

## Appendix B

Draft Minute from Area South Committee 2<sup>nd</sup> November 2011

### **11/03605/R3D – The creation of artificial grass pitch with adjoining warm up area, spectator terracing, fencing, floodlighting and associated landscaping and engineering works Yeovil Recreation Centre Mudford Road Yeovil – Applicant: South Somerset District Council**

The Planning Officer presented the report, updating members that several more letters had been received mostly to give apologies for not being able to attend the meeting. He also reported that two other letters had been sent to the MP and forwarded to the Chief Executive of SSDC largely referring to party political issues, the attitude of the council in past dealings with Yeovil Recreation Ground and with regards to the current application and planning issues already raised by previous representations.

With the aid of a powerpoint presentation, the Planning Officer then proceeded to highlight to members:

- Site location plan of Yeovil Recreation Centre which currently comprises an extensive area of football and rugby pitches, athletics arena, a pitch and putt course and flagship play area
- Local plan inset map defining the No Development Area explaining the constraint of Policy EH10 and the provisions of PPG17
- Confirming that a robust assessment of needs and opportunities had been submitted and been accepted by the planning policy officer
- Plan of current Public Rights of Way through the site informing them that a separate Public Path Diversion Order is currently being processed and that this a completely separate issue and should not prejudice any decision
- Proposed layout plan showing path links and covered cycle shelters
- Indicative plan of proposed Rights of Way
- Proposed Lighting plan including re-contouring of ground levels indicating the proposed area 68m x 101m plus 20m x 40m warm up area
- Proposed floodlighting to include 8 x columns at 15m high and 3 x columns at 10m high confirming the proposal will be located next to the Athletics Arena which already includes lighting
- Proposed landscaping plan – 49 additional trees to be planted
- Existing and proposed outdoor playing space
- Existing sports pitch layout and proposed pitch layout – Sports England have reviewed this and are in support subject to a condition requiring a detailed football pitch layout to be agreed in due course
- Proposed drainage plan
- Proposed CCTV coverage plan – cameras to be cited on proposed floodlighting columns
- Plan of proposed new sport pitch layout – loss of 1 rugby pitch
- Image of section of fencing and spectator terracing – 3m, 4m and 5m high fencing to be finished in green
- Various photographs of the site including:
  - Proposed area of development in relation to properties in Marsh Lane
  - Sloping ground levels within the site
- Presentation plan of proposed development in relation to existing playing field, car park and Athletics Arena

The Planning Officer also advised members that whilst the Artificial Grass Pitch (AGP) will be used for hockey for most of the time, the remainder of the time it will be available for use by the local community, sports clubs and college for recreational activities such as football and tennis.

He also highlighted the hours of illumination of the floodlights and that in order to allow 15 minutes for the users of the facility to vacate whilst afforded some light he proposed that Condition 3 be revised to add an extra 15 minutes to the turn off time.

This condition would be revised to read '*The floodlights hereby permitted shall not be illuminated except between the hours of 0900 and 2215 hours Monday to Friday, 0900 and 1815 Saturdays, Sundays and Bank Holidays. Reason: To minimise any potential nuisance and disturbance to neighbours and the surrounding area to accord with PPG17 and policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006)*'

He also explained that due to the difference in ground levels some engineering works are required to create a level AGP facility. This would include the re-profiling of the grassed area around the AGP due to the excavation required, with the spoil from those works partly retained on site to raise the level to the north of the AGP to re-profile sloping football pitches and to the west where spoil would be used to create a gentle mound to receive tree planting. He pointed out that some of this re-profiling would extend outside the red-line application area to the north but such works were considered de-minimis and perhaps could even be argued permitted development.

The Planning Officer appreciated the problems this may cause during the construction phase and that in order to maintain pedestrian access around the site he proposed that an additional condition 14 be included to give members of the public a greater certainty regarding the construction phase and temporary safety security regarding other events that take place on the recreation ground.

