

Application Details	
Application Reference Number:	<u>25/21/0038</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	11 April 2022
Expiry Date	<u>20 May 2022</u>
Extension of time	
Decision Level	Committee
Description:	Change of use of land with additional works to playing fields in relation to application 25/17/0023 to include a full size football pitch, multi games area and tennis court, car park for 40 No. cars with disabled bays, bike, motorbike and mini bus parking and attenuation pond on land at Stembridge Way, Norton Fitzwarren
Site Address:	<u>STEMBRIDGE WAY, NORTON FITZWARREN, TAUNTON, TA2 6SX</u>
Parish:	25
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	N/A
AONB:	No
Case Officer:	<u>Darren Roberts</u>
Agent:	
Applicant:	SOMERSET WEST AND TAUNTON
Committee Date:	15th September
Reason for reporting application to Committee	Chair's discretion due to number of objections

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

2.1 The application complies with the relevant development plan policies and the NPPF. This is a proposal for new sports facilities which are supported within the local community. Concerns have been raised over access, floodlighting, construction traffic and by statutory bodies. These have been overcome and fully addressed within the report.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

1. Standard three year time limit
2. In accordance with approved plans

3. Management and maintenance scheme for tennis courts
4. Compliance with ecology measures set out in the ecological appraisal report of May 2022
5. Protective fencing for trees to be provided prior to start of construction of parking areas
6. Details of planting to be agreed prior to undertaking works to the football pitch
7. No lighting to be installed within the site
8. Construction Management Plan/method statement to be approved prior to construction
9. Ecological measures in the reptile report to be carried out in full
10. Parking and cycle parking areas to be full marked out and available for use prior to first use of facilities

3.2 Informatives

3.2.1 Proactive Statement

3.2.2. Wildlife

4. **Proposed development, site and surroundings**

4.1 Details of proposal

It is proposed to construct a new sports pitch of 'adult' size, a new multi use games area (MUGA) (which could include a tennis or netball court) and a tennis court within this existing field. In order to serve this, car parking areas will be created close to the entrance, using the access which currently serves the existing pitch from Stembridge Way.

4.2 Sites and surroundings

The site is a flat field to the rear of the existing playing field within the village. It is characterised by a track on the South Eastern boundary, above which is a high voltage power cable, with a pylon in the South West Corner of the site. This track is used to access allotment gardens beyond. The field is bounded by trees and hedgerows.

5. **Planning (and enforcement) history**

Reference	Description	Decision	Date
25/17/0023	Change of use of land from agriculture to playing field.	Granted	02/01/2018

6. Environmental Impact Assessment

Not required

7. Habitats Regulations Assessment

The site lies within the catchment for the Somerset Levels and Moors Ramsar site. Natural England have advised the Council that, in determining planning applications which may give rise to additional phosphates within the Ramsar catchment they must as competent authorities undertake a Habitat Regulations Assessment and undertake a project level appropriate assessment where a likely significant effect cannot be ruled out. Natural England have identified certain forms of development affected including the intensification of agricultural use

This development does not fall into the category development affected by phosphates and nitrate neutrality as it will not increase the number of residents or visitors to the catchment area. Therefore a HRA is not required in this respect.

An assessment of the impact of the application on bats at Hestercombe House has been carried out below, as part of the requirements under the Habitat Regulations.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 18 February 2022

8.2 Date of revised consultation (if applicable): 30 May 2022

8.3 Press Date: N/A

8.4 Site Notice Date: 04 March 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer comment
NORTON FITZWARREN PARISH COUNCIL	Support the application - much needed in the Parish	Noted
Consultee	Comment	Officer comment
LANDSCAPE	No objection in principle. However, some concern that: the green infrastructure is limited to the addition of the western boundary hedge and otherwise indicative areas of activity which have yet to be designed, and as a consequence, they are not fully integrated with the	See section 16

