

38/08/0349

KINGS COLLEGE

CONSTRUCTION OF TWO FLOODLIT SAND-FILLED ALL WEATHER SPORTS PITCHES, WARM-UP AREA, THIRD GENERATION 5-A-SIDE FOOTBALL PITCH, TARMACADAM TENNIS COURTS AND CRICKET NET SURROUNDS (RESUBMISSION OF 38/2007/621) AT KINGS COLLEGE, 65-75 SOUTH ROAD, TAUNTON AS AMENDED BY AGENTS LETTER RECEIVED 4 DECEMBER 2008 AND ACCOMPANYING PLAN 2526 AL(O) 14D AND TRAFFIC SURVEY.

32357.123908

Full Planning Permission

PROPOSAL

The proposal comprises upgrading of the existing facilities at Kings College. The site is currently a grass playing field used by the college. The proposal involves reorganising the sports facilities with the addition of two new floodlit all weather sports pitches, a sand dressed warm up area, and a third generation 5 a side football pitch. New tennis courts are also provided

SITE DESCRIPTION AND HISTORY

A previous application, 38/2007/621, was withdrawn in order to address various issues that arose during the consideration of the scheme.

The proposal seeks to move, and improve, the facilities that already exist at the college. The current facilities of tennis courts, an all weather sports surface, and recreational football area, are sited on the Western side of South Road. These facilities are separated from the main school site.

CONSULTATION AND REPRESENTATION RESPONSES

COUNTY ARCHAEOLOGIST – limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

COUNTY HIGHWAY AUTHORITY – No objection to this proposal as these facilities will serve the existing school role and will not see an increase in traffic movements.

Revised Comments (16/12/2008) relating to submitted Traffic Survey - facilities are expected to generate an extra 40 trips per hour in the evenings and weekends and very little at other times. Cannot see a problem and therefore have no comment.

ENVIRONMENT AGENCY – no objection to proposal. Would request inclusion of the following conditions, informative's and recommendations: SUDS; no storage of excavated materials including soil or permanent land raising within the floodplain; 8m buffer from top of banks and all watercourses; residual light reaching key bat flight routes is at a level that does not affect; further informative's.

Revised Comments (14/11/2008) – Following further discussion with Aardvark EM Limited, we would now like to request that the clear strip of land is reduced to a minimum of 5 metres (as opposed to 8 metres) wide.

LIGHTING CONSULTANT – proposed flood lighting scheme would appear to affect residential properties. A site visit may be possible to eliminate some properties because of buildings and heavy planting. The light source, or reflection of the light source, must not be visible from any of the residential properties identified, any adopted highway and preferably any private highway.

Revised Verbal Comments - should be a condition to ensure that the luminaries are shielded after the commissioning but before the lighting is used.

NATURAL ENGLAND – supports recommendations of Taunton Deane Borough Councils Nature Conservation and Reserves Officer (NCRO), in terms of the need for additional ecological survey work – both on and off-site. We request that the findings and recommendations of these surveys, those past surveys ('Aardvark EM Limited', July 2008) and the comments of the NCRO be used in determining the application and attaching conditions.

Revised Comments (11/12/2008) – no further comments.

SOMERSET ENVIRONMENTAL RECORDS CENTRE (SERC) - Legally Protected Species have been found – one or more Highway Badger Setts.

SPORT ENGLAND – In commenting on applications we assess whether the proposal meets any of the 5 exceptions to our Playing Field Policy 'A Sporting Future for the Playing Fields of England'. This requires that:

'The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.'

In order to meet the requirements of Exception E5 of our policy, we would wish to see some formal commitment of the College towards community use of their existing and proposed outdoor sports facilities, in order for the sports development benefits of the proposals to outweigh the losses.

Subject to securing a Community Use Agreement, Sport England does not wish to object. If the Council decides not to attach a condition, nor include the requirements in a Section 106 Planning Obligation, then Sport England would wish to object to this application.

CONSERVATION OFFICER – no objection to these proposals.