This condition would read '*No works shall be carried out unless a Construction Method Scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the phasing of works and the positions of temporary safety/security fencing to be erected during the course of the development, which shall be set so as to allow at least a 3m-access strip adjacent to the rear boundaries of properties on Marsh Lane in order to maintain pedestrian access around the site. The scheme shall also indicate the location(s) of excavated spoil and the height of such piles. Reason: In the interests of clarity*'

In conclusion the Planning Officer therefore recommended that the Area South Committee resolved to recommend to the Regulation Committee that the application be approved with conditions as set out in the agenda report with revisions to Condition 03 and an additional condition, No.14.

#### **Members of the public were then invited to address the meeting.**

Several members of the public then spoke in opposition to the application. Several comments were made, which included the following:

- Lovely open space in the centre of Yeovil, this proposed development would equate to 30% of the overall site
- Substantial amount of the money coming from the Lyde Road Key Site Section 106 obligation. Should this money be better off spent elsewhere as cost could be over half a million pounds on a project for the minority.

- Application based on the assessment of need from statistics back in 2006
- As the applicant, the Council are making a decision on their own application, process needs to be more open
- The application has been fast tracked as the proposal is quite weighty and intimidating not giving enough time for representation
- No acoustic report done as had been undertaken for the Bucklers Mead facility
- Increased noise from the facility, especially as Hockey is predominantly a winter sport and no leaves on the trees
- Whole floodlighting near houses is totally unacceptable and increased light pollution
- Increase flooding issues especially in and around houses at Pickett Lane
- We have the right to privacy (See Article 8 Human Rights Act, Hatton V UK)
- Public Right of Way currently running through the site, who has the right to divert this order
- How much general public consultation has taken place, haven't taken into account public opinion
- Why the special need for an AGP for hockey. Why not a grass pitch
- Wrong to take this land away from Yeovil resulting in a loss of freedom enjoyed by users of the Rec including picnic areas, dog walking and impromptu ball games
- Gradient around hockey pitch will be spoilt making it a no go area for walkers, pushchairs and wheelchair users
- Should be an area for the whole community and yet this facility will serve a minority of people
- This area given to the town and should remain open recreation and playing fields in perpetuity for the people of Yeovil
- Money would be better off spent elsewhere, especially given the current economic climate
- Increase in light pollution for residents in Marsh Lane especially adding to the floodlighting already in place for the athletics arena
- Current Hockey club struggling with membership and moved around over the years, what says they will stay at the Rec for any period of time
- increase the car parking problems at the Rec
- the Rec is a gift and well maintained, this would destroy the whole ambience
- Yeovil's natural gem, don't destroy with concrete
- Cause traffic problems in and around area as insufficient road infrastructure in place to cope
- Costs will no doubt escalate and could end up costing millions
- Children need to have the freedom to play on open fields without the pressures of organised clubs as the only option for play
- No comparison between an open green field and a huge fenced area of artificial turf
- Why other grass pitches being lost for one hockey pitch
- Need to preserve the open green space for residents of Yeovil to enjoy

Several members of the public then spoke in support of the application. Several comments were made, which included the following;

- Great opportunity for reinvestment in young people
- Students need sport to develop their skills
- Yeovil and South Somerset has a shortfall of hockey and artificial grass pitch provision as currently only one AGP in Yeovil
- College home fixtures over the last few years have had to played as far afield Shepton Mallet

