

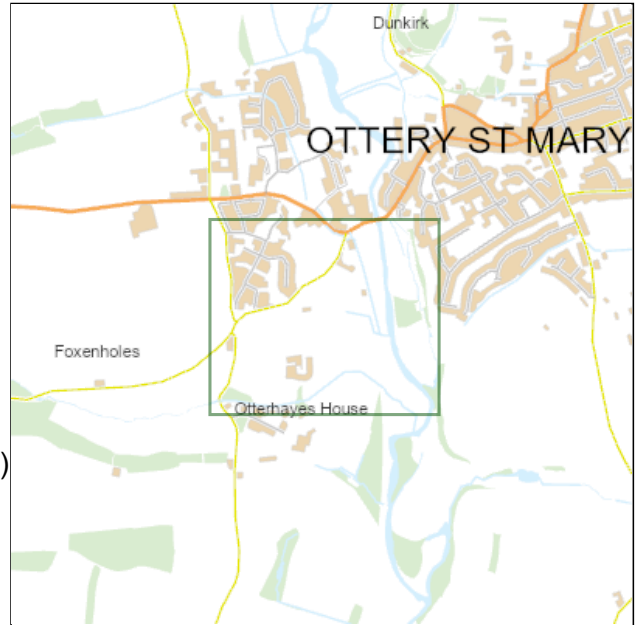
**Ward** Ottery St Mary

**Reference** 23/0092/FUL

**Applicant** Mrs Kerry Kennell

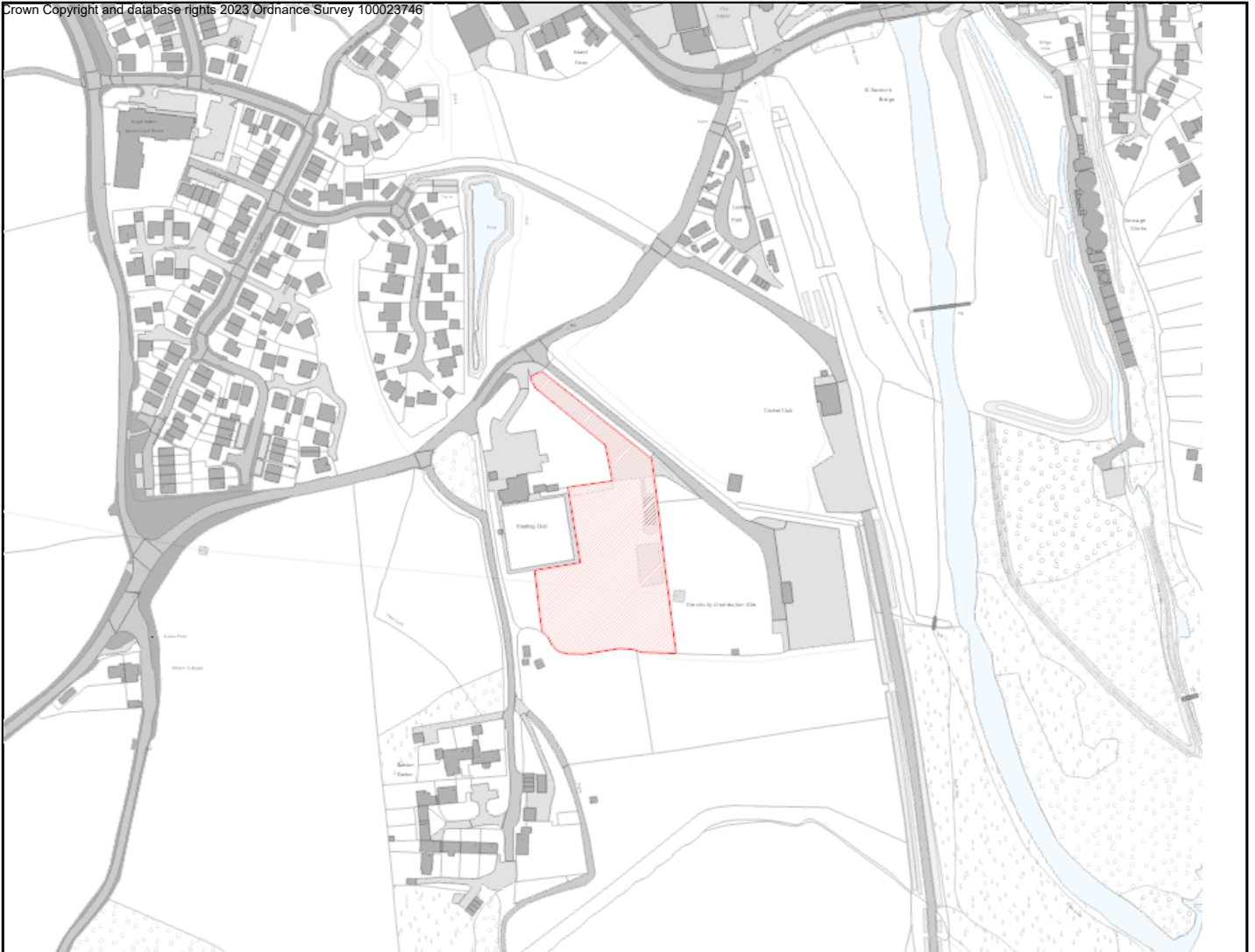
**Location** Changing Rooms Strawberry Lane Salston  
Ottery St Mary EX11 1RG

