

South Somerset District Council

Draft Minutes of a meeting of the **Regulation Committee** held on **Tuesday 15th November 2011** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(10.00am – 12.50pm)

Present:

Peter Gubbins (Chairman)

Tim Carroll	Shane Pledger
Nick Colbert	Sylvia Seal
Tony Fife	Gina Seaton
Ian Martin	Angie Singleton
Patrick Palmer	

Officers:

Jo Boucher	Committee Administrator
Steve Joel	Assistant Director (Health & Well Being)
Andy Cato	Area South Leads Officer
Simon Fox	Planning Officer
Amy Cater	Solicitor
Rob Archer	Principal Landscape Officer
David Shears	Senior Land Records & Research Officer
Vicki Dawson	Environmental Health Officer
Paul Huntington	Senior Environmental Protection Officer
Carl Brinkman	SCC Highways

7. Minutes (Agenda Item 1)

The minutes of the meeting of the Regulation Committee held on Tuesday, 20th September 2011, copies of which had been previously circulated, were approved as a correct record and signed by the Chairman.

8. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Mike Best, Ros Roderigo, Linda Vijeh and William Wallace.

9. Declarations of Interest (Agenda Item 3)

Councillors Gina Seaton and Tony Fife made a statement that as Member's of the Area South Committee and having already heard this application on 2nd November 2011 and took a view and voted, they will now look at the application afresh and with an open mind and make a decision based on the evidence presented today.

Councillors Ian Martin, Peter Gubbins and Tim Carroll also informed the committee they are members of Area South Committee, although they abstained from voting at the Area South Committee 2nd November 2011.

10. Public Question Time (Agenda Item 4)

A member of the public addressed the committee relating to the Yeovil Recreation Ground. She enquired as to when the Rights of Way department were made aware and instructed to divert the Rights of Way regarding the development of the Artificial Grass Pitch.

In response the Senior Land Records & Research Officer reported that they were first asked to divert in 2006 and carried out informal consultation in 2007. They were subsequently asked to proceed with the diversion order in August this year. He was first made aware of the location of the proposed AGP in mid September this year. The precise date was requested and the Senior Land Records & Research Officer confirmed it was the 15th September 2011.

11. 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 (Agenda Item 5)

The Planning Officer informed members that this application was initially referred to Area South Committee on 2nd November 2011 as the applicant is South Somerset District Council and the application represents major development. He informed members that Area South Committee resolved to recommend to the Regulation Committee that the application be approved with conditions as per the officer recommendations with revisions to Condition 3 and an additional condition, No. 14.

The Planning Officer then updated members that several more letters had been received, including issues regarding the noise level impact, flooding issues of the site and the democracy of the last meeting and the inappropriate timing of this meeting.

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.

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
- Aerial view of site
- Local plan inset map defining the No Development Area explaining the constraint of Policy EH10 and the provisions of PPG17

- 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 proposed warm up area and footpath from car park
- Proposed plan indicating distances from residential housing and re-contouring of ground levels
- Indicative plan of proposed Rights of Way, informing members if diversion is not agreed then there could be an impact on implementation
- 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 – loss of 1 rugby pitch
- Existing sports pitch layout and proposed pitch layout – Sports England have reviewed this and are in support subject to conditions 11 and 12
- Proposed drainage plan
- Proposed CCTV coverage plan – cameras to be cited on proposed floodlighting columns
- Plan of proposed new sport pitch layout
- Image of section of fencing and spectator terracing – 3m, 4m and 5m high fencing, spectator terracing and dug out area
- Various photographs of the site including:
 - Example of type of fencing to be used and finished in green
 - Site in relation to properties in Marsh lane
 - Sloping ground levels within the site

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.

In conclusion the Planning Officer recommended that the application be approved with revisions to Condition 03 and an additional condition, No.14 as set out in the agenda report.

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

Several comments were made in opposition, which included the following:

- Application based on the assessment of need from statistics back in 2006
- How much general public consultation has taken place, haven't taken into account public opinion
- Nine sites originally considered, why Yeovil Rec first choice
- Application should be invalidated until new site assessment undertaken
- Second choice of Preston School is excellent viable alternative
- Increased noise from the facility, especially as Hockey is predominantly a winter sport and no leaves on the trees

- Concern over the acoustic expert advice on potential noise measures
- Right to Privacy without high level noise impact
- As the applicant, the Council are making a decision on their own application, process needs to be more open
- Inadequate noise assessment undertaken, not enough information to decide whether noise levels acceptable or not
- Were weather conditions taken into account when assessing noise impact
- Lovely open space in the centre of Yeovil, this proposed development would equate to far more than 10% of the Rec as stated
- Increase flooding issues especially in and around houses at Pickett Lane and Mudford Road
- Why other grass pitches being lost for one hockey pitch.
- Concern raised by local clubs regarding the proposed new football pitches not meeting the suggested size and insufficient area around pitches for parents etc.
- The Rec is a gift and well maintained, this would destroy the whole ambience
- Need to preserve the open green space for residents of Yeovil to enjoy
- Wrong to take this land away from Yeovil resulting in a loss of freedom enjoyed by users of the Rec from young mums to the elderly and dog walkers
- Whole floodlighting near houses is totally unacceptable and increased light pollution
- Costs will no doubt escalate as estimates originally made in 2008
- Should this money be better off spent elsewhere as cost could be over half a million pounds on a project for the minority
- Concern regarding the security of the site
- This area given to the town and SSDC only hold in trust, therefore should remain open recreation and playing fields in perpetuity for the people of Yeovil
- Increase in light pollution for residents in Marsh Lane especially adding to the floodlighting already in place for the athletics arena
- The Village Green application should be left to be determined first

