

38/19/0008

MAGGIES

**Erection of a two storey cancer caring centre on land to the edge of the playing field adjacent to Musgrove Park Hospital, Taunton**

Location: THE ESTATES OFFICE, MUSGROVE PARK HOSPITAL, TAUNTON,  
TA1 5DA

Grid Reference: 321296.124216

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (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 2378\_PL\_001 Location Plan  
(A1) DrNo 2378\_PL\_011 Site Plan Proposed  
(A1) DrNo 2378\_PL\_101 Ground Floor Plan  
(A1) DrNo 2378\_PL\_102 First Floor Plan  
(A1) DrNo 2378\_PL\_103 Roof Plan  
(A1) DrNo 2378\_PL\_201 Long Section Proposed  
(A1) DrNo 2378\_PL\_202 Cross Section Proposed  
(A1) DrNo 2378\_PL\_301 South Elevation Proposed  
(A1) DrNo 2378\_PL\_302 East Elevation Proposed  
(A1) DrNo 2378\_PL\_303 North Elevation Proposed  
(A1) DrNo 2378\_PL\_304 West Elevation Proposed  
(A0) DrNo 587\_PL02 Proposed Plan General Arrangement  
(A0) DrNo 587\_PL03 Existing Plan Tree Species  
(A0) DrNo 587\_PL04 Proposed Plan Tree Works & Demolition

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

3. Prior to the construction of the building samples of the materials to be used in the construction of the external surfaces of the development shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area.

4. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the development, 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 other 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.

5. Prior to the Maggie's centre being brought into use the new play area and realignment of the sports pitches shall be carried out.

Reason: To ensure suitable play and sports facilities are retained for public use.

6. No pedestrian access shall be allowed between the site and playing field unless for emergency purposes.

Reason: To ensure parking and access from the hospital site.

7. The applicant shall undertake all the recommendations made in First Ecology's Preliminary Ecological appraisal report dated September 2017. 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 wildlife.

#### Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

## Proposal

The proposal is to provide a modern two storey building as a cancer care centre on 0.185ha of land adjacent to Musgrove Park Hospital on land that forms the edge of Galmington Playing field. The brief was to create a building to feel safe and welcoming as well as to raise one's spirits by being stimulating and well-designed. An access will be created to the hospital grounds from where the site will be accessed and serviced with links to hospital car parks, the oncology ward and Beacon Centre. An extensive landscaping scheme is proposed as part of the proposal as well as the funding of a replacement children's play area. The scheme proposes a high quality building and is supported by a heritage appraisal, ecological appraisal, arboricultural assessment and a flood risk assessment.

A site appraisal was carried out as every Maggie's has to be easily accessible from the related Oncology Ward. Sites considered were all within 100m radius of the Beacon Centre. Freeing up any alternative site in the immediate vicinity of the Beacon Centre would require excessive demolition and alterations to the hospital operation. The site chosen therefore will have easy access to the reception of the Beacon Centre while limiting impact on recreation.

## Site Description

The site lies on the edge of Galmington playing field and consists of a grassed area and a children's play area for the under 5's with limited equipment and there is a current hedge and fence boundary with the hospital to the north. Parkside Ward at the hospital lies to the west while the sports pavilion lies to the east. The nearest dwelling lies over 40m to the west.

## Relevant Planning History

None

## Consultation Responses

*COMEYTROWE PARISH COUNCIL* - Comeytrove Parish Council discussed this application in some detail at their March meeting as the Playing Field is close to their boundary and is used by residents from within the Parish. As such, the Council wish to make the following comments:

1 We object strongly for the Playing Field, which is a public open space, to be used for any other purpose than what it is intended for, ie public amenity, sports and recreation.

2 We are very surprised and disappointed at the lack of consultation from Taunton Deane Borough Council as the Planning Authority, with local residents and with us as an adjoining Parish Council who would normally be consulted on such applications.