**Proposal** Construction of a multi-use games area (MUGA)  
with pavilion extension, additional parking and  
landscaping.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 22.08.2023</b>
<b>Ottery St Mary (Ottery St Mary)</b>	<b>23/0092/FUL</b>	<b>Target Date: 07.04.2023</b>
<b>Applicant:</b>	<b>Mrs Kerry Kennell</b>	
<b>Location:</b>	<b>Changing Rooms Strawberry Lane Salston</b>	
<b>Proposal:</b>	<b>Construction of a multi-use games area (MUGA) with pavilion extensions, additional parking and landscaping.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is brought before the Committee owing to a difference of opinion between officers and the commenting ward member.**

**The scheme, which is submitted by Ottery St. Mary Town Council, relates to the upgrading of the existing recreation field, pavilion and car parking area located off Strawberry Lane on the south western edge of the town between the cricket and bowling club premises to the north east and south west respectively. The field also houses a terrain used by the Ottery St. Mary Petanque Club.**

**The scheme mainly comprises the provision of a Multi-Use Games Area (MUGA) and perimeter fencing and floodlighting. Further elements comprise works to improve the drainage and usability of the remainder of the field, the provision of additional parking spaces alongside the formation of emergency vehicle and pedestrian and maintenance access roads, two extensions to the pavilion to provide improved changing facilities to facilitate the anticipated increase in the use of the site, the creation of a surface water attenuation pond to accommodate compensatory flood storage for the areas within the site that would be occupied by the pavilion extensions, landscaping and biodiversity enhancement of the site and the installation of ball stop netting alongside part of the boundary with the neighbouring bowling green.**

**The site is located within flood zones 2 and 3 and forms part of the functional flood plain.**

**It is also defined in the adopted Local Plan as a Recreation Area within which the upgrading and enhancement of facilities is mainly facilitated by the provisions of Local Plan Policies RC2 and RC6, as well, on a more general level, by guidance set out within the National Planning Policy Framework (NPPF).**

Aside from acceptance of the proposals in principle, and acknowledgment of the enhancement of the town's sport/leisure offer that it would enable, it is considered that the balance of assessment of the various detailed contextual issues weighs in favour of the scheme.

It has been clarified by the applicants' agent that a basement level store referred to within the submitted design and access statement but not on any plans - which might otherwise be vulnerable to flood risk - does not form part of the proposals. Furthermore, there are not thought to be any sustainable grounds upon which to resist the scheme having regard to its impact upon the character and appearance of the site or surrounding area, the living conditions of nearby residents, the level of parking provision proposed, flood risk, drainage or ecology grounds or in relation to the level of storage provision on site or any other grounds upon which third party concerns have been raised.

Approval is therefore recommended subject to conditions to address various detailed matters, ensure that the various infrastructure elements are delivered in a timely manner and to control hours of operation of the floodlighting.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council (Original consultation comments)

A representative from the Bowling Club spoke about their concerns regarding the application. Amended plans will be submitted by the Council but before these are submitted a meeting will take place on site to discuss between the Council and the Bowling Club.

#### Parish/Town Council (Further consultation comments)

The Town Council made no further comments.

#### Ottery St Mary - Cllr Peter Faithfull

I am writing in relation to planning number 23/0092/FUL, MUGA and extension to the Pavilion in Strawberry Lane. This application is in my ward and my preliminary view, based on the information presently available is that it should be refused.

Although I am in support of the basic principle of a MUGA on this site, I do not support what has been presented to planning. I consider that the proposed MUGA and extension are overdeveloping the site. The proposed road access to the extra parking spaces is only single track, leaving nowhere for the cars and other vehicles to pass. There is also no separate space for pedestrians. I am also concerned about the sharp 90 degree turn in the track at the end of the MUGA, as many domestic vehicles are space wagons and pick-up trucks with crew cabs, which are not likely to manoeuvre around the turn in the track. On many weekends we already have cars parking along all the grass verges due to children's football on the Kings School playing field. All the proposed parking spaces are likely to be needed on busy weekends.

I would suggest that the MUGA should be reduced to a single pitch rather than a double pitch, to give adequate room for vehicle access to the remains parts of the site.

I also do not support the proposal to remove the store room, as there will still be a need to maintain the grounds. The users of the grounds should be able to maintain their sections themselves and have appropriate storage facilities for this.

On the plans the MUGA is marked as only a netball court. As the name suggests, a multi-use games area is, by design, intended for a multitude of sports, not just one. I would expect the pitch to be designed for other sports, not just netball. Typical sports would include tennis, five-a-side football and basket ball

On a technical matter, I would prefer that the scale presented on the plans have metres or 2 metres along with 10 metre so that we can use the scales when checking any details.

These are my views, based on the information presently available to me. I reserve my right to change my views in the event that further information becomes available to me.

Further to my comments earlier, I would like to expand my views.

On the application form, under the subject of vehicle parking, the applicant has stated that there are 27 motor vehicle parking spaces and no cycle spaces. This is incorrect. There are presently 28 parking spaces, two of which are for disabled users and 6 cycle spaces. The cycle spaces are located in the south-west corner of the parking area and can clearly be seen on Google satellite images in the form of concrete cycle parking blocks. On the proposed development plans the applicant has put forward 39 motor vehicle spaces and no cycle spaces, contrary to what is stated in the application form.

