

TRULL PARISH COUNCIL

CHANGE OF USE OF LAND TO FORM AN EXTENSION TO THE PLAYING FIELD, AND ERECTION OF PAVILLION AT KING GEORGE'S PLAYING FIELD, CHURCH ROAD, TRULL

Location: KING GEORGES PLAYING FIELD, CHURCH ROAD, TRULL,
TAUNTON, SOMERSET, TA3 7JZ

Grid Reference: 321589.121939 Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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

(A1) DrNo SPP.1706.4 Landscape Proposals
(A1) DrNo 4222/12 Survey of Recreation Area
(A1) DrNo 4222/12 Site Plan
(A1) DrNo 4221/12 Proposed Pavillion Elevations & Floor Plan

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

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the use hereby permitted is commenced and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. (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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.
 - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:2012 (Tree Work)].
 - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

8. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

9. No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.

Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Policies EN6 and EN8.

10. The proposed access road, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the pavilion is provided with an acceptable means of access and to ensure that the detailed design of the proposed access road is acceptable in accordance with Policy DM1 of the Taunton Deane Core Strategy.

11. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

12. The applicant shall undertake all the recommendations made in MWA's Hedgerow inspection report dated December 2012. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect dormice and breeding birds

13. No development on the pavilion, access road or car park shall take place until such time as a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed strategy.

Reason - To ensure that surface water drainage is properly dealt with.

Notes to Applicant

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- . Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)

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.

PROPOSAL

This planning application seeks permission for a change of use of an agricultural field to a playing field on land to the south of King Georges Playing Field, Trull. The submitted plans show the removal of an existing boundary hedge and its

translocation to the South Eastern corner of the site.

The application also seeks consent for the erection of a pavilion on the existing playing field to the South of the Village Hall. Vehicle access would be provided through the existing Village Hall car park and a new 4.8 wide access with footway/cycleway would be provided between the village hall and the private dwelling known as Cherry Orchard. This would require the removal of a pre-fabricated garage, tree and short section of hedgerow. The submitted plans show a parking area for up to 14 vehicles included 2 disabled spaces.

The submitted plans also show the location of sports pitches (cricket and junior football pitch) as well as the relocation of children's play equipment. It should be noted that the position of the sports pitches is something that does not normally require planning permission and they can normally be located in any position on a playing field.

The application has been submitted by Trull Parish Council.

SITE DESCRIPTION AND HISTORY

Both the existing playing field (where the pavilion is to be located) and the proposed extension to the playing field is in the Vivary Green Wedge. The site is generally surrounded by development other than the south eastern side which faces onto the Sherford Stream. A field hedge currently separates the existing and proposed playing field and the site is generally well screened by the trees that grown the stream.

The site is sloping with the higher ground on the west and gently falling away to the east.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

TRULL PARISH COUNCIL – No comments received as the Parish Council is the applicant.

SCC - TRANSPORT DEVELOPMENT GROUP – Refer the Council to Standing Advice

DIVERSIONS ORDER OFFICER - Mr Edwards – comments

Steps must be taken to safeguard the public rights of way shown T21/72 and T21/75 on the Definitive Map.

Application should be made to SCC Rights of way Section for change of surface to accommodate access by vehicles to the proposed parking area.

LANDSCAPE – comments:

The loss of the existing central hedgerow will have significant local impact but it's loss is contained within a very local area. The hedgerow is not protected by the Hedgerow Regulations and therefore its main impact would be ecological rather than visual. Dormice have not been identified as an issue. Details of the proposed cycle/footpath should be provided and measures taken to avoid damaging existing tree roots. The proposed development would not conflict with policies CP8, DM1, DM2 and DM4

LEISURE DEVELOPMENT – observations:

The provision of a sports pavilion and activity hall is to be welcomed however part of the proposal does not appear to comply with Sport England Pavilions and Club Houses Design Guidance.

Under the Guidance the pavilion should make provision for an officials changing room of at least 5m² with shower, wash basin and bench space. The entrance should have an entrance lobby to avoid entry directly into a corridor. The changing rooms which should be a minimum of 15m² for Cricket and 16m² for Association Football should have sight screens or a lobby to deny views in. A cleaner's cupboard should also be provided within the building. I note a store is being provided but this appears to be accessed by stairs which is not ideal for access to large items of cleaning equipment.