	<p>proposals and do little to help reinforce the positive characteristics of the landscape; and there would also appear to be opportunity to use the site to provide other recreational activities that would benefit the community.</p> <p>Details will be required on the boundary hedge along the western side and how this is to be managed in the long term. Further information on the design of the green open space and how it is to be managed would be of benefit.</p>	
Consultee	Comment	Officer comment
LEISURE DEVELOPMENT	No response	N/A
Consultee	Comment	Officer comment
ENVIRONMENT AGENCY	No response	See 18.1
Consultee	Comment	Officer comment
SCC - ECOLOGY	Ecological Appraisal Required Potential for reptiles No floodlighting	See 17.1
Consultee	Comment	Officer comment
SCC - TRANSPORT DEVELOPMENT GROUP	The current proposals have been reviewed, and it is noted that the site benefits from a planning permission for a playing field use (see application 25/17/0023). When this earlier scheme was permitted, the local playing authority did consider the traffic impact of the scheme and it was recommended that on-site parking be provided to help reduce the risk of parking on local residential roads. The current scheme has been considered in the context of these recommendations and the extant planning	Noted

	<p>permission.</p> <p>There are no significant concerns relating to the use of the site access to serve the playing field use, and this aligns with the conclusions of the earlier permission. Whilst the site access lane is narrow along much of its length, there would be space for vehicles to pass each other near the access junction, and flows are expected to be largely tidal in any case. Visibility at the access is appropriate, and there is unlikely to be a significant highway impact.</p> <p>It is noted that parking will be provided for minibuses, and there will be 40 car parking spaces within a gravel parking area. Cycle parking will also be included as part of the scheme. This level of parking is considered to be acceptable and should limit the likelihood of any parking overspilling onto the local residential roads. Given the site location and the surrounding residential area, it is recommended that</p> <p>a Construction Traffic Management Plan is secured as part of any consent. This would help to mitigate any potential adverse impacts on the local community through the construction phase of the development. In summary, having considered the relevant site planning history and having reviewed the current application submission, the highway authority raises no objection to the scheme proposals. Should permission be granted, the following planning</p>	
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	condition is recommended.	
Consultee	Comment	Officer comment
SCC - RIGHTS OF WAY	No response	N/A
Consultee	Comment	Officer comment
SPORT ENGLAND SOUTH WEST	<p>The Football Foundation (FF) advise that the grass pitch dimensions have been amended and are in line with FA guidelines. There remains no clarity on management and maintenance, which was originally asked.</p> <p>The LTA advise that one court doesn't meet the demand for tennis in the town. Precedent evidence a MUGA will just be left open and never used for tennis. MUGA then left open and unmanaged to decline in quality with no set purpose for its use. The LTA have the view that these kind of facilities are only as good as they are managed and maintained. So preference would remain for the LTA to have two dedicated tennis courts, with booking as access control to serve this part of the town.</p> <p>Conclusion In light of the above, Sport England is unable to fully support this application. Comments from the FF and LTA should be considered and an amended scheme presented.</p> <p>Sport England recommends, based on our assessment, that if the Council is minded to approve the application, the following planning conditions should be imposed.</p> <p>1. The playing field/s and pitch/es shall be constructed and laid out in accordance with the</p>	See 19.1-19.2

	<p>[planning application *, Section * and Drawing No. **] and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first use or occupation [or other specified timeframe] of the development [or specified part of the development/] hereby permitted.</p> <p>Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with LP Policy **.</p> <p>2. Prior to the bringing into use of the [named sports facility) a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the [named sports facility].</p> <p>Reason: To ensure that new facility/ies is capable of being managed and maintained to deliver a [facility] which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 99) and to accord with LP Policy **</p>	
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	<p>If you wish to amend the wording of the recommended condition(s), or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned.</p> <p>Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.</p> <p>The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.</p>	
Consultee	Comment	Officer comment
TREE OFFICER	No objection subject to need for protective fencing during works	See section 16
Consultee	Comment	Officer comment
NATURAL ENGLAND	Likely significant effects on bat population is unlikely	Noted
	Conditions requested removing lighting and delivering biodiversity gain	Noted