Under the subject of flood risk, the applicant has stated that there are no water courses within 20m of the proposal. As the whole site is proposed to be developed in some way, I would suggest that there are two streams within 20m of this development; one 15 m from the entrance and running parallel to the northern section of the site. The second is along the southern boundary. As stated in the flood risk assessment, the site is flood zone 3 under Fluvial Flood Risk. The applicant has proposed to have a basement storeroom in a recognised flood risk area. No details of the storeroom are given in any of the plans and how access can be achieved. The present storeroom is used for the storage of ground maintenance equipment, including a brush cutter and a ride-on mower. There is no indication on any plans as to how the ride-on mower should be placed into the storeroom, nor how any equipment will be protected in the very high likelihood of flooding. I am also concerned about the relationship between the basement storeroom and the septic tank and sewers as neither are shown on any plans. I am aware of flooding to the approximate level of the second step, which would have flooded out the proposed basement store, if it existed. I therefore cannot support such a proposal.

Over all I feel this present planning application is disappointing, particularly when the body behind this application has members who are also on the Ottery St Mary Town Council Planning Committee.

These are my views based on the information presently available to me. I reserve my right to change my views in the event that further information becomes available to me.

### **Technical Consultations**

#### Environment Agency (Original consultation comments)

##### Environment Agency position

We object to this application at the current time because it is unclear whether the proposed development would adversely affect the functionality of the floodplain. Failure to safeguard its functionality could result in an increase in flood risk which is contrary to the policy aims of the National Planning Policy Framework. This is not to say that the principle of the development sought is unacceptable.

The reasons for this position are provided below.

##### Reasons - Flood Risk

The site lies within Flood Zone 3, which is land defined by the planning practice guidance (PPG) as having a high probability of flooding. We consider that the construction of the development as proposed will inevitably require both the importing of construction materials to form the features sought and a surplus of topsoil/subsoil, for example by the act of stripping of the land to create the MUGA pitches and car park, and the creation of the pond feature. There is a risk that this will result in a reduction in functionality could occur, which has not been adequately recognised/addressed in the applicant's flood risk assessment (FRA). It is important that sufficient information is submitted to demonstrate that there will be no loss of floodplain storage or conveyance as a result of the development.

##### Overcoming our objection

We advise the applicant to provide details of existing and proposed ground levels, including landscaping, so that a fully considered determination can be made of the impact of the development upon the floodplain.

Given the above, it would appear inevitable that arisings will have to be relocated outside of the floodplain to avoid a loss of functionality occurring.

If the additional information is unable to demonstrate that the proposed development will not increase flood risk elsewhere, we are likely to maintain our objection to the application. Production of a revised FRA will not in itself result in the removal of an objection.

##### Advice to the LPA

We would like to be re-consulted on any information submitted to address our concerns and we will provide you with bespoke comments within 21 days of receiving formal re-consultation.

If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Environment Agency (Further consultation comments)

Thank you for re-consulting us on this application.

Environment Agency position

We have reviewed the revised Flood Risk Assessment (FRA) and are able to remove our previously held objection subject to the inclusion of a condition on any permission granted which requires additional details on the management of landscaped material. Suggested wording for this condition and the reason for our position is provided below.

Condition - Management of landscaped material

No development approved by this permission shall be commenced until such time that details of where any excess subsoil and/or topsoil, will be landscaped have been submitted to and approved in writing by the planning authority. The footprint of the MUGA pitch shall be no higher in level than its pre-development level.

Reason: To ensure the functionality of the floodplain is not compromised by the development.

Reason

We have reviewed the revised flood risk assessment (FRA) ref. CWC233 dated March 2023. As previously highlighted, the site lies within Flood Zone 3 which is land defined by the planning practice guidance (PPG) as having a 'high' probability of flooding. A loss of its storage capacity could result as a consequence of the proposal. As such, it is necessary for there to be an element of control to minimise this risk. We note that page 29 of the revised FRA states that for the MUGA pitch 'Earthworks - The intention is to reuse some topsoil on site to restore any damaged or excavated areas, but any surplus volume will be taken off site.' and 'excess subsoil is to be disposed of off-site'. We would support the principle of such and advise this position also be adopted regarding creation of the proposed pond. In light of this, we advise the condition be applied should your authority grant permission to control how and where any soils not taken off site would be managed, and to ensure the MUGA pitch is not constructed at a higher level than existing.

Sports England (Original consultation comments)

Thank you for consulting Sport England on the construction of a multi-use games area (MUGA), with pavilion extension, additional parking and landscaping.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website

The proposed provision of a MUGA is supported by Sport England along with pavilion extension. The mini football pitch and cricket shown on the proposed masterplan is a little misleading. Also, for clarity Sport England published a 10 year Strategy in 2021 'Uniting The Movement' <https://www.sportengland.org/about-us/uniting-movement>

The Football Foundation (FF) advise that:

1. The Devon County FA have confirmed that according to the 2015 East Devon Playing Pitch Strategy, there is a distinct lack of dedicated youth mini soccer pitches in Ottery St Mary. So the FF welcome a new grass pitch being provided. The FF have no comment on the need or design of the proposed MUGA as this would have minimal football use.