I have concerns regarding the relocation of the children's play area. Children playing and not actually playing a game of cricket could be put at risk due the distance of the cricket square from the proposed play area site. At Vivary Park the children's play area is approximately 68 metres from the middle of Taunton Deane Cricket Club's cricket square. Cricket balls landed within the play area from this distance, which lead to a 10 metre high fence being erected to prevent injury. The distance from the middle of the Trull cricket square to the proposed location for the children's play equipment would appear to be approx 6metres and it is therefore likely that cricket balls could land within the proposed play area relocation site.

SCC - FLOOD RISK MANAGER – comments

The site is adjacent to the Sherford Stream and any surface water discharge from the site must not increase above the greenfield rate. The application states that discharge will be to soakaway but gives no details of any site investigation to determine whether this will be feasible.

Approval, if granted, should be conditional on the approval of a sustainable drainage system for the building, access and parking area before construction can commence.

The drainage system must be designed to deal with the run-off for up to the critical 1% annual probability (1 in 100 year) flood event, including an allowance for climate

change. Calculations must be submitted to demonstrate this.

BIODIVERSITY – comments:

The application is for the change of use of land to form an extension to the playing field and erection of a pavilion at King George's playing field, Trull. The application involves the translocation of a 170 m section of native hedge. Michael Woods Associates inspected the hedgerow in December 2012 and produced a report

During the inspection of the hedgerow no evidence of dormice was found. Patches of hazel were identified within the hedgerow however no nuts were found opened by dormice. Three old birds' nests were found.

Connecting habitat to the east was also inspected (a short section to the north and approximately 50m to the south). There was no connecting habitat to the west. Based on the thorough inspection which was undertaken and lack of evidence of dormice found from their active season, it is therefore considered highly unlikely that any hibernating dormice would be present. The hedgerow was also considered to be at the edge of possible dormouse habitat range at the edge of the village of Trull.

The surveyor recommended a precautionary clearance approach

1. The hedgerow should be cleared over winter using hand held machinery, with stumps left at approximately 300mm – 500mm above ground level. This will ensure that later removal will not conflict with nesting birds.
2. All cut brash should be removed from site or burnt to ensure that it does not become wildlife habitat in its own right.
3. The hedgerow root balls can then be translocated after Spring to habitat at the edge of the site to ensure no net loss of hedgerow in addition to maintaining the local flora.

I agree with the findings of the report and agree that a precautionary approach to hedgerow removal and proposed landscaping will be needed.

Suggests condition for protected species:

SCC - RIGHTS OF WAY – comments:

Any proposed works must not encroach on to the width of the footpath.

Footpath T 21/75 would be obstructed by the proposal and will need to be diverted. The right of way will need to remain open and available until the (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. We would request to be consulted on the surface of any diverted public right of way.

If the route is to be diverted, this will be dealt with by Taunton Deane District

Council.

We would request improved surfacing of the existing rights of way through and abutting the development. Associated infrastructure (eg. fencing) may be required. Authorisation for such works must be obtained from SCC Rights of Way Group.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the cyclepath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the cyclepath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public cyclepath unless the driver has lawful authority (private rights) to do so.

In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from SCC Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086

DRAINAGE ENGINEER – Comments:

I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Regulation Digest 365 (September 1991) and made a condition of any approval.

ENVIRONMENT AGENCY – no objection

Representations

14 letters received which include a mix of COMMENT and OBJECTION

- No objection to the pavilion but there should be no car park and it should remain a green field.
- Noise and disturbance from the access track, right next to a residential property.

- Risk of flooding the neighbouring property from access tract as it would increase hard surfaces and remove existing grass.
- Shading of existing hedgerow by proposed trees and position of any mobile sight screens.
- Position of the proposed football pitch alongside the perimeter of the field could result in disturbance to existing residents
- If a cricket pitch is provided, there would less open space for children to play (when matches are on)
- It will be dangerous for children to play when cricket matches are on.
- The existing playing field is not used so why do we need further expansion
- Agricultural land will be lost
- The existing children's play area is too small and needs to be bigger to accommodate the needs of the village
- A community orchard should be included.
- Where is the vehicle access?
- Construction plant should not access the site from the current emergency vehicle access (private lane) as it is unsuitable.
- The trustees of the Trull Memorial Hall will not approve any pedestrian or vehicle access via any Memorial Hall land without full consultation.
- Existing shed to the rear of Trull Memorial Hall would be lost which is currently used for costume storage.
- No objection but note that the dwelling known as Taringa is on a private road and there is no public right of access to the site – vehicle access must continue from the east

1 letter of SUPPORT

- Support the new pavilion which could be used by the scout group

PLANNING POLICIES

CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 DM4 - TD CORE STRATEGY - DESIGN,
 C3 - TDBCLP - Protection of Recreational Open Space,
 C5 - TDBCLP - Sports Centres,

LOCAL FINANCE CONSIDERATIONS

The development of this site would not result in payment to the Council of the New Homes Bonus.

