

**Henleaze, Stoke Bishop and Westbury on Trym Neighbourhood
Committee**

Date: November 23rd 2012

Title: Stoke Lodge children's play area

ITEM 4

Officer Presenting Report: Richard Fletcher, Neighbourhood Engagement
Manager

Contact Telephone Number: 0117 922 3896

RECOMMENDATION

There is no officer recommendation in this report.

The Committee is asked to agree or choose not to agree the investment of S106 income to fund a new play area at Stoke Lodge Playing Fields at location A on Appendix 1.

Summary

A S106 planning contribution was made for the provision of children's play at Stoke Lodge playing fields. The amount available to the Council is £102,491.64. There is no time limit on spending the contribution.

The local Neighbourhood Partnership asked the Council to make progress on the installation of a play area on the site. In response the Council has undertaken a consultation of the key local stakeholders and investigated some of the key issues.

Senior officers in CYPS and E&L and relevant Cabinet members have also been consulted.

There is no consensus among the local stakeholders consulted as to the best location for a play area. It is likely that whatever option chosen there will be at least some objectors.

Stoke Lodge Paying Fields is subject to a Town and Village Green application. It has recently been recommended that an independent inspector consider the application.

A decision is needed from the Committee as to whether to support a play area on this site, or whether to postpone the decision.

The significant issues in the report are:

- There is no time restriction on spending the S106 planning contribution for children's play at Stoke Lodge. The money must be spent on the facility at that location.
- Any play area on-site would be subject to planning approval. Any impact on the provision of sport, on the conservation status of the Lodge and on mature trees would need to be considered and mitigated.
- Stoke Lodge playing fields are subject to a TVG application. It is not clear when the outcome will be determined. The Committee will need to make any decision on the basis that the proposed playground falls within the current TVG site.
- A successful TVG application might have legal consequences for the play area. The risk of this is difficult to determine. If the Committee delays a decision until after the TVG process has completed the risk may become known, subsequently lessened or removed.
- Consultation with site users and other immediate stakeholders has shown high levels, but not unanimous, support for the principle of a play area on-site. However there is no consensus over locating the play area.
- Stoke Lodge playing fields also provides formal sport provision for Cotham School and community sports teams. Informal recreation also takes place and sometimes has caused conflict between formal users and people exercising their dogs.

Context

- i. Stoke Lodge playing fields are located in Stoke Bishop and controlled and managed by Children and Young People's Services on behalf of the Council. The site consists of sports pitches with changing pavilion, a Georgian house or 'Lodge' with associated outbuildings and walled garden, car parking and an arboretum area.
- ii. The site is Grade 2 listed and is afforded protection through planning accordingly. The mature trees on-site are subject to a Tree Preservation Order.
- iii. The majority of the site is leased by Cotham School and provides formal sports provision for students and is also available for hire by community teams at evenings and weekends.
 - a) The playing fields are used as the playing field provision for

Cotham School. The school are now an academy and have a lease of the site, although there is a provision in that lease for a surrender of a specifically identified area if it is required for the provision of a children's play area.

- iv. Bristol University manages the sports provision and pitch bookings on behalf of Cotham School.
- v. The site is very well-used for sports including football, cricket and athletics. The Council has historically considered the site as school playing fields. At least three community sports teams regularly use the site to capacity at evenings and weekends.
- vi. The lodge building and car parking area on the site provide for adult learning and during term-time the car park is at capacity.
- vii. The playing fields area has historically been used by the public for informal recreation. The Council maintains this is by right rather than as of right. Local residents submitted a TVG application with the aim of protecting right of access for informal recreation. This application is still being considered.
- viii. The applicant provided two boundary maps as part of the application, one of which excluded the playing field area being considered for children's play. However, as objecting landowner, the Council has had to deal with the application on the basis of the largest area submitted, which includes the proposed play area location. The Committee will need to make any decision on the basis that the proposed playground falls within the current TVG site.
- ix. The Council received a planning contribution for the provision of a children's play area on the site. This has never been progressed and the amount now available to the Council is £102,491.64.
- x. The Neighbourhood Partnership has asked the Council to make progress on the installation of a play area on the site.
- xi. In response the Council has undertaken a consultation of site users and other key stakeholders and investigated some of the issues raised. The main findings are:
 - a) There is general support for the principle of a play area on-site.
 - b) There is no consensus over the location of a play area with a number of options proposed by external stakeholders and appraised by officers (see Appendix 1).
 - c) Sports users of the site are very clear that any play area should

not result in the loss of playing fields. This would likely be a position supported by Sport England through planning.