- Create a stronger link with the local community, local schools and college which could lead to development of future representation at county level and beyond
- The Hockey Club Chairman summarised the history of the club since the 1972 merger of Yeovil and Sherborne and the move to the all weather red gravel pitch at Buckers Mead, this saw an increase in membership
- Around 1990 the club moved to the new astro pitch at Yeovil Football Club, which again saw increase in membership
- When the pitch at Huish Park was deemed unsuitable the club was forced to find a new home hence the move across the Dorset border
- Steady decline in senior players and understood this is due to the Dorset base and the disjointed way in which the club has had to be run since 2003
- Facility will give a far better accessibility to the community with a potential to increase hockey awareness and sport participation in all ages and abilities
- Currently hockey is only retained at Yeovil College as an indoor sport and this facility will give a much need access to an all weather playing surface which will potentially involve more local schools as there is currently little provision for hockey in schools in the local area
- AGP are now the only recognised surface for any form of competitive hockey
- The AGP is conveniently located next to existing changing facilities and good access to parking areas
- Proposed pitch will be of high quality which will have significant benefits for training and competitive matches that could see County events held in the town
- This facility will have a huge community benefit within the town
- Clubs need these facilities to prosper in order to help the community and young people to develop
- The current 3G facility at Bucklers Mead is recognised as an excellent facility and in huge demand, could be booked three times over
- Sport is a great way of helping youngsters achieve, these facilities will benefit local people and in Olympic year will inspire youngster to play

In response to issues raised, the Planning Officer confirmed that:

- The application is accompanied by a Flood Risk Assessment. It is understood that engineering works were undertaken to rectify the historic problem at Pickett Lane associated with surface water run-off from the Recreation Centre and that no further incidents of flooding have been reported
- The Council has taken legal advice on the matter of the Declaration of Trust and is satisfied that there is no conflict
- The funding and costing of the development is not a material planning consideration

Steve Joel Assistant Director (Health & Well Being) the Applicant, then spoke in support of the application. He explained the principal case for need and that an analysis and feasibility study was first undertaken back in 2005 for hockey and football provision for the local area. The results of this consultation and assessment showed that across the district there was a significant shortfall of AGP provision and that Yeovil was shown to have the greatest shortfall. He further added that SSDC was identified as having the lowest provisions available out of the five local District Council's in the area.

He has no doubt that the facility is needed and will be well used taking into account the current usage of the Bucklers Mead facility. He emphasised to members that the

funding of the project has already been secured for a total of £593,000 for the pitch, with commitment of £117,000 from the England Hockey Board indicating the commitment of the need for this facility and £476,000 from Barratt Homes – who are developing the Wyndham Park development off Lyde Road.

He concluded that a site assessment was carried out to establish the best site for the required AGP with the outcome showing that Yeovil Recreation Centre is the preferred site. He stated that this proposal was not a pre-cursor for the reinvention of the Sports Zone project and in fact, in his opinion, the proposed siting of the AGP facility would effectively prevent a Sport Zone 'type' development taking place on this part of the Yeovil Recreation Centre. Given the Council's decision not to pursue Yeovil Recreation Centre for Sports Zone other sites in and around the town were being investigated. He also rebutted claims from objectors that the development would cost £1million.

Mr Paul Ellingham the Agent, spoke in support of the application. He explained that the proposal had been very carefully designed to minimise impact on surroundings. He felt the amenity space lost to the AGP would be far less than 30% as previously suggested and that all relevant noise and lighting impact assessments had been fulfilled. He concluded that this was an excellent proposal and design and was satisfied with the recommended conditions to the application.

In response to questions, members were informed that:

- Additional condition 14 would allow the applicant to work within the confines of next years June Jubilee festivities to be held at the Recreation Ground and that the applicant is fully aware of this planned event. This condition should allow enough flexibility for the works to be phased.
- The Council are fully aware of the Declaration of Trust and within that declaration, the Council's predecessor agreed to hold land for the purposes of public recreation. The Council had taking legal advice on this matter and is satisfied that there are no conflicts. The Principal Legal Executive confirmed that this was not a material planning consideration.
- Majority of the proposed additional trees would be deciduous as to change would be detrimental to the character of the park
- Height of trees could grow to approx 20 metres, however it was felt that there was a significant distance away from residential properties so as to have any negative impact

Councillor Tim Carroll, Ward Member referred to the Declaration of Trust. He indicated that this was a separate issue but that the Council had a moral duty that land be used for public recreation and for the purpose of recreation and considered the AGP to be a playing pitch for this purpose. He informed members that as he was a member of the Regulation Committee he would abstain from voting.