3 Taunton has been designated a “Garden Town” status and should be protecting all such open spaces. Once they are gone they are lost forever, and this space is increasingly valuable given the urban growth that surrounds it and the lack of other open space in close vicinity. To lose any part of this precious area is at odds with the Garden Town concept and the virtues Taunton Deane purports as important in its case for gaining the status.

4 We feel that Musgrove Park Hospital has reached saturation point in respect to its site and footprint, and has effectively exceeded it with the significant level of expansion in recent years. There needs to be detailed discussions with all parties, including the new Somerset West and Taunton Council as the Planning Authority, on any future building on the site, to plan for the long term rather than the piece-meal approach to building on the site. There should be real and progressive planning which, given the exhausted capacity for any further new build, should look to other sites around the Deane for any future unit growth of the hospital’s facilities and capability, and any supporting facilities it may require. It is not in the hospital’s interest as an effective centre of health treatment and care or the interests of residents in the surrounding area that ‘more of the same’ short-sighted approach continues. There has to be a proper strategic plan that extends beyond the site if it is to go forward as a centre of excellence, or even simply meet the increasing demands expected of it.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to standing advice.

*WESSEX WATER* - No comment.

*TREE OFFICER* - No objection from me on this one – looks like a good scheme. The trees and (predominantly elm) hedge to be removed are not significant, and there is to be a comprehensive scheme of new planting, as shown on the plans.

*LANDSCAPE* - I have no landscape objection to this proposal. The new landscape scheme for the area looks good.

*BIODIVERSITY* - First Ecology carried out a Preliminary Ecological appraisal of the site in September 2017. Findings were as follows

**Habitat** - The site comprises of 13 standard phase 1 habitat types including a native species rich hedgerow with trees. If partial or complete removal of this hedgerow is unavoidable then a replacement hedge should be planted to preserve biodiversity.

**Bats** - No signs of bats were found on the external elevation of the sports pavilion. However numerous crevice roost features were identified during the survey. It is understood that the development will not impact on the sports pavilion so no further survey or mitigation for bats is required.

**Birds** - The surveyor found no active or inactive bird nests within the hedgerow or

on the exterior of the sport pavilion. However vegetation should be removed outside of the bird nesting season

**Reptiles** - The Galmington playing fields provide potentially suitable habitat for slow worm in the area of tall ruderal vegetation or spoil heaps along the southern boundary of the playing fields. It is understood that the development will not impact on this area

**Condition for protected species:**

The applicant shall undertake all the recommendations made in First Ecology's Preliminary Ecological appraisal report dated September 2017.

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 wildlife.

**Informative Note**

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 All British birds (with exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). No work should proceed while birds are building a nest, on a nest, or until the young become fully independent. Generally, this will be from April until September.

**SPORT ENGLAND** - It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own playing fields policy, which states:

***'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:***

- ***all or any part of a playing field, or***
- ***land which has been used as a playing field and remains undeveloped, or***
- ***land allocated for use as a playing field***

***unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'***

Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 (E3) of our playing fields policy, in that:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

This being the case, Sport England **does not wish to raise an objection** to this application.

However, we would advise that The Football Foundation on behalf of the FA advise that on the scaled map provided (587\_SK\_22\_CGalmington) it should be noted that the applicant has suggested a run-off area of 2.7m, however have allowed 1.8m for a respect area and 5.5m for a walk way so should be fine to extend the run-off round the perimeter of the pitch to 3m as highlighted below.

We would ask that the applicant considers the FA recommended pitch sizes which are outlined below: -

- Mini-Soccer U7 and U8 (5v5) 37 x 27m (43 x 33m including safety run-off area )
- Mini-Soccer U9 and U10 (7v7) 55 x 37m (61 x 43m including safety run-off area)
- Youth U11 and U12 (9v9) 73 x 46m (79 x 52m including safety run-off area )
- Youth U13 and U14 (11v11) 82 x 50m (88 x 56m including safety run-off area)
- Youth U15 and U16 (11v11) 91 x 55m (97 x 61m including safety run-off area)
- Youth U17 and U18 (11v11) 100 x 64m (106 x 70m including safety run-off area)
- Over 18 and Adult (11v11) 100 x 64, (106 x 70m including safety run-off area)
- Run-off:
  - A minimum safety run off 3m must be provided.
  - Run off areas must be free from obstructions and be of the same surface as the playing area.
  - The site operator must undertake a risk assessment to ensure that the run off area is safe and does not pose a risk of injury to a player or spectator. This would include structures immediately outside this 3m area.