2. The recommended size for a Mini Soccer pitch is: 55m x 37m and with the required 3m safety run-off areas this would mean a total size of 61m x 43m. It is not clear if the proposed pitch is the right size, a plan with all dimensions noted should be provided. The FF recommend the following for the design and construction:

Design - A qualified and suitably experienced sports turf consultant, agronomist, soil scientist or land drainage engineer must be employed to carry out a feasibility study, design and specification of the Natural Turf Pitches.

Construction -The construction of Natural Turf Pitches should be project managed and/or signed off by the same registered agronomist or sports turf consultant that produced the design. The pitches should be constructed by a specialist pitch contractor and not a general civil engineering contractor.

Quality - Pitches should pass a Performance Quality Standard (PQS) assessment to a 'Good' standard for football as defined by the Grounds Management Association (GMA) Pitch Grading Framework before they are used. The assessment should be carried out, by the site owner/operator/maintainer via the Football Foundation's PitchPower app.

The on-going quality of the pitch/es should then be tracked using the PitchPower app twice a year. Please follow this link to PitchPower <https://footballfoundation.org.uk/pitchpower/how-it-works>

Maintenance - In order to keep the quality of the pitches, an appropriate maintenance programme is agreed in-line with the design consultant recommendations. A 12-month defect period which includes contractor led/priced maintenance should be included within the construction contract.

Site maintenance staff/volunteer's qualifications - it is highly recommended that any individual involved with the maintenance of a site should become qualified through a recognised training provider such as the GMA, please follow this link to the courses available online - <https://www.thegma.org.uk/learning/training> Any individual groundsman could also sign up to the Groundskeeping Community: <https://footballfoundation.hivelearning.com/join>

It should be noted that suitable signs, fencing and safety equipment should be provided for the new pond area in order to ensure player safety.

It is not clear what the Cricket radius marking is for, should this be for rounders of low level baseball due to the design / layout?

As the proposed pitch is a mini soccer / youth size pitch, there is no formal requirement for compliant changings. The FF advise that any provision is suitable from a welfare position and that players and spectator should be kept separate. Design consideration advice can be found via this link: <https://footballfoundation.org.uk/changing-pavilion-design-key-considerations> It would appear that there is no separation of the WC facilities and this would be a concern. The kitchen and social space in the store area would be recommended to be retained to allow the site the ability to generate a revenue line to help ensure sustainability.

3. The FF would not wish to raise any objection if the pitch size and welfare points are taken on board and implemented for the project, but at present the detail does accord with the FF and FAs recommendations.

The LTA advise in relation to a proposed MUGA at Strawberry Lane, given there are dedicated tennis facilities already within Ottery St Mary the LTA wouldn't see a huge demand for tennis at this site and appreciate netball will take priority. With that in mind the LTA support the plans to offer some form of tennis provision as part of this development and happy to engage with the operator to support in the future to maximise tennis activity.

The ECB advise that no impact on the cricket pitch and Ottery St Mary CC are in discussions with the applicant vis-vis potential use of the upgraded facility. The ECB is supportive.

We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

#### Sports England (Further consultation comments)

Thanks for the re-consultation. As previously stated "the proposed provision of a MUGA is supported by Sport England along with pavilion extension".

Sport England would hope that comments below dated 28th February have been taken on board? Sport England note changes on the proposed masterplan of the site.

That said the Football Foundation (FF) advise that their previous comments from 28th February is still to be addressed by the applicant. Therefore, our response would still include those questions which we raised previously.

The recommended size for a Mini Soccer pitch is: 55m x 37m and with the required 3m safety run-off areas this would mean a total size of 61m x 43m. It is not clear if the proposed pitch is the right size, a plan with all dimensions noted should be provided. The FF recommend the following for the design and construction:

Design - A qualified and suitably experienced sports turf consultant, agronomist, soil scientist or land drainage engineer must be employed to carry out a feasibility study, design and specification of the Natural Turf Pitches.

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The FF would not wish to raise any objection if the pitch size and welfare points are taken on board and implemented for the project, but at present the detail does accord with the FF and FAs recommendations.

We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

#### Sports England (Further consultation comments)

Sport England raise no concern to the proposal, however the applicant's submitted plans seemed to include 'soccer'. We have a comment below from the Football Foundation (FF):

Essentially, if there is no intention for football (Soccer) to happen on the site then the Football Foundation don't have anything to comment. However, due to football

previously being mentioned to use the site, The FF would ask the applicant that if football markings and as such, formal football, were to commence that the Devon FA to be consulted over any pitch construction and/or use of the site.

I trust this clarifies the position.

#### Environmental Health

The floodlights used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused.

Reason: To comply with Policy EN15 for the avoidance of light pollution.

#### Other Representations

One representation of objection, two representations of support and two 'neutral' representations have been received from interested third parties. These include representations made on behalf of Ottery St. Mary Bowling Club and Ottery St. Mary Petanque Club.

#### Summary of Grounds of Objection

1. Lack of need for the development/ no evidence of claimed shortfall in grass and all-weather facilities and demand for netball facilities.
2. Section 106 funding would be better spent improving existing facilities throughout the town which already have infrastructure to cope and would not affect local wildlife or neighbours.
3. Threat to privacy and amenity of neighbours and detrimental impact upon quality of life through noise and light pollution and traffic congestion, which will also affect biodiversity.
4. Contradicts 2005 refusal of application for band practice building and car park.
5. Impact of increased traffic volume on an already narrow country lane will be significant with increased risk of accidents; cars will park on Strawberry Lane, causing more pollution, noise and danger.
6. No indication as to how traffic flow within the site would be managed in practice.
7. The site will not be monitored, and therefore a security risk; the proposed remote keypad access would not be sufficient.
8. No details as to who would operate and monitor the site, provide security and respond to complaints.
9. Query the energy and environmental costs of the floodlights; would they be switched on/off by those with remote access?