Councillor Ian Martin, Ward Member appreciated that this was a sensitive subject but felt that there was currently a shortfall of these facilities in the town and felt a need to provide these facilities. He believed it would occupy only a small part of the Rec and that the representation received equated to only a small percentage of the local community.

Councillor Wes Read, Ward Member reiterated previous Ward members' comments and had nothing else to add.

During members' discussion, several points were raised including the following:

- Based on evidence there is a significant need for this type of facility
- We need this type of facility in Yeovil to help the development of sport in the community
- Concern over the visual impact on the Rec
- Concern over the current Town Green Application
- Mindful to give away open space as premium in Yeovil
- Reassurance regarding the consultation procedure
- Majority of Rec would still be open space
- Excellent provision for the students of Yeovil College and other local schools who will benefit
- Sport is vital in society and for the development of children and therefore need to support
- Unsure whether this is the correct site for this facility
- Excellent opportunity to plan for future generations to enjoy
- Opportunity to be able to enjoy sport all year round
- Desperate need for this type of facility
- Satisfied with lighting issues and proposals for minimal impact for surrounding residents

In response, the Planning Officer informed members that the specific site for the AGP had been chosen in order to minimise the loss of amenity due to noise and it was not considered to be unreasonable over this distance as the nearest residential properties were in excess of 100m away. He also reported that the standard consultation process had been undertaken which included notification letters sent to residential properties which adjoined the application red-line, notices posted on site and an advertisement in the local press.

It was then proposed and subsequently seconded that Area South Committee recommend to the Regulation Committee that the application be approved with conditions as per the officer recommendation with revisions to Condition 03 and an additional condition, No.14. On being put to the vote this was carried by 10 votes in favour, 5 against and 3 abstentions.

#### **RESOLVED:**

**That the Regulation Committee be advised that Area South Committee recommend the grant of planning permission for the following reason:**

The proposal maintains the visual characteristic of the area whilst safeguarding residential amenity and meets a proven special recreational need in accordance with the aims and objectives of Planning Policy Statements 1, 9, 23 and 25; Planning Policy Guidance Notes 13 and 17; Policies STR1, STR2, STR4, 1, 37, 39, 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000) and Policies ST5, ST6, ST9, EP3, EP4, EH10, TP1, TP3, TP5, TP6, CR1 and CR9 of the South Somerset Local Plan (adopted April 2006).

#### **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 accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - a. Location Plan, Drawing No. AS/092/04A
  - b. Proposed Layout Plan, Drawing No. AS/092/03D
  - c. Proposed Sections, Drawing No. AS/092/07B
  - d. Outdoor Playing Space, Existing and Proposed, Drawing No. AS/092/08B
  - e. Landscape Proposals, Drawing No. AS/092/09B
  - f. Proposed Lighting Design, Drawing No. AS/092/10A
  - g. Pitch Side Elevation and Dug Out Details, Drawing No. AS/092/11
  - h. Proposed Drainage Design, Drawing No. AS/092/12A
  - i. Propose CCTV Coverage, Drawing No. AS/092/13A

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

3. The floodlights hereby permitted shall not be illuminated except between the hours of 0900 and 2215 hours Monday to Friday, 0900 and 1815 Saturdays, Sundays and Bank Holidays.

Reason: To minimise any potential nuisance and disturbance to neighbours and the surrounding area to accord with PPG17 and policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

4. The floodlighting hereby approved shall be installed in full accordance with the specification submitted within the application. Any future amendments, alterations or replacement lighting equipment shall be first agreed in writing by the Local Planning Authority.

Reason: To ensure that local residents are afforded the same protection in perpetuity to accord with policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

5. Details of the ball damper board to be installed around the perimeter of the pitch to mitigate the impact of hockey balls shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be fully installed and maintained in accordance with such agreed details prior to the first use of the facility hereby approved.

