

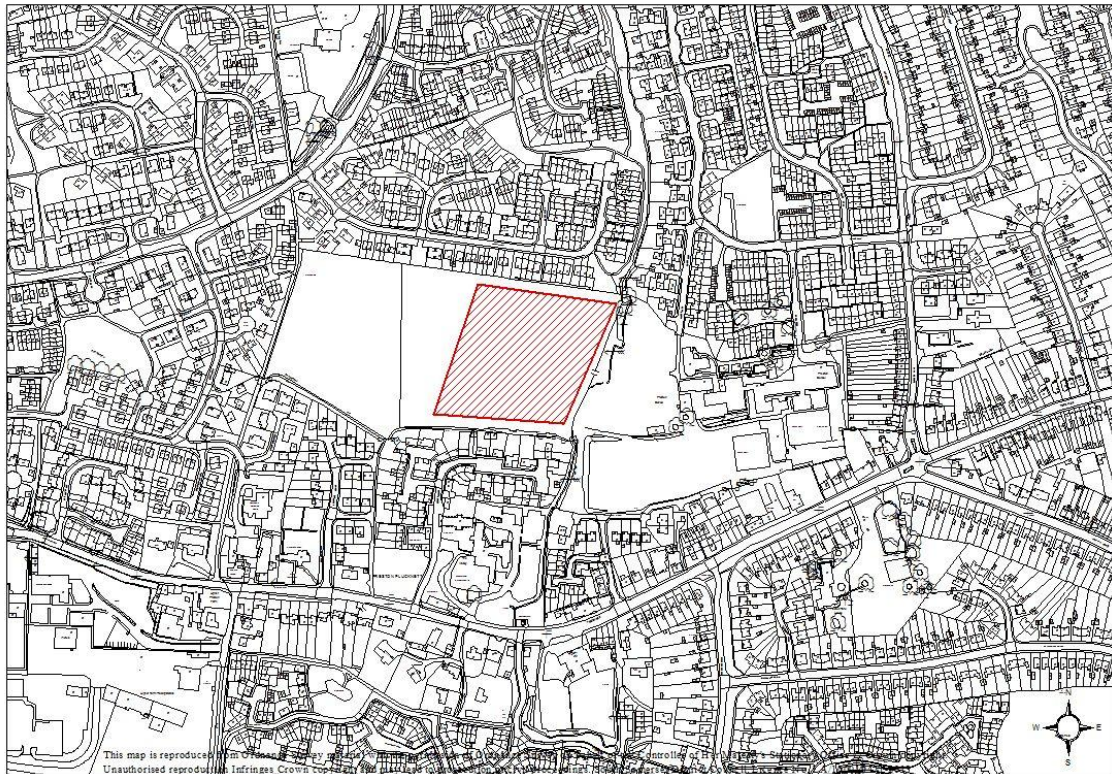
Officer Report On Planning Application: 13/01477/FUL

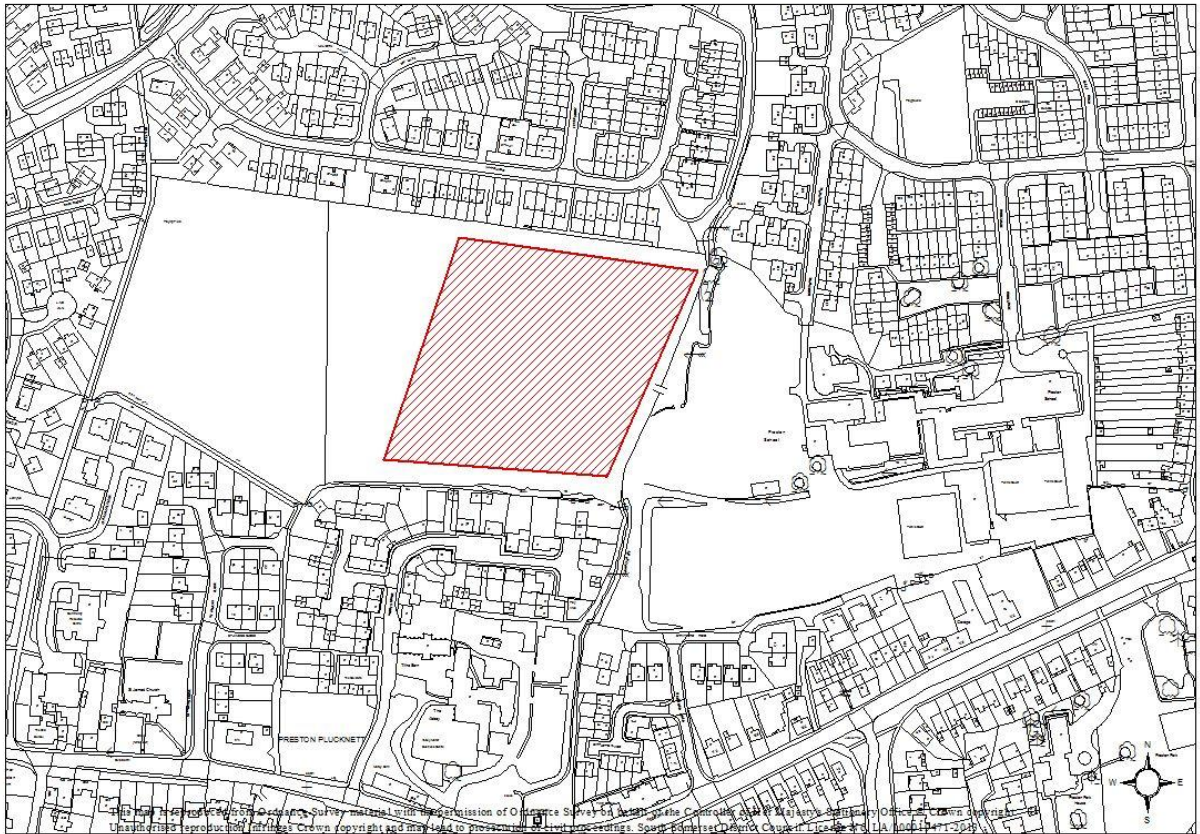
Proposal :	The creation of an all-weather sports pitch with fencing and floodlighting, the re-levelling and re-orientation and levelling of existing football pitch using spoil from all-weather pitch excavations and associated works. (GR 353945/116410)
Site Address:	Preston Academy Monks Dale Yeovil
Parish:	Yeovil
Yeovil (West) Ward (SSDC Member)	Cllr T Carroll Cllr W Read Cllr I S Martin
Recommending Case Officer:	Simon Fox Tel: (01935) 462509 Email: simon.fox@southsomerset.gov.uk
Target date :	24th June 2013
Applicant :	Mr Gary French
Agent: (no agent if blank)	Savernake Property Consultants Ltd 2 Cedar House The Parade Marlborough Wiltshire SN8 1NY
Application Type :	Minor Other less than 1,000 sq.m or 1ha