Several comments were made in support, which included the following:

- Great opportunity for reinvestment in young people
- Students need sport to develop their skills
- 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
- Facility will give far better accessibility to the community with a potential to increase hockey awareness and sport participation in all ages and abilities
- Yeovil and South Somerset has a shortfall of hockey and artificial grass pitch provision as currently only one AGP in Yeovil
 - Gives a much needed facility which will potentially involve more local schools as there is currently little provision for hockey in schools in the local area
- Clubs need these facilities to prosper in order to help the community and young people to develop
- A catalyst for future sport developments within the town producing twenty first century facilities and need to invest in the future
- Sport is a great way of helping youngsters achieve, these facilities will benefit local people and in Olympic year will inspire youngster to play
- The current 3G facility at Bucklers Mead is recognised as an excellent facility and in huge demand, could be booked three times over
- College home fixtures over the last few years have had to played as far afield Shepton Mallet

- Gives a much needed fenced off all weather pitch for all year round matches helping with flooding and dog fouling issues
- Best location in order to rebuild membership for Hockey club as more accessible and attractive to local people of Yeovil
- Not a minority sport, second most popular team sport in Britain
- The AGP is conveniently located next to existing changing facilities and good access to parking areas
- This facility will have a huge community benefit within the town
- These facilities desperately needed as Yeovil is the second largest town in Somerset with worst sporting facilities

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 the commitment of £117,000 from the England Hockey Board indicating the commitment of the need for this facility.

He reported 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 confirmed that Preston School as the preferred second choice scored less due to unsatisfactory changing facilities, car parking and greater light impact on neighbouring properties due to size restrictions of site.

He concluded however that an alternative site option was not a material consideration in relation to this application and rebutted claims from objectors that the development costs would escalate.

Mr Paul Ellingham the Agent, spoke in support of the application. He reiterated comments that the costs and assessments made regarding the site were not primary issues and that the important factor was the need for this type of facility. He said that all relevant noise and lighting impact assessments had been fulfilled and 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:

- Site selection was not a material consideration when determining this application
- Appreciated concern regarding proposed football pitch sizing, however Sport England having involved Somerset FA satisfied with proposal subject to conditions met by applicant
- Condition 13 covered concerns raised regarding drainage issues and that a full surface water drainage scheme would need to be submitted and agreed prior to commencement of works
- Aware of flooding issues in relation to property in Mudford Road and understood that this is being dealt with as a separate matter
- Clarified that Open Space is defined in the Town and Country Planning Act 1990 as land laid out as a public garden, or used for the purposes of public recreation, or

land which is disused burial ground. This illustrates the broad range of open spaces that may be of public value and therefore this proposal is fully consistent with the provision and maintenance of open space

- 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 has taken legal advice on this matter and is satisfied that there are no conflicts. The Solicitor confirmed that in any event this was a private law matter and not a material planning consideration.
- Clarified the constraints of Policy EH10 and satisfied with this type of development
- The Town Green application does not necessarily preclude a grant of planning permission, although such an application is capable of being a material consideration. It should be given little weight as it is only at application stage and there is no indication as to when it will be determined.

The Senior Environmental Protection Officer explained to members' procedures regarding the noise impact assessment undertaken of the site. He explained the closest property to the site is at a distance of approximately 110 metres and the noise attenuation is expected to be approximately 50 db. The closest garden boundary would be approximately 55 metres from the site where the noise attenuation is expected to be approximately 40 –44 db. Given this level of attenuation he considered this was not a significant risk of loss of amenity due to noise.

He appreciated that there may be occasional impulses of noise from activities on the site, however, given that activities at the site will finish at 10pm and therefore the risk of harm to residential amenity due to noise is not significant.

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

- Alternative site is not an issue when determining this application
- Based on evidence there is a significant need for this type of facility
- Felt the Town Green application should be a separate issue
- Satisfied with lighting issues and proposals for minimal impact for surrounding residents
- We need this type of facility in Yeovil to help the development of sport in the community
- 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
- Desperate need for this type of facility and fantastic asset for Yeovil and surrounding areas
- Excellent opportunity to plan for future generations to enjoy
- Mindful to give away open space as premium in Yeovil
- Unsure whether this is the correct site for this facility, could compromise the current Football and Rugby Clubs using the Rec
- Concern that this area is classed as 'No Development Area'

It was then proposed and subsequently seconded 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 7 votes in favour, 2 against.

RESOLVED:

Grant 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.

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: 7 in favour, 2 against)

12. Date of Next Meeting (Agenda Item 7)

Members noted that the next meeting of the Committee would take place on Tuesday, 20th December 2011 at 10.00am in the Council Chamber, Council Offices, Brympton Way.

.....
Chairman