DRAINAGE OFFICER - following conditions be attached: outflow discharge rate to the Blackbrook Stream be limited to 7.09 l/s for all weather pitches; no works shall commence on site until details of the proposed sustainable urban drainage system (SUDS) has been submitted and approved by the Authority; details of how long term maintenance of the proposed SUDS is to be achieved shall be subject to agreement/approval.

ENVIRONMENTAL HEALTH – external lighting shall be located, installed and permanently maintained that inconvenience from glare, whether direct or reflected, shall not be caused at any other premises.

LANDSCAPE OFFICER main concern is flood lighting in what is otherwise a quiet parkland situation. There is scope for additional tree planting along the BlackBrook but this will not be enough to offset the impact of the lighting and to a lesser extent the lighting columns.

LEISURE DEVELOPMENT OFFICER - fully understand why the school wish to provide improved sports facilities for students. Hockey in particular is now played almost exclusively on artificial pitches. Loss of grass pitches regrettable regardless of whether community has access.

Flood lighting is always a matter of contention, only points in this regard are that floodlights are necessary on such pitches, and lighting intensity is generally greater for hockey than other ball sports.

Generally opposed to loss of grass pitches but could re-consider position if a formal community use agreement could be entered into. I would say however that there are already at least 5 artificial pitches in Taunton with some form of community use (with planning permission for 2 more at Taunton School) and cannot envisaged where demand from community might come from.

If a formal Community Use Agreement can be agreed, would not oppose plans as community would benefit to a greater extent than it does presently.

NATURE CONSERVATION AND RESERVES OFFICER - submitted report includes surveys for badgers, bats, water voles and otters. Condition to protect species through the development and maintain and enhance habitats on site for wildlife.

Bats – majority of bats recorded were 78.3% Pipistrelles and Noctules 19.7%. Both tolerant of floodlit areas and seek out the increased insect populations. Most bat activity on periphery of site. Support shielding lighting from streamside.

Badgers – 2 setts identified. Support recommendation of 30m buffer zone is identified and protected when developing site.

Otters and water voles – known to use the Blackbrook but no evidence of breeding or resting places for otters. Unlikely proposal will affect species.

Reptiles – some suitable habitat, support recommendation to search for reptiles on land to be developed.

Breeding birds – support recommendation to mitigate against loss of potential bird nesting sites through the provision of nest boxes.

Revised Comments (19/11/2008) - further information on badgers received. Large and active sett in the garden of 36 Holway Hill. Badgers likely to be disturbed by flood lighting and will delay access to that area until lights are off – support time limit of lighting. Difficult to assess loss of foraging and the cumulative effect of development in the area. In my opinion, better option to have just one floodlit pitch. Management and enhancement of habitat features on site required to allow badgers to retain viable population. Condition to be recommended.

RIGHTS OF WAY (TDBC) – no observations.

REPRESENTATIONS

29 Letters of Objection raising the following:

Flood lighting (residential)

Young children will find it difficult to sleep; not sympathetic to local area, considering open nature and lack of street lighting; houses of Holway Hill elevated position and given height of floodlights will be in direct field of vision; effect on quality of life; should have time limit; telescopic floodlights would help

Wildlife

No mention of Tawny owls, Woodpeckers and Sparrow Hawks that inhabit our gardens; bats will be affected by floodlights; badger sett in 36 Holway Hill not recorded in survey; concern that noise will affect badger feeding habits; some bats will be affected by lighting; stream corridor should remain dark from dusk to dawn; also evidence that lighting can increase predator activity on bats; research written by Alison Fure in 2006 of London Naturalist suggest feeding habits of bats is significantly disturbed by floodlights, contend that ecological report do not have specialist knowledge; white egret and grey heron not in wildlife report;

Flooding

Pitches will increase run-off; with extreme weather conditions and climate change sports pitches will increase flooding due to inadequate drainage