Reason for Referral to Committee

This application has been referred for Committee consideration at the request of the Development Manager in accordance with the scheme of delegation and with the agreement of the Chairman due to the extent of local objection and the comments of the Town Council.

Site Description and Proposal





The application site comprises a steeply sloping part of an existing school playing field. The playing field is located beyond a stream to the west of the main school complex. Properties at White Mead back onto the field to the north and properties at Abbots Meade, St James's Close and Old School Close back onto the field to the south. To the west are properties at Long Mead, Lime Kiln and Broadleaze, with a public footpath linking Abbey Manor Park to Preston Road. The playing field is separated into two halves divided by a hedge, and the whole field is bounded by hedging and in the case of the southern boundary mature, semi-mature trees and under-storey planting.

The proposal seeks to install a Third Generation (3G) all-weather sports pitch (AGP) with fencing and floodlighting. The surface extends to an area measuring 62.5m by 102m, with a marked pitch measuring 54.5m by 91.5m.

The facility would be used by the school and also available outside school hours for community use. Due to the ground levels significant excavations are required; indeed the north-west corner of the proposed pitch will be some 5m below the existing field level. A geo-technical assessment has been submitted. The ground will be retained with gabion structures of descending heights on the west and northern sides. Fencing is proposed on top of these structures for safety reasons. Surrounding the pitch green galvanised fencing is proposed; 5m high on the south and east sides and 3.6m high on the north and west sides. No spectator seating is proposed.

In total eight 15m high floodlighting columns are proposed. A light spill diagram and an acoustic report have been submitted with the application. The average lux level would be 254lux, reduced during the course of the application.

It is proposed that the AGP would be available for use between 08:30 to 21:00 (lights out by 21:30) Monday to Friday (reduced from 22:00 during the course of the application) and 10:00 to 17:00 (lights out by 17:30) Saturdays, Sundays and Bank Holidays.

In addition spoil arising from the excavations will be deposited adjacent to the new pitch to create a level natural turf sports pitch.

A preliminary ecological report, geo-technical report, flood risk assessment, acoustic assessment, light spill diagram and transport assessment have also been submitted with the application.

The site is within the development area as defined in the South Somerset Local Plan.

Due to the fact that this school is now an Academy the District Council as Local Planning Authority is the determining body for applications on this site and not the County Council.

HISTORY

No relevant history.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

National Planning Policy Framework - March 2012

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

The Secretary of State confirmed The Regional Strategy for the South West (Revocation) Order 2013 on 20 May 2013. This had the effect of revoking the Regional Strategy for the South West and the partial revocation of the Somerset and Exmoor National Park Joint Structure Plan (all policies except policy 6 - Bristol/Bath Green Belt).

The development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development

ST6 - The Quality of Development

ST9 - Crime Prevention

EC3 - Landscape Character

EC8 - Protected Species

EH10 - No Development Area

EP2 - Pollution and Noise

EP3 - Light Pollution

EP4 - Building Waste
CR1 - Existing Playing Fields/Recreation Areas

Other

Somerset County Council Parking Strategy (March 2012)

The South Somerset Needs Assessment for Artificial Grass Pitches (updated March 2012)

CONSULTATIONS

Yeovil Town Council:

At the meeting of YTC 22 May 2013 councillors resolved to object to the proposal on the grounds of the development causing harm to neighbouring amenity by way of noise and floodlighting; potential flood risk and the adverse impact upon ecology.

Brympton PC (Neighbouring Parish):

At the meeting of BPC 21 May 2013 councillors resolved to support the application in principle but to raise the following concerns - depth of retaining wall, potential flooding, traffic impact and premature given the recent classroom approval.

Highways Authority (Somerset CC):

No comments received. An oral update will be given.

Sport England:

"The site forms part of or constitutes a playing field as defined in The Town and Country (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184).

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. "The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches".

The South Somerset Needs Assessment conducted for Artificial Grass Pitches (updated March 2012) indicates that by 2028 there will be a shortfall of 11,459m² or 1.79 full size pitches in Area South.

The provision of two new AGP's (1 x sand based and 1x Third Generation (3G)) will address the quantitative shortfalls and meet the needs for hockey and football in Yeovil/Area South. One of the two required AGP's is about to be delivered at Yeovil Recreation Centre; this will be a sand based facility which will primarily meet hockey need.

This means that the future delivery of one additional 3G AGP in Yeovil would meet the remaining identified deficiency in community provision that will exist by 2028".

The Rugby Football Union, Football Association and England Hockey Board were consulted. Concerns were raised about the apparent loss of a rugby pitch and that the pitch did not meet FA recommendations.

Sport England object to the proposal because it is not considered to accord with any of the exceptions in Sport England's playing fields policy.

Should the LPA be minded to approve the application the case would have to be referred to the National Planning Casework Unit (NPCU).

Following further information from the applicant:

The comments acknowledge the sloping site will be altered to make better use of the field for sport. The existing natural pitch will be rotated and should be laid out in line with SE guidance.

The FA remains concerned about the design and still object.

The English Cricket Board note the replacement wicket.

On the basis of the information supplied SE are now satisfied that the proposal meets one of the exception policies and raises no objection subject to the imposition of conditions relating to the natural pitch construction, the production of a public use agreement and the AGP being built in full accordance with the submitted details.

The comments of SE do not commit it to any support for future funding.