8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

4 letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Existing pitches underutilised- should be used for other sport	See 19.3

Need for dog walking areas	See 19.3
Highway infrastructure cannot cope	See 13.1
Access road needs to be maintained	See 13.1
Anti-social behaviour	See 15.2
Concerns regarding floodlighting	No floodlighting is proposed
Need for screening	See section 16
Construction traffic	Condition is recommended
Support	Officer Comment
Village lacks facilities and would particularly help with junior football	Noted

8.6.1 Summary of objections - non planning matters

Existing fields are manned by volunteers and would be difficult to recruit more

9. Relevant planning policies and Guidance

9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

9.2 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

9.3 Relevant policies of the development plan in the assessment of this application are listed below:

Taunton Deane Adopted Core Strategy 2011-2028

CP8 - Environment,
DM1 - General requirements,
SP4 - Realising the vision for rural areas,

Taunton Deane Site Allocations and Development Management Plan 2028

C2 - Provision of recreational open space,

A1 - Parking Requirements,
I1 - Powerlines,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,

Supplementary Planning Documents

District Wide Design Guide adopted December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (February 2022)

Neighbourhood plans:

There is no made development plan in this area.

9.7 National Planning Policy Framework

8. Promoting healthy and safe communities

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

The principle of development

Design of the proposal

Access, highway safety and parking provision

Impact on the character and appearance of the locality

Impact on residential amenity

Impact on trees and landscaping

The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

Flood risk

These are considered below

11. The principle of development

11.1 The principle has been established by a previous consent. In 2018 permission was granted in outline for the change of use of this piece of land from agricultural use to playing field. The same development plan is in place and there are no significant amendments to the policy position since that date. The application (25/17/0023) contained little detail, and therefore permitted change of use only.

11.2 The current application in addition requests permission for a car parking area and access to be created. Policy A1 of the Development Management Plan 2016 outlines the need for car parking. In this instance, although the area is accessible by walking and cycling from Norton Fitzwarren, parking is required due to the need for people who live outside the area (opposing teams and officials) to access the site. Delivery of the open space meets the ambitions of the Local Plan, specifically Policy CP5 of the Core Strategy. However, it is important that all aspects of the proposal conform to policies which require a respect for the environment and neighbouring amenity.

12. Design of the proposal

12.1 It is proposed to change the existing grassland into a senior football pitch, measuring 100 metres by 68 metres. Around the pitch it is proposed to install a post and rail fence. There would be small plastic dugouts at the half way line.

12.2 In addition, to the side it is proposed to install two MUGA/ tennis courts with mesh netting on the perimeter. There is a proposed attenuation and reed bed in one corner, and the area to the north will comprise of a wildlife area. Finally, on the entrance to the pitch a new gravel car park is proposed in addition to a separate area for bicycles and minibuses.

12.3 The design is considered to be appropriate to the use of the land for recreation, and all hard surfacing is proposed to be porous. The proposal meets the requirements set out in Policy DM1 of the Core Strategy, which sets out the general requirements all planning applications need to meet.

13. Access, Highway Safety and Parking Provision

13.1 The current access which serves the existing pitch to the south would be extended past the pavilion. As stated above, a new gravel car park is proposed. This would accommodate 40 cars, in addition to the 3 minibuses and 24 bicycles proposed in the adjacent parking area. The parking is intended to serve the new pitch, the existing pitch, tennis courts and multi-use games area. Whilst it is hoped that several visitors will walk or cycle to the facility, it is important that all vehicles are safely accommodated on site, and do not contribute to parking problems on Stembridge Way, as stated by the local highway authority. Concerns have been raised over the potential for construction traffic and it is considered that this matter can be addressed by way of a planning condition.

13.2 It is considered that no harm will be caused by the proposal when assessed against Policy DM1b. of the Core Strategy, which requires development to not add to road safety problems or environmental degradation.

