biodiversity and the AONB Landscape

Visually, whilst the appearance of the field would alter from that of planted crops to a turfed area, the proposal is for change of use only and no operational development such as buildings are proposed at this stage. The openness of the field will thus be maintained and the proposal would not result in any significant harm to the visual amenities of the area. Wider views would be filtered by the existing vegetation at the boundaries of the site and the lie of the land and the proposal would not adversely impact on the wider AONB landscape. The site lies immediately adjacent open countryside and the proposals confirm there is no intention to erect any floodlighting. Consequently, the impact upon biodiversity and protected species is considered minimal compared to the existing agricultural use.

#### Highway Safety & Accessibility, Impact Upon Public Footpath (Burbage 6)

The highway officer has raised no objection to the proposals and considers that, having regard to the existing parking and access arrangements, any additional parking requirements can be accommodated without being detrimental to highway safety. A detailed response has been provided from the highway officer to one objector who requested this response be altered to an objection. The highways officer has set out that no substantial increase vehicular movements over and above the existing situation is anticipated as

- i) It is unlikely that all three pitches will be in use at the same time
- ii) The fielding of a junior team and other teams in the same place will likely lead to car sharing and opposing teams would be likely to lift share/ arrive by minibus
- iii) Journeys out of the village to play cricket will likely cease or decrease

In addition, 37 of the club's members presently live in the village and could likely walk to the facility.

The facility is also accessible by public transport from neighbouring settlements.

A public footpath (Burbage 6) does run across the application site and the applicant has now submitted an amended plan detailing its route across the field. Whilst it may be preferable from the perspective of both the applicant and users for the footpath for the path to be formally diverted to the edge of the field which already appears to be the commonly walked route, the proposed change of use proposes no buildings or other structures which would obstruct users from walking the public right of way. Consequently, it is not considered reasonable to impose a planning condition requiring this to be formally diverted prior to any change of use being implemented, should Members be minded to grant planning permission. An informative is recommended to remind the applicants that the permission would not authorise the obstruction, stopping up or diversion of the footpath.

#### Other Issues, including the impact upon health, well-being and social inclusion

Whilst some objectors have raised the concern that Burbage already has sufficient recreation facilities and that the pitch should be accommodated elsewhere as the majority of players do not come from Burbage, it should be noted that some 37 existing members live in the village of Burbage. The vast majority of members come from Burbage and the surrounding settlements. It is therefore considered that the proposed extended facilities would serve the needs of the 'local community' and are not disproportionately large for the local catchment.

The Club have also set out how their proposals provide opportunities for positively impact upon health, well-being and social inclusion and this is formally reflected in the Club's 'Clubmark' accreditation. Such benefits are supported by the Council's Leisure Team who consider that the proposal will assist in delivering the Council's objective for stronger and more resilient communities.

The Club have also now provided information which clearly details why Barn Field is not considered a suitable alternative to their proposals in response to objectors suggestions, pointing out that it is far better to have one conjoined facility for cricket than two separate sites sites, and that the overlap between fixtures would mean that a conflict of use would arise, as well as presenting maintenance difficulties for a cricket pitch on a surface used for football. .

### **9. Conclusion**

It is considered that the proposal would not result in significant harm to the amenities of neighbouring occupiers, visual amenity, the wider AONB landscape, biodiversity nor would it be detrimental to highway safety. The proposed extension of the Club's facilities would likely promote greater use by the wider community (including ladies and youth teams) and is in accordance with the Council's objectives.

### **RECOMMENDATION**

Approve with conditions as follows

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 No loudspeakers, public address system, or other amplification equipment shall be used on the site.

REASON:

In order to protect the amenities of nearby residential properties

- 3 No external lighting (including any floodlighting) shall be erected or installed anywhere within the site or anywhere outside of the site for the purposes of lighting any part of the site.

REASON:

In the interests of visual and neighbour amenity.

- 4 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref: Site Location Plan received on the 12th August 2010 and the Proposed Use of Glebe Field Block Plan received on the 1st October 2010.

- 5 INFORMATIVE TO APPLICANT:

The applicant is requested to note that public footpath 'Burbage 6' transects Glebe Field and that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. A separate application under the Town and Country Planning or Highway Acts would be necessary.