SSDC Community, Health and Leisure Service:

The application was assessed alongside a pending application for an AGP at Westfield Academy (ref 13/01191/FUL).

CHLS is supportive of the principle of dual use sports facilities where there is clear community benefit and need.

Comments provide relate to how the facility may address community needs as identified in local Needs Assessment only.

"The South Somerset Needs Assessment that the Community Health and Leisure Service has conducted for Artificial Grass Pitches (updated March 2012 and compliant with the National Planning Policy Framework) indicates that by 2028 there will be a shortfall of 11,459m² or 1.79 full size pitches in Area South.

In addressing this shortfall, the council has set out strategic policy proposals (AGP4 and AGP5) to provide two new AGP's (1 x sand based and 1x Third Generation (3G)) to meet the needs for hockey and football in Yeovil/Area South. One of the two required AGP's is about to be delivered at Yeovil Recreation Centre; this will be a sand based facility which will primarily meet hockey need (Policy AGP 4).

This means that the future delivery of one additional 3G AGP in Yeovil would meet the remaining identified deficiency in community provision that will exist by 2028. This shortfall however, does not include the status of the existing Yeovil Town Football Club (YTFC) provision which is an important consideration.

The quality of YTFC provision has deteriorated resulting in the pitch being unsuitable for use since 2004. Within the Needs Assessment, the council has set out an option to work with YTFC to develop a new 3G AGP at their site. However given that the quality deficiency still exists in 2013, it is the view of the Community Health and Leisure service that there is a low likelihood of any scheme coming forward in the foreseeable future.

On this basis, we are of the view that the need for two additional 3G AGP's in Area South can be justified".

A full sized football pitch would need to be 106x71m with the surface being 3G.

The proposed surface will be suitable for football and recreational hockey. The surface will be suitable for competitive junior football only but is of as size that cannot accommodate senior football.

"It is unclear from the information provided with the planning application whether the applicant has fully appraised the community demand for the proposed facility or whether consideration has been given to programming and sports development in order to maximise future community usage.

The facility will not be located close to changing facilities (desirable for operational reasons) and given the topography of the site, access to the facilities for some users or spectators may be difficult. It is not clear if consideration has been given to these issues and whether there would be concerns about the site layout from a user's perspective".

The applicant is proposing to locate the new facility on existing playing space which is not suitable for formal pitch sport.

The Government's National Planning Policy Framework (NPPF) which states (paragraph 74): Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus of requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in term of quantity and quality in a suitable location;
or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

It is the view of CHL that any 'loss' of pitches will be outweighed by the addition of a new AGP which overall will allow greater use of the playing fields.

Recommendation that a sports development programme is submitted which secures the delivery of a development programme for football and/or other sports during periods of community use.

SSDC Environmental Protection Unit:

Initial concerns were raised concerning the lighting scheme but following the submission of a revised scheme the Lux levels are reduced.

"According to the applicant this is the lowest level achievable whilst maintaining an even level of lighting on the pitch. The scheme has also taken into account the effect of the retaining structure and topography.

The result is a significant reduction in levels of light spill which are within the limits recommended by the Institute of Lighting Engineers. I believe it is the best that can be achieved in this location. Whilst the lights and pitch will be visible I do not believe there will be a material loss of amenity to the nearby residential properties and therefore I have no objection to the proposal.

A noise assessment has been submitted by the applicant. This has been done by assuming that the noise generated by sport activities on the pitch will be equivalent to a fixed point source. This is a reasonable assumption which becomes more robust when the "averaging" period becomes longer. However it should be recognised that any noise impact is likely to come from short term impulse noise. Some activities, for example hockey, have the potential for greater impulse sounds, with fast moving, hard balls, striking boards.

Taken as an average, the noise impact is unlikely to represent a material loss of amenity. However in order to minimise any impact I would recommend that potentially more noisy activities, for example hockey, should be restricted to before 18:00hrs".

The applicant was asked to consider the use of a screen/acoustic fence to reduce sound levels further.

No fundamental objections.

SSDC Ecologist:

"Increased light levels can have a detrimental impact on commuting and foraging by bats. Whilst foraging habitat isn't specifically subject to legal protection, significant disturbance to an important commuting corridor could potentially have an impact that would be contrary to NPPF. Local Plan Policy EC7 (networks of natural habitats) is also applicable.

The stream and associated woody vegetation adjacent to the application site forms part of a more or less continuous corridor of natural habitat, of a type likely to be favoured by bats, from Preston Road to the south, northwards to almost the urban edge and open countryside. Should there be a significant bat roost nearby to the south, this route has high potential to be an important bat commuting route and there doesn't appear to be any comparable alternative routes in this part of Yeovil.

I therefore recommend this application isn't permitted until a bat activity survey, comprising a minimum of 2 visits between May and September, has been completed. A bat activity survey is also recommended by the consultant ecologist, Somerset Wildlife Trust's consultation response, and Bat Conservation Trust guidance.

Stream and water voles-

Evidence of water voles was noted along the stream. Water voles are legally protected by the Wildlife and Countryside Act 1981 (as amended).

Their burrows can extend up to 3 metres from the water's edge. Direct impacts could arise from use of heavy machinery causing incidental damage to their burrows, and/or from associated works (e.g. bridge works for access or drainage to the stream).

I recommend a fenced 3 metre buffer from the top of the stream bank is installed prior to, and maintained throughout, the period of construction.

Following the above, any further associated works (drainage and/or bridge) are likely to have an impact over a relatively small area of water vole habitat which wouldn't be sufficient enough to justify an objection. However, there would still be potential for some harm contrary to legislation, and such works should be preceded by further detailed assessment and mitigation as appropriate".

Somerset Wildlife Trust:

There is agreement over the findings and recommendations in the ecology report. The recommendations should be carried out.

Surveys required for bats and water voles

English Heritage:

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

SSDC Conservation Officer:

"I have had a look at the proposal to consider whether it has a harmful effect on the setting of the historic Abbey Farm complex, mainly in relation to the proposed floodlights. This is a very significant group of Grade 1 buildings made up of the Abbey Farmhouse and Tithe Barn.