Other Matters

Why can't pitches be located adjacent to school buildings away from stream; noise will increase during evenings; surrounding topography allows noise to carry easily community use, is there a genuine need; intrusive on green field site; disagree that pitches cannot be located elsewhere, pupils already make the journey across South Road to Astro –pitch, and use pedestrian crossing – health and safety risk outrageous; children's sleep will be affected by noise; not necessary, already 8 pitches in the town; proposal would affect house prices, would expect compensation from Kings College; cars will increase, where will people park? Already congested roads; application linked to seeking permission to build 81 dwellings on the Convent site on South Road; if pitches are rejected, housing development cannot go ahead. If housing rejected, these facilities are unnecessary; Letter of objection on behalf of Woodards Taunton management Ltd - insufficient information – failure to submit a Transport Assessment and Travel Plan, Statement of Community Involvement; not supported by full Planning Statement that addresses regional, national and local planning policies. Application should be refused as adequate information has not been provided, also not in accordance with Policy M1. Development will result in net loss in sports facilities as a result of development of the Convent site. Planning Manager from Sport England has failed to consider cumulative loss of pitches. No long term benefit to community as facilities are regularly used by public groups. Application be refused on grounds of being contrary to PPG17, policy E4 of Sport England's Playing field Policy and Policy C3 of the TDLP

A petition containing 80 signatures from the Holway Hill Community Action Group raising 14 questions and points of concern and opposing the proposal.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS9 - Biodiversity and Geological Conservation,
PPS25 - Development and Flood Risk,
S1 - TDBCLP - General Requirements,
C3 - TDBCLP - Protection of Recreational Open Space,
EN34 - TDBCLP - Control of External Lighting,

DETERMINING ISSUES AND CONSIDERATIONS

Highway Implications

The Highway Authority has raised no objection to the proposal. The additional Traffic Survey submitted with application has also raised no objection.

Flooding

The site lies partially within a flood Plain. A Flood Risk assessment and Sequential test have been submitted with the application. The Environment Agency does not object to the proposal but have requested that a number of conditions are attached to this approval. These conditions will ensure that the proposal will not increase the risk of flooding to any nearby properties. The conditions include no storage of material (including soil) on the site, and the implementation of a Sustainable Urban Drainage Scheme.

Flood lighting

The proposed lighting scheme could impact on residential property and wildlife.

To protect against any wildlife impacts, amended plans have proposed new landscaping along the edge of the stream to reduce any light spill into the stream and have provided baffles to the four closest columns, to further prevent any light spill.

Floodlit sports will take place only until 9.30pm and will be conditioned accordingly. A further condition will be imposed to ensure that any light spill/glare will be avoided. This will reduce any undue impact to residential properties.

Design and Impact on Recreational Open Space (ROS)

The playing field is protected under policy C3 (ROS) of the Local Plan. In this policy proposals should not be permitted unless there is an excess of good quality recreational facilities that would be lost, sufficient to meet local demand; or the development provides a recreational or community benefit greater than the long term recreational value of the facility to be lost; or equivalent provision in a

convenient location is made. The issue therefore is one of whether the community benefit is sufficient to outweigh the loss of the playing field.

The Leisure Development Officer and Sport England both agree that the community benefit is greater than the loss of the playing field, in this case as facilities are currently only available to students of the college.

Lighting columns are the only addition that would be considered to have a visual impact. New landscaping would help to minimise the proposed columns. As the columns are required to provide the pitches, impact of the lighting columns is not considered significant in this case.

Wildlife

The reports, and additional details submitted, show that bats and badger setts are within the site. The Blackbrook stream is also known to be used by otters, water voles, as well as birds. The two main considerations are the impact of the proposal on the bats and badgers.

The flood lighting has been amended to reduce the impact on the badgers, and a time limit set to 9.30pm for the lights. As indicated in the NCRO comments, the majority of the bats found within the area are tolerant of the lighting and seek out increased insects. The comprehensive wildlife condition is considered to ensure the safety of any protected species during, and after development has occurred.

Conclusion

The proposal is not considered to have a detrimental impact on either visual or residential amenity, with conditions attached to ensure the use and lighting are acceptable. The proposed SUDS, and conditions, will prevent any increased risk of flooding from the proposal. Wildlife concerns have been addressed with additional information submitted, and conditions attached.