#### Summary of Grounds of Support

1. An outside facility that, with floodlighting, can be used all year round for training and matches.
2. Costs of hiring indoor venues as an alternative are expensive.
3. Opportunity to introduce new sports to the area.
4. Pond and wetland area will help fight climate change, through carbon storage and prevention of flooding, as well as help the declining wildlife population and enrich lives of visitors, allowing a connection with nature that would improve health and well-being in a different way.
5. The town badly needs such facilities.

6. The site is sufficiently far from dwellings that it will not create a disturbance but is close to the town centre and within easy pedestrian reach of many.
7. The land has little alternative uses due to the flood plain.
8. Development accords with the extant Neighbourhood Plan.

#### Summary of 'Neutral' representations

1. Improvement to petanque terrain must include the installation of an engineered drainage system to mitigate waterlogging.
2. Impact of hedge and tree planting on use of terrain from leaves, clippings and shade as well as space for players and spectators.
3. Potential conflict between trees and access to the overspill parking.
4. Car/pedestrian interaction may be a safety hazard for petanque players.
5. When distributing top soil across the rest of the site a minimum 5 metre strip must be left clear from the terrain and the overspill car park areas to avoid mud/clay getting on to the petanque terrain.
6. The surface of the Strawberry Lane access splay to the site needs to be improved.
7. The MUGA and additional training facilities will significantly increase use by pedestrians so consideration should be given to also improving this section of Strawberry Lane.
8. Planting of heavy standard trees risks air flow to the bowling green, shading and leaf drop.
9. Concern re. access to drainage system and damage to pipework that may occur during building works.
10. There should be no damage to the boundary hedge during the course of excavation for the foundations of the floodlights.

### **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 24 (Development at Ottery St Mary)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

RC2 (New Open Space, Sports Facilities and Parks)

RC6 (Local Community Facilities)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Made Ottery St Mary and West Hill Neighbourhood Plan 2017-2031 Policies

NP1 (Development in the Countryside)

NP2 (Sensitive, High Quality Design)

NP7 (Flood Defences)

NP8 (Protection of Local Wildlife Sites and Features of Ecological Value)

NP17 (Community Facilities of Value)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

**ANALYSIS**

Site Location and Description

The site, which is approximately 0.75 hectares in area, predominantly comprises an open recreation area, presently mainly laid to grass, together with a single storey pavilion and vehicle parking area located off of Strawberry Lane just beyond the south western edge of the built-up area of the town.

The facility, which is owned and managed by Ottery St. Mary Town Council, is positioned alongside the premises of the town's Bowling Club, with which it shares a vehicular access off Strawberry Lane. To its north east, and beyond an access road to an electricity sub-station site, is the Ottery St. Mary Cricket Club.

A petanque terrain used by Ottery St. Mary Petanque Club, incorporating four flanking floodlighting columns, is positioned to the south of the pavilion, close to the eastern site boundary. The Club has use of the pavilion during play.

The site is wholly within flood zone 2 with all but a small area alongside part of the boundary with the bowling club also within flood zone 3.

It is designated as a Recreation Area on the Inset Map for Ottery St. Mary that forms part of the adopted Local Plan. It is also listed as a Community Facility of Value within the made Ottery St. Mary and West Hill Neighbourhood Plan.

### Proposed Development

Following a period of liaison between the town council and various sports clubs in the area, a strategic development proposal has been drawn up for a more extensive use of the pavilion, which is comparatively modern, and grassed area, which has been considered unfit for 'formal' sports use owing to land drainage and turf problems.

It is considered that both are underused at present and that the potential exists for the facilities to accommodate a much wider range of activities than at present and improve their value to the wider community. Moreover, 'Section 106' funding, from the nearby housing development (to the north of Strawberry Lane), is in place with which to realise this.

The proposal incorporates the following elements:

1. The laying out of an 'all weather' multi-use games area (MUGA), measuring 35.2 metres by 34.6 metres (1260 square metres) and containing two playing areas, for netball, basketball, tennis and walking football, together with the installation of 5 metre high perimeter pro-mesh panel fencing and floodlighting. The latter would comprise 4no 8 metre high columns, one at each corner, with a pair of lights on each column. A retractable ball-stop net divider would allow the court to be divided into two smaller courts.
2. The laying out, upgrading and improvement of the majority of the remaining open grassed area to the south as a multi-use area for informal recreation, including cricket and football coaching.
3. The provision/laying out of additional access/overspill parking spaces, on reinforced turf, along the southern side of the proposed MUGA together with an access track for emergency vehicles and pedestrians and for maintenance purposes.
4. The construction of two identically-sized extensions at either end of the existing pavilion to provide enlarged changing facilities, enable greater numbers of users of the facilities to be accommodated and facilitate scope for division of space to allow for provision of separate disabled and junior facilities. The extensions would both measure 6 metres in length by a depth of 5.7 metres and take the form of a straightforward continuation of the existing building, which has roof eaves and ridge heights of 2.1 metres and 3.5 metres respectively. Externally, these additions would be finished to match those present on the existing building.
5. The creation of a pond/wetland feature to the south of the petanque terrain. Around 260 square metres in surface area, it is considered to have the potential, as an 'attenuation basin', to hold approximately 200 cubic metres of water. It has therefore been incorporated within the proposals to mitigate/compensate for the loss of flood plain storage capacity resulting from the proposed pavilion extensions (total 68.4 square metres). Management of existing surface water on the site is also proposed through the installation of a new lateral pipe system with attenuation capacity via temporary water storage in a permeable fill drainage layer under the proposed MUGA.