The application site is set some distance away to the north, separated from the historic farm complex by the Abbots Meade housing development and a belt of trees. I understand from the plans that two floodlights will be at the southern end of the site, in either corner of the pitch. Taking this into account I do not think the proposal will harm the setting of the historic farm complex, and therefore I raise no objection to the proposal".

SSDC Landscape Architect:

"I note the site to lay over ground that falls toward the course of the Larkhill stream, with housing to 3 sides, the main academy complex to the fourth (east). There is also a watercourse running west to east along the southern boundary of the playing field, which results in the rising ground forming a shoulder in relation to the stream. This shoulder of grassland is a natural landscape feature that contributes to the character of the Larkhill stream corridor, and has some prominence in local views from around the site.

I note that the existing cross-fall of the land proposed for the pitch and its earth modelling, is circa 9.25 metres. To accommodate this change in level, the proposal intends a make-up of ground of 5.1 metres in its southeast corner, whilst it cuts into the ground 3.45 metres in the northwest corner, to provide a level playing surface. The cut faces are to be retained by gabion structures.

I view the proposal as a considerable intervention into the local landscape, where the extent of the engineering works have little scope for mitigation. As such, it both impacts

upon the character of the local landscape, and has an incongruous landform and mode of retention when viewed against the undeveloped grassed valley sides. This is exacerbated by fence enclosure and floodlighting standards. As a consequence, there is no landscape support for this proposal".

Environment Agency:

No objections subject to conditions covering surface water drainage and informatives concerning surface water drainage, pollution measures during construction and waste management.

SSDC Technical Services:

The FRA submitted dated January 2013 mentions that there had been no ground investigation to assess groundwater levels and/or permeability of the soil and that no drainage details of the site had been prepared. Although the general drainage strategy set out in the FRA is reasonable these particular elements are vital to the determination of appropriate control measures so we will require further details in due course. This could be conditioned but I am a little nervous about what groundwater/drainage issues may be identified in the significant excavation proposed.

AgustaWestland:

Floodlights at 12m will be acceptable and will not affect safeguard areas. Reference should be made to the Air Navigation Order (CAP 393), Articles 221 & 222 which cover lights liable to endanger and lights which dazzle or distract to ensure that the development will not contravene legislative requirements. AgustaWestland cannot foresee that there will be a problem but sodium lights will not be allowed as they may be confused with airfield lights.

REPRESENTATIONS

Neighbouring properties to the site have been notified and a site notice has been displayed.

26 individuals/couples have lodged objections. Objectors reside at Monks Dale, Abbots Meade, St James Close, Old School Close or White Mead. Whilst some contributors support the principle of developing sporting activities at the school there are substantive concerns expressed with the proposed community use and several areas of the scheme. Comments received by Ward Members and the MP have also been forwarded to the department.

The nature of the objections fall into various categories, these include:

Need

- The proposal pitch is not essential.
- There is sufficient AGP provision in the town. The YTFC pitch should be brought back into use instead, the Bucklers Mead pitch is under capacity and there is an application at Westfield School.
- The existing natural pitches are not well utilised.
- This is a 'trophy acquisition' and a case of 'keeping up with the Jones' between the Yeovil academies.
- How many days of use of the playing field have been lost due to wet weather?

Floodlights

- Light nuisance (the unwelcome intrusion into habitable rooms)
- Sky glow (damage to the night sky environment)

- The Clean Neighbourhoods and Environment Act 2005 controls artificial light which means it is a statutory nuisance if artificial light emitted from the premises is prejudicial to health or is a nuisance.

Noise

- It will be noisy due to the nature of the activity and this will disrupt the peace and quiet of our neighbourhood.
- The noise and activity will impact on quality of life and cause stress and anxiety.
- There will be no controls over bad language.

Duration and Nature of Use

- The proposed hours of use (then until 22:00) exacerbates the concerns about noise and lighting above.
- The use of the pitch for league fixtures with spectators exacerbate concerns about noise, lighting and parking.
- Who wants to play past 9pm?
- What restrictions will be applied to usage on times of religious observance?

Visual Impact

- The development will affect views to the rear of our property with the erection of fencing, floodlighting and the removal of green space.
- The pitch will be an eyesore and will be difficult to blend in with the existing landscape.
- The pitch could be turned 90degrees to limit the impact.

Construction Traffic

- Concerns regarding the volume, speed and nature of construction traffic in Monks Dale.

Ecology

- There are bats, badgers, squirrels, snakes, slowworms, weasels, hedgehogs, woodpeckers, wild bird and bee activity in the area likely to be affected by the proposal.

Flooding and Drainage

- The pitch is to be located above properties at Abbots Meade and so water will run-off causing flooding.
- The stream will flood
- Who is responsible if houses flood as a result of works? Has the impact been fully assessed?
- Has the sewerage infrastructure been investigated?

Highways and Parking

- There is insufficient car parking.
- There is already congestion in Monks Dale.

Other

- The development will impact upon the setting of the Grade I listed Abbey and Tithe Barn.
- Exception taken to the school circulating letters to parents and pupils asking them to write to SSDDC supporting the application.
- The well-being, safety and security of local residents is more important.
- The proposal is ill-thought out and with little consideration for the local community.
- Pupils and members of the public already cut through the properties at Abbots Meade and St James Close to access the school and the field. Complaints to the school have not eradicated this problem.
- The pitch could have been built elsewhere on the site.
- The money should be spent on other things.
- The temporary access road will impact upon trees.
- There will be noise, dirt and dust from the construction.

- The pitch is sited too far away from the school buildings, changing rooms, emergency access etc.
- Residents specifically chose to live at Abbots Meade due to its quietness.
- The development will not allow rugby or cricket to be played.
- The increase in public use of the site will lead to anti-social behaviour.
- Coupled with a recent consent for a new classroom there will be on-going building works and neighbours will be inconvenienced for a long time.
- Has the potential for spoil, resulting from the excavations, being used to mitigate noise and light pollution, been fully considered?
- Not all the people affected by this development have been notified.
- There is no funding for this facility.
- Will there be a reduction in council tax as a result of allowing this development?
- The development will devalue properties, and houses in the area will be harder to sell.
- Will the profits from the facility be used to compensate local residents?
- If approved will SSDC and Preston School be liable for damage and devaluation or if insurance policies increase?