RECOMMENDATION AND REASON(S)

The proposal would improve existing facilities and promote better use of open recreational spaces and is therefore acceptable. The proposed lighting will enable full and safe use of the school sport pitch. Mitigation and future management of the site will safeguard any protected species. Proposal is therefore in accordance with Taunton Deane Local Plan Policies S1, C3 and EN34, and National Policy PPS1, PPS9 and PPS25

Recommended Decision:

The proposal would improve existing facilities and promote better use of open recreational spaces and is therefore acceptable. The proposed lighting will enable full and safe use of the school sport pitch. Mitigation and future management of the site will safeguard any protected species. Proposal is therefore in accordance with Taunton Deane Local Plan Policies S1, C3 and EN34, and National Policy PPS1, PPS9 and PPS25

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

3.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

4. The floodlights shall not be illuminated other than between the hours of 9.00am and 9.30pm.

Reason: In the interests of visual amenity of the area in accordance with Taunton Deane Local plan Policy EN34.

5. Following the commission of the floodlights but prior to operation the lights shall be inspected by the Local Planning authority to ensure that the luminaries are cowled such that the light source and lens are not visible from residential properties, such lights shall be maintained as such thereafter.

Reason: In the interests of visual amenity of the area in accordance with Taunton Deane Local plan Policy EN34

6. The development hereby permitted shall not be commenced until a Community Use Agreement for the outdoor sports facilities on the application site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the outdoor sports facilities, to ensure sufficient benefit to the development of sport and to accord with Local Plan Policy C3.

7. There shall be no storage of any excavated materials including soil or permanent land raising within the floodplain of the Blackbrook river as stated in the Aardvark Flood Risk Assessment.

Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity, in accordance with PPS25.

8. A strip of land 5 metres wide adjacent to the top of the banks of all watercourses fronting the site must be kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land.

Reason: To preserve access to the watercourse for maintenance and improvement, in accordance with PPS25.

9. Prior to the commencement of development there shall be submitted and approved in writing by the Local Planning Authority details of the proposed Sustainable Urban Drainage Scheme for the site. The development shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: In the interests of flood prevention, in accordance with PPS25.

10. The development hereby permitted shall not be commenced until details of a an Environmental Management and Monitoring Strategy (EMMS) to protect badgers, breeding birds, reptiles, water voles and bats, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of protected species reports submitted by Aardvark, dated July and November 2008, and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
3. Details of the long term management of habitats on site to ensure the retention, replacement and enhancement

of places of rest and foraging for the species;

4. Details of an annual badger monitoring programme, for a minimum of three years, to establish any effects of the development on the local badger population. The results must be submitted annually to the Local Planning Authority.

Once approved the works shall be implemented in accordance with the approved details of the EMMS unless otherwise approved in writing by the Local Planning Authority and thereafter the site shall be permanently maintained according to the EMMS.

Reason: To protect badgers, breeding birds, reptiles, water voles and bats through the development and to ensure the long term maintenance of places of rest and foraging for these species bearing in mind these species are protected by law. In accordance with PPS9.

Notes for compliance

1. Under the terms of the Water Resources Act 1991 and the Land Drainage Bylaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of a designated 'main river.
2. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
3. The Black Brook is an important wildlife corridor and should be appropriately protected in accordance with Planning Policy Statement 9. Following the RTP1 five point approach, the floodlit pitches should be sited to avoid all adverse effects on wildlife species and habitats where possible.
4. We recommend that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction, the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.
5. In interpreting the results and potential impact of the ecological survey it does not appear that the ecological report has taken account of the Conservation (Natural Habitats, &c) (Amendment) Regulations 2007 and we recommend that the Local Planning Authority should seek the advice of Natural England on the findings of the ecological survey.
6. The outfall discharge rate to the Blackbrook Stream should be limited to 7.09

l/s for all weather pitches.

With regard to condition 10 The Local Planning Authority will expect to see a detailed method statement clearly stating how the species named above will be protected through the development process and to be provided with a mitigation proposal that will support these species in the long term.

Details of the long term management of the site shall include the maintenance and enhancement of the Black Brook corridor, hedgelines and shrubby areas and the management of grassland within Kings College ownership, to enhance habitats.

The monitoring of the badger population should include the results of a bait marking survey to be undertaken in the February before the development is started on site. The results of the survey will form the base line for a monitoring programme which should be carried out for a minimum of three years to establish any effect of the badger population in the area (there is a main sett at 36 Holway Hill).

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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