DETERMINING ISSUES AND CONSIDERATIONS

Principle of the development and change of use

Policy CP8 of the Core Strategy seeks to protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks

between settlements. One of the key policy objectives of the green wedges is to provide accessible formal and informal recreation sport and play. The extension of the existing playing field would result in the loss of agricultural land and an existing field boundary, however it is considered that the provision of a larger playing field which is publicly accessible compensates for that loss.

It is not unusual to have recreational areas within the green wedges and they can provide a positive approach to land use. It is acknowledged that the erection of a pavilion building and car park would result in a net loss of green space, however the net gain in publicly accessible playing fields weighs in favour of the proposal.

Landscape considerations

The proposal would result in the loss of an existing hedgerow which would be relocated to the south west of the site. This would reinforce an existing strong boundary to the Sherford Stream and also retain the mix of hedgerow species. A short section of hedgerow is also proposed to be removed between the rear of the Village Hall and the existing playing field. This would be required to provide the proposed car park and access vehicle access, but would not have a significant adverse impact on the character of the area.

Rights of Way

There are existing rights of way which cross the northern, eastern and western boundaries of the playing field. The submitted plans show the potential improvements and slight diversions of the routes. Separate consent would be required to divert a public right of way and it is considered that the proposals would not make them less convenient for public use. In fact, the proposals will include additional links between the rights of way which would improve connectivity

Parking

The application includes a car park with 14 spaces for the proposed pavilion. This is considered to be sufficient for the development although it is slightly disappointing to lose green space to car parking. Alternative proposals for off-site parking on the existing village hall car park have not been put forward and an assessment as to whether there is a need for additional on-site parking has not been made. There is however a requirement to determine the application as submitted and the loss of green space to parking is offset by the increase in the size of the playing field.

Layout of site and building

The comments received from Leisure Development and members of the public regarding the position of the pitches and proximity of the relocated children's play area are noted, however the planning application is for the change of use of the land. Planning permission does not normally extend to controlling the position and marking out of playing pitches. This is best controlled through the management of the play space and in this case, it would be for the Parish Council to undertake

appropriate risk assessments and manage the layout of the playing fields and when the activities take place.

Likewise, the internal layout and size of the pavilion building is not normally controlled through the planning regulations. It is accepted that the Sport England Pavilions and Club Houses Design Guidance gives best practice, but it is not a determining issue in this case. It would not be appropriate to refuse planning permission because a development did not meet another organisations suggested best practice.

Vehicle Access

The proposed vehicle access into the site would pass directly alongside a residential dwelling which is on lower ground. Vehicle movements along the side boundary of this property would result in an increased disturbance than at present and this is a material consideration. Vehicle speeds are likely to be slow and the frequency will depend on the seasonal use of the building and car parking available. There is 1 small secondary window in the first floor of the side elevation of the dwelling. The remaining of the side elevation is blank and it is therefore considered that disturbance to the inside of the house would not be significant. While the front and rear gardens of the dwelling are in use, there would be greater disturbance than at present. However it is not unusual to have access drives or roads along a side boundary and given the likely number of vehicle trips to and from the pavilion, this disturbance would not result in a significant loss of residential amenity.

It is important to get full details of the construction of the access road to ensure that it is properly drained without impacting on the neighbouring dwelling and also to ensure that there are no speed bumps that would cause vibrations to the neighbouring property. These details could be secured by a planning condition.

Conclusion

The principle of development is acceptable and the proposal would not have an adverse impact on the green wedge. The proposed relocation of the hedge would partially mitigate against its loss and the increase in size of a publicly accessible playing field weighs in favour of the proposal. The development is considered not to have any significant adverse impact on residential amenity and it is recommended that permission is granted subject to conditions.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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