In addition 41 letters of support have been received.

20 representations are from staff members or parents, 1 from an employee at Yeovil College, 17 from current pupils and 3 others whose allegiance is unknown. None of the supporters reside at Monks Dale, Abbots Meade, St James Close, Old School Close or White Mead.

A summary of comments:

- There is a curriculum need.
- The proposal builds on the legacy of the Olympics and the success of YTFC.
- The proposal supports healthy lifestyles for pupils and members of the public.
- The grass pitches are often unusable. This facility allows year round use.
- Levelling the other half of the field will make another natural surface pitch more usable.
- The government are encouraging schools to diversify and develop community provision.
- A feasibility study has demonstrated a need.
- All the specialist surveys show no harm will result.
- Our students deserve the best facilities and best opportunities.
- Refusing this application will disadvantage young people and their sporting opportunities
- Preston students have the right to the same standard of sporting facilities as other schools.
- The pitch will contribute to a positive sense of community.
- The Bucklers Mead pitch is very busy and so local clubs travel to Sherborne or Yeovilton to train.
- The facility will ensure the school maintains and improves its Ofsted rating.

CONSIDERATIONS

The application raises several key considerations and as such will be assessed in turn:

Principle of Development

This application must be considered on its own merits and it is not material to the decision to suggest 'it would be better elsewhere'. Whilst there have been many objections to this application (all of which have been listed under the representations section) many comments relate to material planning considerations that cannot be

afforded weight. Whilst these will be highlighted at the end of this section it is a case of assessing those issues that can be afforded weight and can clearly be identified as planning issues.

The first two issues revolve around the designation of a 'no development area' and the 'loss' of playing field.

With the exception of the westernmost area of playing field the remaining area inclusive of the application site and that field nearer to the school complex is defined as a 'No Development Area' in the South Somerset Local Plan and so Policy EH10 is relevant. A 'No Development Area' recognises open areas of land within villages and towns that are an important part of the street scene or character of the settlement; sometimes allowing views out of settlements to the open countryside, providing a setting for the built environment and creating a feeling of space.

It is understood that officially the school playing fields are not for public use, in the sense of general recreation, like say Yeovil Recreation Centre, and are there to provide formal recreation for the school. Nonetheless the open space as an undeveloped area contributes to the visual amenity of a locality. Consequently the loss of any of these important areas of open space would damage the character of settlements and development will generally be resisted unless a special community, education or recreation need is identified.

Policy EH10 states, *"Development which would have an adverse impact on the amenity or recreational value of open land identified on the proposals map will not be permitted unless a special community, educational or recreational need is identified"*.

From the local needs assessment it is accepted that a need for additional AGP provision is required in Yeovil. As such with an identified recreational need demonstrated it is considered Policy EH10 is met. The only reservation would be regarding an interpretation of 'special' within the policy wording; there is no commentary in the Local Plan to advise where a 'special recreational need' is different from just a 'recreational need'. It is considered Policy EH10 is satisfied.

Saved Policy CR1 of the Local Plan seeks to protect playing fields unless certain criteria are met. Whilst the criteria appear to relate to non-recreational development it does ensure that alternative provision of equivalent community benefit is made available, which it is and so it is considered Policy CR1 is satisfied.

The Government's National Planning Policy Framework (NPPF) states (paragraph 74): Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus of requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in term of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

In line with legislation where a grass surface is being replaced with an artificial surface the LPA has consulted Sport England (SE). Despite an initial objection, additional

information has led SE to withdraw that objection and conclude that although the facility is not ideal the 'loss' of the playing field is justified.

SE has acknowledged and accepted the rotated natural pitch and the relocated cricket wicket. The natural pitch should be laid out in accordance with best practice and SE guidance to ensure it is constructed properly and is drained properly. This should counter some of the issues encountered with the current natural pitch.

Three conditions have been proposed the first concerns the natural pitch being constructed and drained properly. This can be adequately controlled by condition and is reasonable given the construction of the AGP would otherwise mean the loss of the existing natural pitch if spoil was not to be retained and levelled to create a replacement. It is therefore equitable that the replacement meets a decent/recognised standard. Local residents have also raised concerns regarding drainage and so this will also be considered.

The second concerns the desire to see a community use agreement. The need for this condition has been raised with SE as such an agreement would cover matters such as pricing policy, access by non-school users, management responsibilities and review mechanisms.

The Community, Health and Leisure unit have similarly requested the imposition of a condition referring to a Sports Development Programme to secure the delivery of a development programme for football and/or other sports during periods of community use to ensure the facility meets the SSDC standards for AGPs.

There is no requirement for a community use agreement or sports development programme set out in local planning policy and this request is more likely to be achieved via a condition of a grant application where another part of the Council or Sport England may assist. Often funding criteria or other legislation gets confused with planning policy. The LPA support this application on the basis it is set to be used by the school and the community but importantly would also support it if it were only to be used by the school. Requirements, standards, recommendations, criteria and conditions could all be controls imposed on or applied to the facility by funders outside the scope of the planning act.

The third suggested condition is covered elsewhere because it requires the development to be carried out in accordance with the approved plans and specifications.

In conclusion it is considered the proposal is broadly consistent with the aims and objectives of the NPPF and Policies ST5, EH10 and CR1 of the South Somerset Local Plan.

Landscape Impact, Floodlighting, Noise and Residential Amenity

The comments of the Council's Landscape Officer are noted and Policy EC3 is relevant. Notwithstanding the lighting, which is not at issue in the officers comments, clearly the physical excavations to create the cut and the arising's being used to create areas of fill for the AGP and the natural pitch will be very significant, and there is no hiding that fact, but the flip side is that the impact is localised and there are no significant or sensitive public vantage points. In addition existing landscaping and proposed landscaping plus the use of solid timber fencing for its acoustic properties will also help contain the engineered part of the AGP. The floodlighting columns themselves, unlit, will be seen but are slimline features and given the landform will cause limited harm in terms of visual impact. It is clear a landscape impact of some degree will result but the benefits of the scheme outweigh that harm.

