

## **Item No. 20**

<b>APPLICATION NUMBER</b>	<b>CB/12/01812/FULL</b>
<b>LOCATION</b>	<b>The Recreation Ground, The Rye, Eaton Bray</b>
<b>PROPOSAL</b>	<b>Erection of all weather training pitch with associated fencing and floodlighting.</b>
<b>PARISH</b>	<b>Eaton Bray</b>
<b>WARD</b>	<b>Eaton Bray</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Mustoe</b>
<b>CASE OFFICER</b>	<b>Nicola Darcy</b>
<b>DATE REGISTERED</b>	<b>06 June 2012</b>
<b>EXPIRY DATE</b>	<b>01 August 2012</b>
<b>APPLICANT</b>	<b>Eaton Bray Parish Council</b>
<b>AGENT</b>	<b>Mr Farnfield</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The Assistant Director is sending this application to Development Management Committee following the concerns raised by the Environmental Health Officer</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

### **Site Location:**

The application site is a recreation ground situated at the corner of The Rye and Totternhoe Road in Eaton Bray. The green is approximately 98m wide by 148m in depth. There is a full sized grass football pitch, small children's playground, a car park of 43m by 13m and a delapidated pavillion which is to be demolished as part of this application.

The site is located within the South Bedfordshire Green Belt.

### **The Application:**

Permission is sought for the demolition of an existing derelict pavillion, relocation of a grass football pitch and the construction of an all weather sports pitch with associated floodlighting and additional car parking.

The pitch would measure 51.75m by 32.45m with 3m high ball-stop fencing (4.5m behind the goals).

The pitch would be illuminated with 6 no. 8m floodlighting masts.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework**

#### **Regional Spatial Strategy East of England Plan (May 2008)**

ENV7 Quality in the Built Environment  
SS7 Green Belt

## South Bedfordshire Local Plan Review Policies

BE8 Design Considerations  
R16 Control - Sports/Recreation Facilities  
T10 Parking - New Development

*The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the Bedfordshire Structure Plan and the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies detailed above are consistent with the Framework and carry significant weight.*

## Supplementary Planning Guidance

Central Bedfordshire Design Guide  
Local Transport Plan Appendix F: Parking Standards

## Planning History

None

## Representations: (Parish & Neighbours)

Parish Council	No comment
Neighbours	98 For, 31 Against. Objections raised include: <ul style="list-style-type: none"><li>- Parking</li><li>- Highway safety</li><li>- Light pollution</li><li>- Noise</li><li>- Contrary to Village Green Act</li><li>- Lack of toilet/changing facilities</li><li>- Impact Upon Trees</li><li>- Surface water drainage</li><li>- Noise caused by footballs on the fencing</li></ul> <p>Support - Need for the training facility in this location</p>

## Consultations/Publicity responses

Chris Heard, Orders & Commons Registration Officer	No objection, see 'Village Green' for background information
Tree and Landscape Officer (13/07/12)	No objection following e-mail correspondence with agent

Environment Agency (11/06/12)	Recommends the IDB be consulted
Internal Drainage Board (29/06/12)	Recommends condition
Sport England (22/06/12)	Support
Highways Consultant	<p>Given that additional parking on the Village Green cannot be achieved for legal reasons then it is my view that:-</p> <p>i) the provision of a formal parking layout (with bays properly marked out);</p> <p>ii) the provision of the four additional spaces on the footprint of the soon to be demolished pavilion as shown on Option 1 (the preferred option); and</p> <p>iii) the conclusion of a S106 Agreement with the applicant and the Parish Council as “landowner” to ensure that the full size sports pitch and all weather pitch would not be used at the same time and that a 20 minute delay would be implemented between the change over,</p> <p>will minimise the potential on-street parking issues that would otherwise arise with respect to this proposal.</p> <p>In such circumstances and in the absence of any formal parking standards, it is my view that it would be difficult to prove that the existing on-street parking issue would be made worse if this scheme was permitted. Therefore if the measures set out above are implemented, I do not consider that an objection on highway grounds could be sustained.</p>
Highways Agency (11/06/12)	No objection
Environmental Health Officer (30/10/12)	Concerns regarding illuminance levels and noise disturbance. (See Impact Upon Amenity)

### **Determining Issues**

The main considerations of the application are;

1. Policy Principles
2. Impact Upon Amenity
3. Village Green
4. Highways
5. Archaeology
6. Trees and Landscaping

## Considerations

### 1. Policy Principles

The application site is washed over by the South Bedfordshire Green Belt. The protection of Green Belts is one of the core planning principles embodied within the National Planning Policy Framework (NPPF).

- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it: is not inappropriate development

The proposed sports pitch falls within the above criterion of the above policy in that the development would provide a facility for outdoor sports. Subject to further considerations with regard to harm to the Green Belt, the development may not be inappropriate development for which very special circumstances would be required.

Policy R16 of the South Bedfordshire Local Plan Review states that '*Proposals for the development or use of land in the countryside for organised outdoor sport or formal outdoor recreation, including noisy sports, will be treated on their merits, and that; 'When considering such proposals, the district planning authority will pay particular regard to the effect of the proposals on the openness and visual amenities of the Green Belt and quiet enjoyment of the countryside. Planning permission will not be granted, except in very special circumstances, for development for indoor sport or recreation in the countryside.'*

It is considered that the proposed facility would address Eaton Bray Lions AFC's need for a local all weather training pitch facility to support the needs of the expanding club which now has 22 teams with 275 young players and has reached the status of a FA Charter Standard Club. The nearest all weather training facilities suitable for football are in Dunstable and Leighton Buzzard which would not be accessible for existing and potential club members who do not have access to a car and is not conducive to maintaining and attracting players and coaches from the Eaton Bray area. An all weather floodlit facility is important for football training as this allows training and coaching to take place throughout the year on a consistent surface especially during the weekday evenings which is the peak period for training.

The facility would be available for the three local primary schools to use during the week to support the delivery of the PE curriculum and extra-curricular activities. The shared use of the facility would also strengthen school-club links. The pitch would also be available for the local adult football club to use as well as other community groups and would reduce wear on the grass pitch which is currently used for training and matches and would have the consequential benefit of improving the quality of the green.

Overall, it is considered that such a development would provide an important sports facility, allowing a growing rural population of children access to sport and would be acceptable in terms of Green Belt policy.

## **2. Impact Upon Amenity**

There have been over thirty objections with regard to the impact of the physical features, such as fencing and the impact of noise and lighting upon the tranquillity of the village and immediate properties.

The Environmental Health Officer has commented as follows; the lighting scheme showing that 2.5 lux contour does not overspill beyond the recreation ground boundary the scheme still shows a maintained average illuminance of 253 lux after 4000 hours and an initial illuminance of 329 lux. Sports governing bodies recommend appropriate illuminance levels; for Class II, intermediate level competition an average maintained illuminance level of 200 lux would apply, but for Class III, lower level competition and supervised training an average maintained illuminance level of 75 lux would suffice. Such high levels of lighting could encourage higher levels of competitive sports use on the pitch. Amendments to the lighting scheme can be secured by condition.

The applicant considers that noise from the pitch would be acceptable when compared against the existing background noise in the area. However the applicant has not quantified this assertion. The proposed use is 7 days per week, with up to 10.5 hours usage on Monday to Friday and up to 9 hours usage on Saturday, Sunday and Bank Holidays. Currently Eaton Bray Lions AFC hosts 23 teams with the hope to have 25 teams in the future.

The Environmental Health Officer considers that it is not possible to compose an appropriate condition with respect to the use of the pitches as it would be difficult to enforce.

Although the Eaton Bray Lions require the pitch to be available until 9.30pm during the week (due to half hour training slots), they have agreed to reduce the proposed hours of use to 9pm during the week and from 10am to 5pm on a Saturday and from 10am until 4pm on a Sunday. There are examples of other similar all-weather sports pitches in the district, Cedars Upper School in Leighton Buzzard and Manor Road in Caddington and both of these pitches have a 10pm curfew.

Nuisance from this nature of development can be caused by lighting and hours of use but we consider on balance that these matters can be adequately controlled by condition and would not in themselves justify the withholding of planning permission.

## **3. Village Green**

Following detailed consideration of Eaton Bray Parish Council's letter dated 16 March 2012 and the other documents referred to, the Orders & Commons Registration Officer is of the view that as this proposed all-weather facility is to be made available to the local community free of charge, then it could benefit the whole of the local community through a better enjoyment of the village green.

As mentioned in the letter dated 7 November 2011 from the Defra Minister for Natural Environment and Fisheries to Andrew Selous MP no special permission is required for works on land registered as a town or village green, if the works are for the better enjoyment of the green.

The Orders & Commons Registration Officer has pointed out that It is a criminal offence under Section 12 of the Inclosure Act 1857 and Section 29 of the Commons Act 1876 to damage or encroach upon a town or village green. However, as indicated in the National Association of Local Councils Legal Topic Note at paragraph 10, the proposed football facility even though an encroachment on the green does not infringe Section 29 of the Commons Act 1876, as the facility will assist local people to indulge in lawful sports and pastimes.