14. The impact on the character and appearance of the locality

14.1 No substantial new buildings are proposed so the impact is limited to the creation of the parking areas and wildlife area. No floodlighting is proposed and a condition is proposed to prevent lighting being installed. As a result this would not unacceptably harm public health or safety and is therefore in accordance with Policy DM1e. of the Core Strategy

15. The impact on neighbouring residential amenity

15.1 Concerns have been raised that the additional traffic will give rise to a negative impact on the surrounding residential area. By the nature of the use, activity is most likely to occur on weekend afternoons or occasionally during the early evening outside of winter months. Whilst it is likely that all vehicles will enter and exit the site within a relatively short period, this is already a recreational facility where such journeys are to be expected. Any disruption to the local highway network is likely to be short lived and the benefits of the scheme are considered to outweigh this disruption.

15.2 There has also been concern expressed that the increased activity will lead to noise and potentially anti-social behaviour. However, permission has already been granted for the use of this land for football. It is stated that the new pitch will be used for adult football instead of the existing pitch, which is more suited to junior football. It is not considered that there would be an adverse impact on residential amenity. This would not unacceptably harm public health or safety and is therefore in accordance with Policy DM1e. of the Core Strategy

16. The impact on trees and landscaping

16.1 There is a line of small trees adjacent to the proposed parking area which have the potential to be affected. Whilst these are not covered by a Tree Protection Order it is considered necessary to construct all parking outside of their rooting areas in order to protect against their loss, which also provides valuable screening. In addition, the trees should be protected during construction by the provision of fencing.

16.2 The landscape officer requires further details of the wildlife hedge to be submitted. This would provide screening and aid biodiversity and would not lead to harm to protected wildlife species or their habitats, as set out in Policy DM1c of the Core Strategy.

17. The impact on ecology and biodiversity

17.1 The site lies within the consultation zone for the Hestercombe House and Gardens SAC, which is designated for supporting a maternity colony of lesser horseshoe bat. Whilst bats have been recorded close to the site, the change from modified grassland to grass pitch is not considered to represent a significant loss of foraging value for bats. Critically, the absence of floodlighting will lessen the impact of the scheme on bats.. Natural England's response is based on no floodlighting being included, and conditions being attached to ensure that lighting levels are not increased.

17.2 No works to hedgerows are required and a potential area outside of the sports pitch has been allocated for biodiversity enhancements, as well as the proposed wildlife hedge. The ecological report submitted with the application stated that there is a possibility of disturbance to reptiles and amphibians. Further surveys have been submitted, these have assessed the populations of reptiles and amphibia. There is a low population of reptiles, and nearby watercourses have poor habitat suitability for great crested newts. Subject to the recommendations within the surveys submitted, which would allow for biodiversity net gain, it is considered that there will be no impact on ecology and would not lead to harm to protected wildlife species or their

habitats, as stated in Policy DM1c of the Core Strategy.

18. Flood risk

18.1 The site is principally located within Flood Zone 1, with small areas to the South West within flood zones 2 and 3. A small part of the proposed tennis court/ MUGA lies within the flood zone. However, this is classed as 'water-compatible development' within the Flood Risk Vulnerability Classification of the Environment Agency. As such, whilst it is acknowledged that a small part of site is liable to flooding, there is no risk to people or property and therefore no requirement for the scheme to be amended. This is in accordance with policy CP8 of the Core Strategy, which seeks to ensure that development does not exacerbate flood risk either from fluvial or other causes of flooding.

19. Any other matters

19.1 An objection has been received from Sport England, on the basis that the plans show a single tennis court and a MUGA. The nature of the objection is because, in the opinion of Sport England, it is difficult to manage a single tennis court due to operational issues.

19.2 To address this the scheme has subsequently been amended to show one dedicated tennis court, and one tennis/multi use and netball court. It is considered that a condition should be imposed on any permission which requires a management scheme to be agreed prior to operation.