It is proposed to retain some of the spoil, created from digging the AGP into the rising land, on the site to re-contour the remainder of the field so as to improve the usage of a natural pitch which will be orientated to run in the opposite direction. This explains the extent of the application red line. This will create an (overly) engineered edge facing south but with limited visibility into the site is not felt this is totally unacceptable. Additional landscaping will also diffuse this edge in time. The retention of spoil and reuse on the site prevents all the material being trucked away and so safeguards some concerns from residents at Monks Dale and Policy EP4 promotes the use of inert waste/spoil being used on site.

The impact of the proposed lighting and perception of noise are two significant areas of objection and clearly constitute planning considerations. As such each matter is discussed here, as at all times the key question is whether any one substantive issue would warrant refusal of the application.

The school intends to use the facility for internal school activities but, crucially, also wish to make the facility available for local community use thus promoting local well-being and healthy lifestyles. The decision to include floodlighting was made to offer the maximum value to the local community and sports teams. This means the facility will be accessible to the community outside school hours and provide much needed revenue to maintain the facility and cross subsidise the school use. Without floodlighting community use would be restricted to holiday times and summer evenings and would obviously restrict rental streams.

As a guide the nearest house at Abbots Meade is approx. 36m away from the playable part of the pitch and 32m from the nearest property at White Mead. It should be pointed out that due to the diagonal boundary arrangement the other properties at these respective areas are further away.

The application is accompanied by a Light Spill diagram. The lighting design, to be ratified/controlled by condition, is such so as to avoid light spill, in order to concentrate light on the pitch and not elsewhere and to minimise sky glow. Inevitably the lit columns will be seen and some lateral spill is predicted from the lighting modelling exercise but this is largely contained within the site. The average LUX level has been reduced during the course of the application and the results is a scheme in accordance with advice published by the Institute for Lighting Engineers. Local Plan policies ST6 and EP3 seek to protect residential amenity from light trespass. The Council's Environmental Protection Officer gives a detailed assessment and concludes that demonstrable harm would not result. The application now suggests the lighting will be turned off by 21.45pm every week day and this will form a planning condition.

The reduction in average LUX levels to 254lux, the inclusion of a solid acoustic timber fence to further reduce lateral spillage from that shown on plan and the curfew for use are seen as appropriate and enforceable measures that mean there will be no material loss to residential amenity. The site benefits from existing mature landscaping along its southern and eastern boundaries with a maintained hedge along the northern boundary. This with the proposed landscaping will, in time, provide increased diffusion of the facility and its perceived lighting impact.

By comparison the floodlighting at Yeovil Recreation Ground was approved at max 500lux for hockey with the system switchable down to 350lux for recreational football, at Bucklers Mead Academy the floodlighting was approved at 371lux. Switch-off for lighting

at Yeovil Recreation Ground is 22:15 Monday to Friday and 18:15 weekends and at Bucklers Mead Academy its 22:00 any day.

The application is accompanied by an Acoustic Assessment. Local Plan Policy EP2 is relevant. Working on the basis of BS8233:1999 "Sound insulation and noise reduction for buildings code of practice" which sets the design range for noise inside residential properties. There are also guidelines for gardens. These guidelines are complemented by "Guidelines for Community Noise" (1999) published by the World Health Organisation. These guidelines do not set a maximum noise level for daytime and evening activity. With regard to noise character the reports states, *"It is generally accepted that the introduction of a new noise source, that is wholly different in character to the existing noise environment will be perceived as more disturbing by local residents than a new noise source that is similar to the existing environment"*. In this case the site is already a school playing field and so the character of noise created by the new pitch will be similar, if not identical to that which local residents already experience.

One may reasonably ask how a noise assessment can be provided judging noise for a facility that has not been built? The report uses data collected from several other AGPs to find an average. The report interestingly points out that noise levels are unlikely to be continuous as levels will go up and down related to the play, and also vary depending on who is using the pitch, the intensity and significance of the activity, and the precise location of the activity. A indicative model taking into account the particulars of this site has been produced.

The report concludes that the absolute level is generally predicted to be within guideline levels from BS 8233 and EHO. This means that as well as acceptable absolute noise levels in gardens, residents, even with open windows would experience internal noise levels at levels within BS 8233 and WHO guidelines inside their properties.

Due to the specific nature of hockey a ball damper board will be required around the edge of the pitch to mitigate some noise impact, the details of which will be agreed by planning condition. The aforementioned acoustic fence will also reduce noise in real terms and the perception of noise beyond that detailed in the report. In addition the hours of operation have also been reduced so there should be no noise generation past 21:00.

There was controversy at the meeting of Yeovil Town Council when the applicant stated league fixtures would be played on the pitch. This was met with derision from the assembled audience of local residents due to the potential for extra noise from spectators. The noise surveys do not explicitly take into account the use of the pitch with different levels of spectatorship and therefore the applicant has not to date demonstrated that spectator noise will not cause harm.

Since that time the Design and Access Statement has been revised to explicitly state that no league fixtures or tournaments are going to be played and spectators will not be allowed to view sports on the pitch. If this intention is carried through then local residents may rest slightly easier. However defining and restricting a spectator, from somebody who may watch the whole game/session, to somebody who watches part of a game/session to a parent arriving 10 minutes from the end to pick up their child pose enforcement difficulties regardless of whether a league fixture or a training session or a casual get together. 10 spectators could conceivably make as much noise as 50 and it seems unreasonable to stop a parent or guardian watch their child undertake football practice. The school's intention to prevent league fixtures and tournaments can form a condition but this in itself will not prevent 'spectators' from a planning point of view and

would require the policing by the school to reasonably enforce what would be their own rule.

If a later stage the school decided that league fixtures and tournaments were required then an application under Section 73 of the Act could be made to vary the restriction but this would need to be evidenced that any extra associated noise with such would remain within acceptable levels, which if proved could mean such a request (with parameters perhaps) is granted.

Construction will take place over a period of 21 weeks. Hours of construction could be conditioned to temper the impact on residential amenity.