We would recommended that the applicant continues to work with Somerset FA and the site's partner club Galmington Dragons FC to ensure that the pitch sizes meet the FA recommended pitch size as above.

*SCC HERITAGE OFFICER* - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

*ENVIRONMENT AGENCY* - No comment.

## **Representations Received**

**District Cllr Farbahi** requests the application is considered by committee.

**District Cllr Floyd objects** : The proposed building is entirely out of keeping with the surrounding environment, it would dominate with its raised position and block out views to the Quantocks enjoyed by the thousands who use that space.

Parking. Recommendation 3.1.2 suggests that Maggie's have considered this. This has not happened. The loss of 12 spaces for Fire Access Purposes will add more strain on the nearby streets which sees regular conflict over parking between residents and NHS staff.

These issues have created flash points where waste collections are missed due to access problems and even emergency vehicles have been unable to get to where they are needed due to these issues.

Furthermore, it will impact on those travelling from afar for recreational purposes, particularly visiting football teams which will again add issues to nearby streets.

Disruption: During the building of the Beacon centre and the new building, residents endured months of misery with subcontractors parking nearby, this will occur again during this build.

Covenant: This covenant must not be removed. Whilst some far flung relative may sanction it, we as a community have not had the power of recourse to ask them not to lift it. Therefore, this should be null and void as a permission.

Fields in Trust/ Community Asset Transfer: Hamilton Park was placed into this and Galmington Playing Fields should have been too. I call upon Taunton Deane to protect this space for all or to consider a Community Asset Transfer if they feel they can no longer care for it.

Conflict of Interest: How can Taunton Deane be the trustee, landlord and planning authority on this matter? This is a massive conflict of interest and needs to be heard before a Property Tribunal.

Climate Crisis: Taunton Deane have recently declared a climate crisis, how can

building on green spaces address this?

Garden Town: How does building on Green Spaces fit in with the Garden Town status or planning frameworks associated with that?

Consultation: There has been a very limited amount of consultation with residents. If this was challenged I fail to see how the council could demonstrate that meaningful consultation had taken place.

Delegated Powers: This application is too important for delegated power, and as a local district cllr I request it is referred to the planning authority.

**County Cllr Hunt** - On the face of it this of course should be welcomed. However the application is asking that an area of Galmington Playing Field is taken from the people who own it, the people of Taunton. The field was a deed of gift to the people by the former Taunton MP, Brigadier Andrew Hamilton Gault in 1931. It was given for the provision and maintenance of a recreation ground for the community as a whole. Not for the building of a car park, a Maggies Centre or anything else that isn't related to the Brigadier's wishes in his kind gift to us all. The problem is, if the application is upheld does this then open the floodgates? Will it mean that not only will this green public area be reduced or lost altogether, surely it'll set an unwanted precedent, thus making none of our parks and green public spaces safe from development. Is Taunton a Garden Town or not? Due to my support of a Maggies Centre in Taunton, it is with a heavy heart that I must ask the TDBC planners to turn down this particular application and at the same time ask that the new Somerset West and Taunton District council work with the team from Maggies, to find a suitable alternate location in our County Town. Perhaps I could suggest, one that isn't taking large chunks out of a community Playing Field. Last Friday, I spent around 3 hours at Galmington Playing Field and would like to thank the many people who gave up their time to speak to me and share their views on this planning application. Almost all those I spoke with were very much against this application, in fact only one person was in favour out of the 50-60 I spoke with.