19.3 Concern has been raised over the loss of dog walking areas. These would be maintained through the site to the allotment area and public footpath beyond

19.4 A further comment has been made that other sport should be considered. The response from the parish council and Sport England is that football is needed, the facility would allow more junior football to be played. In addition, sports such as tennis and netball will be able to be played on the hard courts proposed.

20. Local Finance Considerations

This development is not liable for Community Infrastructure Levy

21 Planning balance and conclusion

21.1 The proposal has been assessed against the policies in the Development Plan and the NPPF. The proposal would add to sporting facilities within the parish, and thus increase health and wellbeing. It is supported by the Parish and the playing fields committee and is the culmination of years of work by the Council in order to provide facilities at this level. Whilst there are concerns over the number of vehicles visiting the site on matchdays, it is considered that the benefits of the proposal significantly outweigh any impact. The ecological concerns have been overcome.

21.4 When assessed against the Development Plan when taken as a whole and the NPPF it is considered the proposal is in general conformity with the policies and that any concerns raised can be dealt with by the imposition of conditions.

21.5 For the reasons set out above, having regard to all the matters raised, it is

therefore recommended that planning permission is granted.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and Informatives

Conditions

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 J005173.002 Proposed Site Plan
(A1) DrNo J005173.004 Proposed Drainage
(A1) DrNo J005173.003 Proposed Earthworks
(A3) Location Plan
(A1) DrNo J005173007 Typical Fence Details
(A1) DrNo J005173006 Proposed Site Section

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

3. Prior to the bringing into use of the tennis courts a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the courts.

Reason: To ensure that new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 99) and to accord with Policy C2 of the Adopted Site Allocations and Development Management Plan

4. The recommendations of the Preliminary Ecological Appraisal dated May 2022 shall be complied with. These include the measures outlined in Part 4.6 of the report, including a survey of protected species if removal of vegetation is required, or if bat roosts or badger burrows are found. Any vegetation should be removed outside of the bird nesting season or if not possible inspected by an ecologist before removal.

Reason: In order to protect wildlife within the vicinity and to deliver biodiversity net gain in accordance with Policy DM1 of the Core Strategy and provisions within the Framework.

5. Prior to the start of construction of the proposed parking areas, protective fencing shall be erected in order to protect the trees adjacent to this area. This 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.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

6. Notwithstanding the approved plans, further details shall be submitted which show the species, size and planting details of the proposed wildlife hedge to the north west. The scheme shall be submitted to and agreed by the Local Planning Authority prior to the undertaking of works to the proposed football pitch. They shall be planted no later than the first planting season after commencement of development. Any trees or hedges shall be maintained for a minimum of 5 years. Any trees or hedges which fail within that time shall be replaced by similar species or an alternative to be agreed in writing by the local planning authority.

Reason: In order to benefit wildlife and biodiversity on site and to comply with Policy ENV2 of the Site Allocations and Development Management Plan.

7. No lighting shall be installed within the site.

Reason: To protect wildlife in accordance with Policy DM1 of the Adopted Core Strategy

8. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The plan/statement shall provide for:
 - 24 hour emergency contact number;
 - Hours of operation;
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud being carried onto the highway;
 - Any necessary temporary traffic management measures;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway

Reason for pre-commencement: To ensure that the development can take place

without danger to the local highway network or residential amenity

9. The ecological enhancement measures listed in paragraph 5.2 of the Norton Fitzwarren Reptile Report, dated August 2022, shall be carried out in full, and maintained in perpetuity.

Reason: To provide for biodiversity net gain in order to enhance the ecology of the site, and to protect reptiles and amphibians in accordance with Policy DM1 of the Taunton Deane Core Strategy 2011-2028.

10. The parking and cycle parking areas as shown on the approved plans shall be fully marked out and available for use prior to the first use of the facilities hereby approved. They shall be retained and made available for that purpose at all times.

Reason: In order that sufficient off-road parking and cycle parking is provided in order to minimise impact on the existing highway network and to comply with Policy A1 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