6. Landscaping improvements, principally through tree planting and wild flower seeding in the site margins.
7. The installation of 4.8 metre high mesh ball-stop netting along the length of the part of the northern site boundary of the multi-use informal recreation area with the adjacent bowling green.

It is intended that the MUGA would be made available for use daily from 9am (10am on Sundays) up to 10pm, excluding 'key holidays', albeit that this maximum level of use could be reduced depending upon the demand for the facility along with other factors such as competition, pricing, marketing and promotion.

The proposals as originally submitted included the laying out of a football pitch to the south of the proposed MUGA. However, this element of the scheme has subsequently been removed in the light of Sport England's original consultation comments and is intended to be used as the multi-use area for informal recreation referred to above.

#### Considerations/Assessment

The proposal falls to be considered having regard to the following material issues that are discussed in turn.

#### Principle of Development

The application site is located outside of the Built-up Area Boundary of Ottery St. Mary as defined in the Local Plan and, as such, forms part of the 'countryside' to which the provisions of Local Plan Strategy 7 (Development in the Countryside) apply.

These only permit development where it is in accordance with a specific Local or Neighbourhood Plan policy and where it would not harm the area's distinctive landscape, amenity and environmental qualities, including land form, settlement patterns and important natural and man-made features and public views that contribute to local landscape character.

However, as stated above, the site occupies land that is identified in the Local Plan as a Recreation Area where the provisions of Policy RC2 (New Open Space, Sports Facilities and Parks) are relevant. Among other things, these allow proposals for the upgrading or enhancement of existing facilities provided that certain criteria are met, as follows:

1. They do not unduly affect the character and appearance of the area and the visual and physical amenities enjoyed by adjoining residential areas.
2. They are accessible by public transport, bicycle and on foot.
3. Appropriate car and cycle parking is provided.
4. The proposed road access to the site provides for safe exit and entry and the local road network can safely accommodate the extra traffic the proposal would generate.
5. The facilities are located without detriment to the best and most versatile agricultural land, nature conservation interest and the conservation of areas of landscape, scientific, archaeological or historic interest.

These are also largely reflected in the provisions of Policy RC6 (Local Community Facilities) with the addition of a criterion that proposals are well related to the built form of the settlement and close to existing development.

Subject to the contextual issues set out within these, which are discussed in greater detail in the next sections of the report, it is considered that the broad principle of the development would be acceptable.

Indeed, this is reinforced by guidance set out in the National Planning Policy Framework (NPPF) that states that planning decisions should plan positively for the provision and use of community facilities, including open space and sports venues, to enhance community sustainability and the residential environment (paragraph 93) and emphasises the importance of access to opportunities for sport and physical activity for community health and well-being (paragraph 98).

These are, above all, significant as an element of the social objectives to the achievement of sustainable development to which paragraph 8 refers insofar as they set out the need for the planning system to provide accessible services and open spaces that support health as a means of bolstering strong, vibrant and healthy communities as a whole.

The development in this case would enhance the sporting and recreational facility offer within the town and, as a matter of principle, be consistent with the Local Plan designation of the site and associated land as a Recreation Area. It would also be consistent with the provisions of Neighbourhood Plan Policy NP17 (Community Facilities of Value) insofar as it would clearly not result in either the loss of or significant harm to the recreation field.

#### Impact upon Character and Appearance of Area

Aside from Strategy 7 referred to above, the provisions of Local Plan Policy D1 (Design and Local Distinctiveness), which is of generic application to all development proposals, require, among various criteria, that schemes respect the area's key characteristics and special qualities and relate well to its context whilst avoiding any adverse effects upon important landscape characteristics or ecological features or trees worthy of retention.

The context in this case is a defined Recreation Area within which there is a reasonable expectation that development proposals for the enhancement of existing facilities would be likely to come forward.

As such, although the scheme would clearly add to the level and extent of operational development already present on the site, when balanced against the designation and the provisions of Policy RC2 set out above it is not thought that the proposals would detract from the character or appearance of the site itself nor that of the surrounding area, even when its location within the countryside is taken into account.

Indeed, it is considered in any event that only the introduction of the proposed MUGA would itself represent the most visually significant element of the scheme, with much of the remaining development being low level, when assessed against the

level of impact upon character and appearance arising from the existing driveway, parking area, pavilion and fencing.

It is also recognised that the wider site context is defined by the close presence of an electricity pylon to the immediate east of the site along with the bowling and cricket clubs and their respective playing areas. The location of the development alongside these other sporting facilities is therefore considered appropriate from a visual perspective.

The proposed extensions to the pavilion would be in keeping with the existing building which is, and would largely remain, modest in scale and height. It is not thought therefore that this element of the proposals would be unduly detrimental to the character or appearance of the site.