In addition as pointed out by Eaton Bray Parish Council if the football training is permitted to move from the village green to the all-weather pitch, the grass surface of the green will be protected from damage in inclement weather

To ensure the use of the all weather pitch is available for community use, a Section 106 Agreement has been drafted to allow community use for the Parishes of Eaton Bray and Northall.

#### **4. Highways**

The advice from the Football Club is that over the years a typical 11-a-side match has involved circa 25 - 26 players+ and supporters. With coaches, probably doubling up as linesmen and a referee; this probably increases the number to circa 28 to 30 people plus supporters.

This level of use has generated more than 15/16 cars and has resulted in some overspill occurring on The Rye. The main reason given for this is that the existing car park is not formally laid out and hence any excess above 15/16 (not quantified) leads to overspill.

With the new facility in place, it is anticipated that either one of the 11-a-side teams will train on the full pitch (circa 7-a-side format) with a total of 14 players (+coaches) or that two of the 7-a-side teams (10 per squad) will each train on half the pitch – i.e. a total of 20 players (+coaches).

This is slightly less than the total number of people attending typical 11-a-side game.

The Football Club has advised that the AWP cannot practically cope with more players than that at any one time given the size of the facility.

In response to the concerns raised that the two facilities - i.e. the pitch and the all-weather pitch - will be used simultaneously, thus increasing the demand for off-street parking; the Football Club has agreed to covenant within the lease from Eaton Bray Parish Council, that the two facilities will never be used at the same time and that there would be a time delay of 20 minutes between the use of one facility and the other.

Whilst this “covenant” would go some way to addressing the concern raised, it cannot be conditioned under the Town and Country Planning Act. Therefore, in order that such a “covenant” can be controlled effectively, it is suggested that the matter should be subject to a Section 106 Agreement with the Football Club, the Parish Council and Central Bedfordshire.

It is also suggested (by the Football Club) that the relocated grass pitch will be used for U11-12 football where the format will be 9-a-side rather than 11-a-side. This is the new FA format and is governed by goal size. Thus the smaller format will result in fewer players and spectators reducing parking demand. However the retained grass area is large enough to accommodate a full adult pitch if ever required, therefore a higher demand for car parking could arise in the future.

In an effort to improve the existing parking provision, the Football Club offered to formally mark out the car park to provide 18 spaces plus 2 disabled spaces as part of the original planning application. Following discussion with the Parish Council, it has been agreed that the existing pavilion will be demolished. Therefore there is potential to use part of the area currently occupied by the building as additional parking. The Football Club has suggested that 4 additional spaces (bringing the total to 24) can be provided without compromising the space needed for a new pavilion.

This represents a potential 50% increase above the current car park format. Whether this is sufficient to meet the likely demands of the Football Club is not clear, as the amount of on-street parking that occurs has not been quantified.

Although the provision of 24 spaces is a significant improvement over the existing arrangement, the Highways Officer states that his instinctive reaction to this level of provision is that it is still on the low side. Following the removal of the pavilion, it would be possible to provide more within the existing footprint or at least create the possibility of allowing overspill onto the grass area between the existing pavilion and the main pitch.

As the Council does not have any parking standards to determine the level of provision required, it is difficult to be prescriptive about where the line of acceptability is drawn. If the use of the facilities can be controlled by use of a Section 106 Agreement, then the initial concerns over the lack of parking provision are diminished.

The Parish Council have agreed to enter in to a Section 106 agreement to ensure that prior written consent is sought from the Council should any other event (including a football matches on the grass pitch) take place on the Green simultaneously whilst the all weather sports is in use.

## **5. Archaeology**

The proposed development site lies within the core of one of the medieval settlement areas in the village of Eaton Bray (HER 16884) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest.

Mentioned in the Domesday Survey of 1086 AD Eaton Bray is likely to be at least late Saxon in origin. Following the Norman Conquest the village developed as a polyfocal settlement, comprising a number of dispersed, yet interlinked hamlets. These settlement foci are still recognisable in the placenames today as "Ends" and "Greens" and there appear to have been four occupation areas: Moor End, Eaton Green Common, St Marys and Great Green Common. The application area is located within the Great Green Common settlement and may be within the site of the linear green associated with the hamlet. There have

been a number of archaeological investigations within Eaton Bray, some of which have demonstrated the presence of archaeological remains relating to the medieval and post medieval development of the village. In addition information recently obtained from the Portable Antiquities Scheme indicates the presence of hitherto unknown settlement activity on the periphery of the historic village core.