Transport

The application is accompanied by a Transport Statement which examines the current usage of the site, existing traffic conditions, parking provision and public transport linkages.

The main point of access for vehicles is via the main entrance to the school where 90 parking spaces exist. All spaces will be made available for the AGP users. The main entrance will also be used by pedestrians and cyclists. The other access off Monks Dale is reserved for emergencies only. Changing rooms are located adjacent to the car park and then users will access the AGP via a footpath.

The report states that even in a worst case scenario of four mini-pitches being used and all users arriving individually in cars then there would be enough spaces even taking into account use of the sports centre. This would also allow some capacity for overlap.

The report states that the proposal will not have a detrimental effect on the existing highway network and furthermore that the site is considered to be in a highly sustainable location in terms of transport choices. It also advises that no physical works to the highway network are required.

Comments have been sought from the Highway Authority but unfortunately at the time of writing no representations had been made. An oral update will be given but at this time it is considered the proposal is policy compliant.

Construction will take place over a period of 21 weeks. Hours of construction could be conditioned to temper the impact of traffic.

Trees and Ecology

The proposed landscaping scheme will mitigate the perceived landscape impact by providing some visual foil/barrier to local residents, increase wildlife potential and counter the perceived loss of greenery. It is not an answer in itself to the concerns raised but will help diffuse a direct view.

No trees need to be felled as part of the proposal. The Council's Tree Officer has reviewed the potential impact upon those existing trees and concludes the scheme can take place and not harm the trees subject to the erection of protective fencing and a protective access route to ensure the trees are not damaged during the construction period.

The application is accompanied by a preliminary Ecological Appraisal and latterly by a Protected Species Survey for Bats, Badgers and Water Vole which set out current

wildlife activity and assesses the impact of the proposed development. Only scattered trees and the stream have moderate ecological value.

The bat survey found foraging activity on the site was confined predominately to two species serotines and common pipistrelles, which were active along the scrubby stream corridor and the western, tree-lined boundary hedgerow. Light overspill from the playing fields will affect some parts of these features but the times at which lighting will coincide with bat activity is limited. The reports goes on to say that although light spill would be best avoided pipistrelle and serotine bats are amongst the species most tolerant of artificial light and there is similar alternative habitat adjacent to the foraging areas.

Whilst there is some evidence of past water vole activity around the stream the most recent survey showed no evidence of water vole.

Some neighbour representations have referred to badgers. Following assessment there are no setts on site, either past or present nor were any other signs of badger detected during the course of the survey.

Whilst the impact on wildlife is considered low it is advised that precautionary measures are carried out. Recommendations have been given and these are imposed via a condition. Such recommendations include the removal of giant hogweed, an invasive species, from the stream banks. Should the development not proceed with 12 months then a resurvey will be required - July 2014. It is considered the initial comments of the Council's Ecologist and those from the Somerset Wildlife Trust have been satisfied by the Protected Species Survey. The development is said to comply with the NPPF and policy EC8 of the South Somerset Local Plan.

Flooding and Surface Water Drainage

The application is accompanied by a Flood Risk Assessment and Geo-technical Report.

Whilst this states the site is not at risk from fluvial (stream)/pluvial (run-off) flooding as the Monks Dale stream is considered to be a minor watercourse. The proposed site is several metres above the stream.

It suggests the development will require the discharge of surface water from the site to be controlled and appropriate infiltration and/or storage systems to be incorporated to handle any excess stormwater to ensure compliance with the NPPF that the run-rate from the existing site should not exceed pre-development Greenfield rate.

The proposed plan shows land (French) drains along the northern and western edges of the pitch to collect surface water and direct it to soakaways. This is the same method as employed at Yeovil Recreation Ground. The comments of the Council's Engineer are noted by the applicant who has stated that the geo-technical report does address the issue of ground water levels although permeability testing was not carried out. It is also stated that the pitch would be built upon a type 3 open graded sub-base acting as a large soak-away that can be used for attenuation purposes. In such a situation it is considered reasonable to impose a condition requiring a scheme of drainage in the knowledge that there will be a technical solution to whatever the permeability testing shows.

It is therefore considered the AGP can be developed without causing surface water drainage issues subject to the details of a suitable Sustainable Urban Drainage scheme being agreed by planning condition. The EA concur with this approach.

Local residents have raised the question of flood impacts at Abbots Meade. This is an existing issue and as part of the scheme it will be ensured the new area of natural turf pitch is also afforded drainage via a planning condition. There may be a maintenance issue with the existing ditch also, but as far as the AGP and is concerned it should not impact further on this issue.

Other Issues

The comments of AgustaWestland are noted with regard to the safeguard area, the representation has been forwarded to the agent for information but from reading the relevant articles and the fact the proposed lights are facing down onto the pitch and are cowled then it is not envisaged to be a significant issue given the general environment.

The proposal does include the provision of a lit footpath for users to access the AGP from the school complex. No specific details have been submitted but permitted development rights exist for schools to create a 50m path at 1m wide. As such it is considered reasonable to impose a condition so the finer details can be considered.

Various concerns have been raised concerning unfettered use of the school playing fields by members of the public and the use of the field as a short cut to the school. Indeed, there have also been accounts of members of the public and pupils allegedly gaining access to the field via properties at Abbots Meade/St James's Close. This existing problem has been brought to the attention of the applicant because local residents are concerned that the installation of the AGP will make these events occur more regularly with users seeking a short cut to the facility. Whilst trespass on private property cannot be condoned, it should not be a reason to refuse the application. In response to the issue a revised plan has been submitted showing fencing around the perimeter of the excavated area. This is primarily for the containment of noise and for safety reasons but it does have the effect, coupled with a fence spur to the boundary with White Mead and a padlocked access gate in the southeast corner adjacent to Abbots Meade the effect will be to prevent access from the wider field to the facility or the school. The wider issue of trespass on the field is a matter for the school to resolve separately but it is considered the approval of this facility will now not make this issue any worse. The pitch will also be afforded CCTV coverage for supervision from the leisure centre and so in combination it is considered the proposal satisfies policy ST9 of the Local Plan.