The potential for impact from light overspill from the proposed floodlighting would be mitigated through the use of Backlight Control optics rather than standard floodlighting. A lux plan submitted with the application demonstrates that the lighting impacts, with the mitigation applied, would not be significant and levels of illumination predicted on the site boundaries are considered to be within specified technical limits at no more than 0.5 lux.

No objection has been raised to the proposed floodlighting by the Council's Environmental Health team on the grounds of excessive light overspill or light pollution.

The site, being a recreation area, does not comprise part of any best and most versatile (BMV) agricultural land. Furthermore, it is not itself an area, or forms part of an area, that is the subject of any nature conservation or landscape designation or area of any scientific, archaeological or historic interest. The proposal therefore meets with this criterion of Policy RC2.

#### Impact upon Neighbour Amenity

It is anticipated that the introduction of the proposed MUGA and the upgrading of the existing open recreation area and pavilion would be likely to give rise to additional noise and activity within the site. However, although there are residential properties to the north on the opposite side of Strawberry Lane, there would be a separation distance of in excess of 100 metres between the MUGA and the nearest of these.

Taken in the overall planning balance, therefore, it is not thought that the development would result in material harm to the living conditions enjoyed by nearby residents. Again, no objection to the proposals on such grounds have been raised by the Council's Environmental Health team.

Furthermore, no element of the scheme itself would physically or visually impact any residents in a manner that would be harmful to the existing levels of amenity that they currently enjoy.

#### Highways/Access/Parking

No consultation comments have, at the time of writing, been received from the County Highway Authority (CHA).



In any event, the level of parking provision in developments is invariably a matter to which the CHA delegates responsibility to the Local Planning Authority to assess, in so doing requesting that its own parking standards be applied.

In relation to this particular type of development, the Local Plan is largely silent on the matter of the number of parking spaces required.

The site currently provides a total of 28 vehicle parking spaces, including 2no disabled spaces, and 6 cycle parking spaces. The scheme site layout proposals show 30 spaces within the existing parking area and a further 10 spaces along the southern side of the proposed MUGA that would be accessed via the proposed emergency vehicle access track.

Taken together with the inability to park vehicles outside the site in Strawberry Lane owing to its narrow width, which would mitigate any risk of 'overspill' parking on the highway arising from the use of the proposed facilities, it is not considered that there are substantive grounds upon which to contend that the development would provide an inadequate level of parking for users of the site.

Equally, the existing entrance to the site which (being shared with those of the accesses to the bowling club and electricity sub-station to the south west and north east respectively) is of considerable width and has the benefit of a good level of visibility, both from and of vehicles emerging from the site, in both directions.

It should also be acknowledged, notwithstanding the level of use and associated vehicle movements that are currently generated by the recreation area and petanque terrain, that the existing parking capacity on the site is already quite considerable. Moreover, although the potential for vehicle conflict owing to the single lane nature of the access road within the car park (if all spaces were to be occupied) is recognised, the potential already exists for this scenario to occur. It is not anticipated therefore that the proposed additional parking spaces and/or

As such, when balanced against the various other factors set out in the report and the alternative scenario where there is no investment or improvement in the facility and it continues to be an under-used resource of limited community benefit, it is not considered that this potential constraint should be regarded as weighing against acceptance of the proposals.

Equally, the same argument is considered to apply in relation to the relative shortcomings of the location of the site in terms of its ready accessibility by public transport and on foot, given the lack of access via footway along Strawberry Lane).

However, a condition is recommended to secure the provision of cycle parking facilities to at least partially offset the likely car-borne nature of the trips that are likely to otherwise be generated by the enhanced recreation/sporting provision made by the scheme.

Taking these factors in combination, therefore, whilst also recognising the it is considered that the overall balance weighs in favour of the proposals when access

and parking issues are considered 'in the round' alongside the other material considerations.

### Flood Risk

A revised flood risk assessment (FRA) has been submitted in the light of objections originally raised to the proposals by the Environment Agency (EA) on the grounds of inadequate information having been provided to demonstrate that there would be no loss of functionality of the flood plain in terms of loss of flood plain storage or conveyance and, therefore, that there would be no increase in flood risk as a result.

This position was taken on the basis of concern that the development would require both the importation of construction materials to form it and a surplus of topsoil/subsoil; for example, through the stripping of the land to create the MUGA, extended parking area and pond. Details of proposed ground levels relative to the existing, along with landscaping, were requested so that the effect of the proposals upon the flood plain could be properly considered.

The modified FRA advises that, whilst some topsoil would be re-used on site to restore any damaged or excavated areas, any surplus would be taken and disposed of offsite.

Subject to a recommended condition requiring the submission of details as to where any excess subsoil and/or topsoil would be used for landscaping purposes and the level of the proposed MUGA to be no higher than the existing site level, the EA now raises no objections.

Although the site occupies land that is within flood zones 2 and 3, the existing and proposed development falls within the category of 'water compatible development' which is acceptable within such areas in line with the flood risk vulnerability classification.

Owing to a degree of ambiguity between the details set out within the submitted design and access statement and those shown on the plans, clarification has been sought as to whether the scheme is intended to incorporate a basement level store beneath the pavilion.

In response, it has been confirmed that this is not an element of the current proposals owing to the risk of flooding to which such a facility would be exposed. It has also been advised that storage of sports-related equipment would be housed in a store within the pavilion and/or within part of the floor space of one of the proposed extensions to it. However, this would be subject to the requirements of users of the MUGA being established at the detailed consultation and design stage.