- d) Both desktop and on-site analysis by Council officers suggests that the current number of playing fields can be located on-site but re-arranged to locate a play area. There would be a loss of training area between pitches however. Please see Appendices 2-4.
- e) Sports users on the whole suggested a location for the play area that is not on the playing pitch area - either on pitches or between them.
- f) Advice from a number of Council officers or services has been sought - Tree Team, Adult Education, Archaeology Officer, Youth and Play Officer. There is no officer consensus on a preferred option. The Tree Team would object through planning to any proposal to put a play area at location 1 (see Appendix 1), the 'Arboretum'. The archaeological officer would object to any location that was thought to be detrimental to the Conservation status of the Lodge.

Proposal

- i. After considering the options for locating a children's play area put forward during the local stakeholder consultation, the Council considers that only location A given in Appendix 1 is viable.
- ii. Benefits:
 - a) This option would be popular with those lobbying the Neighbourhood Partnership for a CPG at this site.
 - b) Although this area is leased to Cotham School, there is provision for its release if needed.
 - c) This option would not be objected to by Adult Education, the Tree Team, the Youth and Play Officer or the archaeological officer.
 - d) This location benefits, to some degree, from passive supervision from the highway and nearby housing.
 - e) This location benefits from the proximity of the car park area.

iii. Risks:

NOTE: Council officers have been working to previous legal advice with regard to making changes to sites that have TVG status or sites where this is pending. This advice is to carry out a consultation exercise to

determine whether an objection to a change to a TVG site is likely. The Council has not yet received objections, through specific consultation, to proposed changes to TVG sites - apart from at Stoke Lodge.

- a) The impact of a successful TVG application cannot be stated with certainty. Within the application area the risk to the Council of installing a play area is that an objection might be received, e.g from sports users, which could lead to the facility needing to be removed (as to whether this might happen is difficult to determine as this is not an area of law that has developed).
- b) Objections to the play area are highly likely to be received from sports users of Stoke Lodge and the Council lobbied accordingly.
- c) The car park is provided to serve those attending classes at the Lodge. It is very heavily used at certain times of the day and there is the potential for visitors to the play area to take up spaces forcing parking on to the highway.

iv. Next Steps

- a) If the Committee approves the play area, those stakeholders already involved will be contacted let them know of the decision.
- b) Environment and Leisure Services Projects Portfolio Board Board will consider whether it can commit resources to deliver the project. The Service is currently implementing the Parks Capital Stimulus projects as a priority.
- c) If resources are available an early step will be to seek planning permission for the play area and undertake public consultation to determine its design.

Consultation

Internal John Knowlson, Parks Play and Youth Officer

Peter Insole, Archaeology Officer

Liz Peddle, Asset Manager, CYPS

Russell Horsey, Senior Arboriculturalist

Lodge Manager, Stoke Lodge Adult Learning Service

Rachel Johnson, Solicitor (Planning and Highways)

External Cotham School

Grounds Manager at Stoke Lodge Playing Fields.

Rockleaze Rangers FC

Stoke Bishop Cricket Club

Clifton High School

Shirehampton Colts FC

Bristol Ladies FC

Friends of Stoke Lodge

Legal and Resource Implications

Legal

- i. BCC believes that the proposed play area is **within the current TVG application site**. When the application was submitted, more than one area was outlined. The original submission was made on the basis that the applicant may want a play area and some changing rooms in a particular part and if this would be affected by a TVG then they would revert to an alternative, reduced footprint.
- ii. From a landowners perspective, the Council needed to be clear which map was being applied. This was queried with the Registration Authority. The objecting landowner has therefore had to deal with the TVG application on the basis of the largest area submitted which includes the proposed play area site. **The Committee will need to make any decision on the basis that the proposed playground falls within the current TVG site.**
- iii. Any difference in view between the applicant and the landowner will not be resolved until such time as there is an inquiry or the Inspector makes a written recommendation.

Legal advice given by: Rachel Johnson Solicitor (Planning)

Appendices: Appendix 1 - Preferred location of CPG and other options proposed.

Appendices 2-5 - current and potential, alternative pitch layouts

APPENDIX 1



Bristol City Council Neighbourhoods

Stoke Lodge.

A = CPG proposed location.

1- 4 = other areas considered

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APPENDIX 2

Bristol City Council
Neighbourhoods Directorate



**Stoke Lodge
sports pitches**

**Current
pitch
set-up**



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APPENDIX 3

Option 1



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APPENDIX 4

Option 2



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APPENDIX 5

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