Reason: To minimise any potential noise nuisance and disturbance to neighbours and the surrounding area to accord with PPG17 and policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

6. All planting proposed within the submitted landscaping scheme, drawing no. AS/092/09B (including that proposed outside the application red line) shall be carried out in the first planting season following the first use of the facility or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain the character and appearance of the area to accord with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

7. No works shall be carried out unless the Local Planning Authority has approved in writing, the following tree protection and planting details:
  - a. A revised specification of watering, staking, mulching and the installation of strimmer guards relating to the submitted scheme of tree planting;
  - b. A Tree Protection Plan and Arboricultural Method Statement relating to all retained trees on or adjoining the site, so as to conform to British Standard 5837: 2005 - Trees in relation to construction and inclusive of: the installation of protective fencing, controlled vehicular access routes to and from the site and special tree protection and engineering measures for any required access, installation of built structures (i.e. the cycle shelter), below-ground services, drainage and hard surfacing within the root protection areas of retained trees.

Upon approval by the Local Planning Authority, the tree protection and planting details shall be implemented in their entirety for the duration of the construction of the development, inclusive of the landscaping phases and the required terms of the revised tree planting scheme.

Reason: To secure the planting of new trees and to preserve existing trees in accordance with the objectives of PPS1 and to accord with Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

8. No works shall be carried out unless a framework for the preparation of a Travel Plan to include details for the provision of hard measures shall be submitted to and approved in writing by the Local Planning Authority. The framework shall set out the proposed contents of the plan, in accordance with the guidance in PPG13: Transport - Guidance for Travel Plans.

Reason: To promote sustainable modes of transport and mitigate any increases in vehicular traffic to accord with the objectives of PPS1 and PPG13.

9. No works shall be carried out unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: To ensure construction works do not impact upon the local highway network to accord with the objectives of PPG13.

10. Before the new development is brought into use, the new pedestrian and cycle arrangements shall be fully constructed in accordance with the approved plans. Such cycle provision shall be retained thereafter.

Reason: To promote sustainable modes of transport and mitigate any increases in vehicular traffic to accord with the objectives of PPS1 and PPG13.



11. No works shall be carried out unless a scheme to ensure the continuity of use of the playing fields/football pitches shown on Drawing No. AS/092/05C has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be complied with in full.

Reason: To ensure that the use of the Yeovil Recreation Centre for pitch sports meets with National Governing Body minimum standards, are fit for purpose, and accords with the objectives of PPG17.

12. Before the new development is brought into use, a Sports Development Programme shall be submitted to and approved in writing by the Local Planning Authority, which secures the delivery of a development programme for football and hockey, and includes a mechanism for review. The Programme shall be carried out and implemented in full in accordance with the approved details.

Reason: To secure sufficient benefits to the development of sport and to accord with the objectives of PPG17.

13. No works shall be carried out unless a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system to accord with the objectives of PPS25.

14. No works shall be carried out unless a Construction Method Scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the phasing of works and the positions of temporary safety/security fencing to be erected during the course of the development, which shall be set so as to allow at least a 3m-access strip adjacent to the rear boundaries of properties on Marsh Lane in order to maintain pedestrian access around the site. The scheme shall also indicate the location(s) of excavated spoil and the height of such piles.

Reason: In the interests of clarity.

### **Informatives:**

1. With regards to Condition 11 the scheme shall ensure that the re-aligned grass pitches meet the Football Associations requirements in terms of size, quality and accessibility, and include a timetable for implementation.
2. The applicant is advised to implement the recommendations of the submitted ecological survey (Ecology Update Survey, Jackie Underhill, Sep 2011) specifically those of site enhancement.
3. The applicant is advised to review all access points to the Yeovil Recreation Centre so as not to prevent disabled access, or access by mobility scooter.

Any alterations must take into account Rights of Way and the potential requirement for planning permission.

(Voting: 10 in favour, 5 against, 3 abstentions )