This aside, it is also confirmed that it would not be intended that maintenance equipment be kept at the site.

Although this does leave a degree of uncertainty as to exactly what storage requirements may need to be addressed, as well as how this may be achieved, it is not considered that it is an issue in itself that can reasonable be attributed weight against the proposed development when assessed in the overall planning balance.

### Drainage

Foul drainage from the existing pavilion is currently discharged via a septic tank and soakaway system. However, there is an acknowledgment that it may require upgrading. It is therefore advised that this is to be assessed at the detailed design stage.

The FRA advises that management of surface water drainage would be achieved through a combination of the measures to which reference was made earlier in the report; namely the installation of a new lateral pipe system with attenuation capacity, via temporary water storage in a permeable fill drainage layer beneath the proposed MUGA; the use of the proposed pond/wetland feature to take flows transferred from the petanque terrain before a controlled discharge to an adjacent ditch, and improvements to the existing grassed playing field area to reduce the waterlogging that is currently experienced.

However, a condition is recommended requiring the submission of further details of these intended means of dealing with both foul and surface water drainage for approval.

### Ecology

The proposals include a range of measures to improve biodiversity on the site. These principally comprise, in addition to the tree planting, wild flower seeding and pond and wetland margin referred to above:

1. The planting of a native species-rich hedge alongside the eastern site boundary.
2. The use of Backlight Control optics (as referred to above), rather than standard floodlighting, to reduce light spill outside of the MUGA.
3. The provision of two bat boxes on mature trees around the site to provide potential roosting opportunities for bats.
4. The installation of an integrated swift brick or sparrow terrace on the east elevation of the pavilion, or either extension, to provide nesting opportunities for birds.

Reference is made within the supporting information that accompanies the application to additional lighting to the car park adjacent to the pavilion. However, no details of this have been provided. It is therefore recommended that a condition be added to any permission granted requiring the submission of details for approval in the interests of the character and appearance of the area.

### Conclusion

It is considered that the balance of the various material considerations set out above weighs in favour of the proposals. Whilst the concerns and issues raised by the ward member, third party objector and the Bowling and Petanque Clubs are acknowledged, it is not thought that these are sufficient to outweigh the factors in favour of the scheme, not least the enhancement of the sporting facilities that it would provide for the town.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and all areas to be grassed and hard surfaced. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031.)
4. The floodlighting hereby approved shall not be switched on outside of the hours of 9.00am - 10.00pm on any day.  
(Reason - To prevent unrestricted use of the floodlighting in the interests of limiting light pollution and to protect the amenities of the occupiers of nearby residential properties and the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031.)
5. No part of the development hereby permitted shall be brought into use until the ambulance access, pedestrian and maintenance access and additional access/overspill parking spaces shown on the Proposal Masterplan (drawing ref. Ottery St. Mary TC Planning Issue\_Rev. C) have been laid out and surfaced in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. These shall thereafter be used solely for their respective purposes in perpetuity.  
(Reason - In the interests of ensuring the appropriate access and parking provision is made within the site in accordance with Policy TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031.)
6. No development shall take place until details as to how and where any excess subsoil and/or topsoil will be incorporated into the landscaping of the site have

been submitted to, and approved in writing by, the Local Planning Authority. Development/landscaping shall be carried out in accordance with the approved details.

(Reason - In the interests of ensuring that the functionality of the flood plain is not compromised by the development in accordance with Policy EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031 and guidance as set out in the National Planning Policy Framework (2021).)

7. The level of the playing surface of the Multi-Use Games Area hereby permitted shall be no higher than that of the existing level of the ground on which it is to be laid out.

(Reason - In the interests of ensuring that the functionality of the flood plain is not compromised by the development in accordance with Policy EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031 and guidance as set out in the National Planning Policy Framework (2021).)

8. The development hereby permitted shall be carried out in accordance with the measures for the enhancement of biodiversity on the site set out in paragraph 3.1.6 (Environmental Impact Assessment) of the Design and Access Statement (ref.: OSM\_SLMUGA\_DAS\_1-23) prepared by Hemstock Design Ltd. These measures shall be carried out prior to first use of any part of the development and shall thereafter be maintained as approved.

(Reason - In the interests of enhancing biodiversity in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

9. No development shall take place until details of the means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

(Reason - In the interests of avoiding pollution of the environment and/or flooding in accordance with the requirements of Policies EN14 (Control of Pollution), EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013-2031.)

10. No development above foundation level shall take place until details of any external lighting (excluding the proposed floodlights) of any part of the site have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To enable the Local Planning Authority to consider lighting details in the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

11. No part of the development hereby permitted shall be brought into use until provision has been made within the site for facilities for the parking of cycles in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. These facilities shall thereafter be retained as such and made available for use in perpetuity.

(Reason – In the interests of promoting non-car means of travel to and from the site in accordance with Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted East Devon Local Plan 2013-2031.)

## Statement on Human Rights and Equalities Issues

### Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

### Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## NOTE FOR APPLICANT

### Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

### Plans relating to this application:

	Location Plan		10.02.23
200	Proposed Plans	Combined	10.02.23
Proposed Masterplan	Other Plans		09.05.23
Cricket Ball Stop	Other Plans		09.05.23
Llghting spec	Other Plans		09.05.23
Fence Lighting Elevation	Other Plans		09.05.23

Mast Drawing

Other Plans

09.05.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.