Finally, although not constituting a material planning consideration to which significant weight can be given, some representations refer to funding. The planning issues and those referring to funding criteria can become intertwined when various bodies provide a planning consultation response and are also bodies the applicant may look to for funding. If the applicant, at this stage, has not proposed a sufficiently sized pitch with the necessary infrastructure or to specification that is required for funding then so be it. It would be regrettable if future amendments were required but based on the planning issues alone a recommendation has been reached.

Devaluation of property is not a material planning consideration to which any weight can be given.

RECOMMENDATION

Grant permission for the following reason:

01. Notwithstanding the objections received 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 the National Planning Policy Framework (March 2012), Somerset County Council Parking Strategy (March 2012) and Policies ST5, ST6, ST9, EC3, EC8, EP3, EP4, EH10 and CR1 of the South Somerset Local Plan (adopted April 2006).

SUBJECT TO THE FOLLOWING:

01. 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.

02. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- a) Location Plan (Scale 1:2500), received 29 April 2013
- b) Proposed Site Plan, Drawing No. 2522/L-01 P1
- c) Proposed Sections, Drawing No. 2522/X-01 P1
- d) Details, Drawing No. 2522/X-01 P1
- e) Outdoor Playing Space, Existing and Proposed, Drawing No. AS/092/08B
- f) Landscape Proposals, Drawing No. AS/092/09B
- g) Proposed Lighting Design, Drawing No. UKS8766/3
- h) Position of Fill from AWP and Reposition Existing Football Pitch, Drawing No. SPC/01
- i) Email from Agent dated 24 and 25 July 2013 regarding fencing.

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

03. The floodlights hereby permitted shall not be illuminated and the pitch used except between the hours of 08:30 and 21:30 hours Monday to Friday and 10:00 and 17:30 hours Saturdays, Sundays and Bank Holidays.

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

04. Hockey is not to be played on the pitch hereby permitted except between the hours of 08:30 and 18:00 hours Monday to Friday and 10:00 and 17:30 hours Saturdays, Sundays and Bank Holidays.

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

05. The development hereby approved shall not be used for any non-school district or county league appointed fixture or any organised tournament.

Reason: The applicant has not demonstrated that noise levels inclusive of spectators normally associated with such activities would not harm the residential amenity of local residents and that sufficient car parking exists for such to accord

with the County Parking Strategy and policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

06. Prior to the first use of the development hereby permitted full details of the floodlighting scheme inclusive of light pollution measures (cowling and shielding) shall be submitted to and approved by the Local Planning Authority. The lighting shall thereafter be fully installed in accordance with those approved details and 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).

07. 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 the NPPF and policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

08. No works shall be carried out unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping; all planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding 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).

09. No works shall be carried out unless the Local Planning Authority has approved in writing, a scheme of tree protection measures which shall be implemented for the duration of the construction of the development. Such details shall include details of the temporary construction road.

Reason: To preserve existing trees to accord with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

10. If the development hereby approved does not commence within the period of 12 months from 15 July 2013 from the date of the last survey a further survey shall be commissioned to ascertain any changes in bat, badger and water vole presence or impact, which shall be submitted to the Local Planning Authority for prior written approval before work commences.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with the NPPF and policy EC8 of the South Somerset Local Plan (adopted April 2006).

11. The recommendations of the submitted ecological survey (Preliminary Ecological Appraisal, Jackie Underhill, January 2013) shall be fully carried out and a strategy and timescale for achieving such shall be submitted to and approved by the Local Planning Authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with the NPPF and policy EC8 of the South Somerset Local Plan (adopted April 2006).

12. No works shall be carried out unless a surface water drainage scheme for the site (inclusive of the AGP and the altered natural pitch), 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 the NPPF.

13. No works shall be carried out unless a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes to accord with the objectives of the NPPF.

14. Prior to its installation a scheme for the pedestrian footpath connecting the school complex to the development hereby approved shall be submitted to and approved by the Local Planning Authority. Such a scheme shall detail the levels, surfacing of the path, the protection of trees and any lighting. The scheme shall thereafter be carried out in full accordance with the agreed scheme.

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).

15. No works shall be carried out unless a timescale has been submitted to and approved in writing by the Local Planning Authority for the replacement natural playing pitch and the cricket wicket.

Reason: To ensure on-going provision of sporting facilities on the site to accords with the NPPF and policies ST5, EH10 and CR1 of the South Somerset Local Plan (Adopted April 2006).

16. No works shall be carried out unless details of the general pitch construction of the natural pitch (inclusive of ground conditions, gradient, cultivation and seeding) have been submitted to and approved by the Local Planning Authority.

Reason: Poorly constructed playing surfaces are dangerous, affect quality of play and limit use and the proposed pitch should be of at least an equivalent quality to that which it replaces to accord with the NPPF and policies ST5, EH10 and CR1 of the South Somerset Local Plan (Adopted April 2006).

Informatives:

01. With regards to Condition 09 the applicant is advised to arrange a pre-commencement site-meeting between the appointed contractors and the Council's Tree Officer.
02. With regards to Conditions 12 and 13 the surface water drainage scheme for the proposed development must meet the following criteria:
- a) Any outflow from the site must be limited to the maximum allowable rate, so there is no increase in the rate and/or volume of run-off, and preferably it should be reduced.
 - b) The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
 - c) If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used
 - d) The adoption and maintenance of the drainage system must be addressed and clearly stated.
03. With regards to Condition 16 the applicant is advised to pay regard to the Sport England guidance note 'Natural Turf for Sport' (2011).
04. Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- a) the use of plant and machinery
 - b) oils/chemicals and materials
 - c) the use and routing of heavy plant and vehicles
 - d) the location and form of work and storage areas and compounds
 - e) the control and removal of spoil and wastes.
- The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.
05. The EA wishes to advise the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant requires more specific

guidance it is available on the EA website www.environment-agency.gov.uk/subjects/waste/.

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that an SWMP should contain depends on the estimated build cost, excluding VAT. The applicant will need to record all waste movements in one document, and having a SWMP will help to ensure compliance with the duty of care. Further information can be found at <http://www.netregs.co.uk>