A petition with 177 signatures against has been received

60 letters of objection on the grounds of

- Park and should not be built on
- Park regularly used and loss of recreational space
- Area heavily used by all ages
- Loss of play area
- Loss community facility
- Loss of amenity
- Building out of keeping and will block views
- Should encourage physical activity and reduce ill health
- Should use brownfield site
- Proposal could be built anywhere in town
- Should be no access to park
- Traffic impact

- Implications for safety and traffic congestion
- Loss of trees hedgerow and habitat
- Little consultation
- Space protected by covenant
- Building on land left to the people of Taunton
- Conflict of interest as Taunton Deane is a trustee of the charity
- Goes against promotion of participation in sport
- Proposal goes against health advice
- Parking problems in area and would worsen
- danger to pedestrians and children playing due to traffic
- inconsiderate parking may cause a risk to life if fire engines and ambulances cannot park
- Precedent
- Trustees do not have the legal right to use, sell or lease any part of the land for any purpose not relating to the objects of the charity
- Limited staff numbers questioned
- Disruption due to construction with increase in machinery and large transport vehicles in the building of the project

1 letter of support on basis that it is appropriately sited, of good design and would benefit the area

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP5 - Inclusive communities,  
 CP8 - Environment,  
 DM1 - General requirements,  
 SD1 - Presumption in favour of sustainable development,  
 C3 - Protection of recreational open space,  
 D7 - Design quality,  
 ENV2 - Tree planting within new developments,  
 I4 - Water infrastructure,

## **Local finance considerations**

### **Community Infrastructure Levy**

N/a

## **New Homes Bonus**

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

## **Determining issues and considerations**

The main issues for consideration with this proposal are the impacts of the scheme on residential amenity, parking, design and the protection of the playing field use.

The proposal is to provide a health related community facility that will provide additional cancer care facilities in close proximity to the hospital where space to extend is very restricted. The proposal is therefore considered to comply with policy CP5 of the Core Strategy. The new building is set to the north east and east of existing residential properties and while the building will be visible from the nearest of the properties at a distance of over 40m there is not considered to be any adverse impact in terms of loss of privacy, overshadowing or other amenity impacts.

The development will be accessed via the existing hospital site and car parks and there will be no direct access to the playing field from the centre, unless for emergencies, which would be a condition of any approval. This will safeguard the fear of people parking and taking a short cut through the site to access the hospital. A disabled drop off point will be provided within the hospital site close to the access. Given the scale and nature of the development there is considered to be adequate existing parking within the hospital site to cater for the use.

The design is considered high quality and is by an established architect and is reflective of the quality of other such centres. The development is an 'X' shaped plan surrounded by landscaped courtyards. The building is orientated to the south to make the most of views and sunlight. The development includes green roofs on the lower sections and photovoltaic panels on the main central roof section. Externally it is intended the building will have aluminium cladding with large areas of clear glazing. The building will be constructed on mini-piles to allow for the appearance of the building floating and help allow for provision of a sustainable drainage system.

The siting of the development lies on an existing playing field and as such consultation with Sport England is required. Policy C3 of the Site Allocations and Development Management Plan seeks the protection of recreational open space. The development in policy terms would retain the playing pitches and would enable the provision of a new children's play area thus enabling a community benefit greater than the long-term recreational value of the recreational facility that would be lost. It is therefore considered to comply with policy C3. In addition Sport England do not raise objection as it is considered that the development would not reduce the sporting capacity of the playing field to accommodate playing pitches.

The covenant and ownership issues are not planning matters that can be considered in the determination of this application and the issue has to be considered in terms of planning policy. The development is limited in its extent and does not set a precedent for future development elsewhere. The access, parking and servicing is

through the hospital site and the development will not result in the loss of playing field pitches. While the proposal will result in the loss of a children's play area the developer will fund a new play area. The development is a high quality design and is not considered to harm the residential amenity or wildlife in the area and subject to appropriate conditions is recommended for approval.

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

**Contact Officer: Mr G Clifford**