The archaeological potential of the proposed development site has been summarised by the Archaeological Desk-Based Assessment (Farnfield, March 2012) which accompanies this application, and this document also outlines the elements of the development that will have an impact on any surviving sub-surface archaeological remains (lighting, pitch construction, drainage and fencing). The extent of these impacts are also detailed in drawings no.5 (elevations and sections), no.006 (floodlighting scheme) and no.007 (drainage). Drawing no.5 in particular indicates that in places excavation will reach a depth of over a metre. Archaeological excavations at Popular Farm to the south-east of the proposed development site (ASC 2004) indicated that medieval deposits are located as close to the surface as 0.56 metres. Consequently if archaeological deposits are present within the application area then they will be destroyed as a result of the development, and the proposed impacts are such that the most appropriate method of investigation would be a strip, map and sample of the whole pitch/fenced area.

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the heritage assets. This will be achieved by a programme of strip, map and sample which will facilitate the investigation and recording of any archaeological deposits that may be affected by the development.

In order to secure the above, an appropriately worded condition has been attached to this permission.

## **6. Trees and Landscaping**

The artificial pitch is offset to avoid the trees on the eastern boundary, and the loss of the Horse Chestnut tree, near the south-eastern corner of the site, is now of no consequence as it is already dead.

However, there are concerns regarding the adverse impact on mature trees within the car park area, in particular a fine Copper Beech tree. The trees in the car park area are strategically positioned to screen this new structure and they also confer a high degree of visual amenity on the surrounding area.

The application proposed to install the southern end of the new pitch, and a new macadam pathway, directly to the north of the Copper Beech tree, encroaching within its Root Protection Area (RPA), which was likely to have a detrimental impact on tree health. The RPA was calculated as requiring an 11m radius, based on the tree having a trunk diameter of 920mm (Ref :- BS 5837 : 2012 "Trees in relation to design, demolition and construction").



To a lesser degree, there will also be an impact on the RPA of further mature trees in the car parking area, where fibrous feeding root systems would have preference to growing within the existing adjacent grass areas, and where these are now to be covered over and utilised with hard surfacing .

Therefore, in order to avoid root damage and to safeguard the important landscape function that these trees have on visual amenity and screening the high fencing/floodlights, the agent proposes to use a plastic grass mat surface which would mitigate the initial concerns.

## **Recommendation**

That Planning Permission be GRANTED subject to the following:

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **Before development begins, the position of the pitch shall be pegged out on site and its position approved in writing by the Local Planning Authority.**

**Reason: To enable consideration to be given to the precise layout of the development.  
(Policy BE8 S.B.L.P.R).**

- 3 The all weather sports pitch and associated floodlighting shall not be used outside the hours of 09:00 to 21:00 on Mondays to Fridays, outside the hours of 10:00 to 17:00 on Saturdays and 10:00 to 16:00 Sundays, Bank and Public Holidays.

Reason: To protect the amenities of the area.  
(Policy BE8 S.B.L.P.R).

- 4 **No development shall take place until the applicant or developer has secured the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.**

**Reason: To record and advance understanding of the significance of the heritage assets with archaeological interest in accordance with paragraph 141 of the National Planning Policy Framework.**

- 5 **Prior to the construction of the all weather pitch, the existing pavilion shall be demolished and removed from the site and the additional parking spaces shown of Drawing No. shall be marked out and retained for purpose thereafter.**

**Reason: In the interests of Highway Safety.**

- 6 All proposed external lighting shall be correctly adjusted and maintained so that it illuminates the intended area only as indicated on the approved Plan and does not throw lighting beyond thereby ensuring minimum light pollution.

Reason: In the interests of visual amenity.  
(Policy BE8 S.B.L.P.R).

- 7 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**Reason: To ensure a satisfactory standard of landscaping.  
(Policy BE8, S.B.L.P.R).**

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001, 01, 002, 003 Rev 01, 04, 05, 006, 007, TB108/H/CR Rev A & T1.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed all-weather sports pitch would provide a rural sports facility both for a local football club and wider community use. With the imposition of appropriately worded conditions, the development would not have a detrimental impact upon the openness or visual amenity of the Green Belt or a significant adverse impact on the residential amenity of neighbouring properties. A Section 106 Agreement ensures that the proposal is acceptable in terms of highway safety therefore by reason of its site, design and location, the development is in conformity with Policy ENV7 in the East of England Plan (May 2008), Policies BE8 and R16 of the South Bedfordshire Local Plan Review 2004 and the National Planning Policy Framework.

### **Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).

2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. This permission is subject to a legal obligation under Section 106 of The Town and Country Planning Act 1990.
4. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

**DECISION**

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