

Report to: Cabinet



Date of Meeting 14 July 2021

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Former Millwey Rise football pitches, Axminster.

Report summary:

This report considers interest in land in the Housing portfolio and likely development opportunities for social housing. As the last significant piece of housing land I would resist alternative development proposals and retain the land for affordable/social housing development at some point in the future.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Housing land at Millwey Rise is reserved for affordable/social housing development, subject to planning permission.

Reason for recommendation:

To identify housing development opportunities on former sports pitch land in the Housing portfolio.

Officer: John Golding Strategic Lead – Housing, Health & Environment

Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Medium Impact

Risk: Medium Risk; Any form of development will need to factor in inherent development risk.

Links to background information

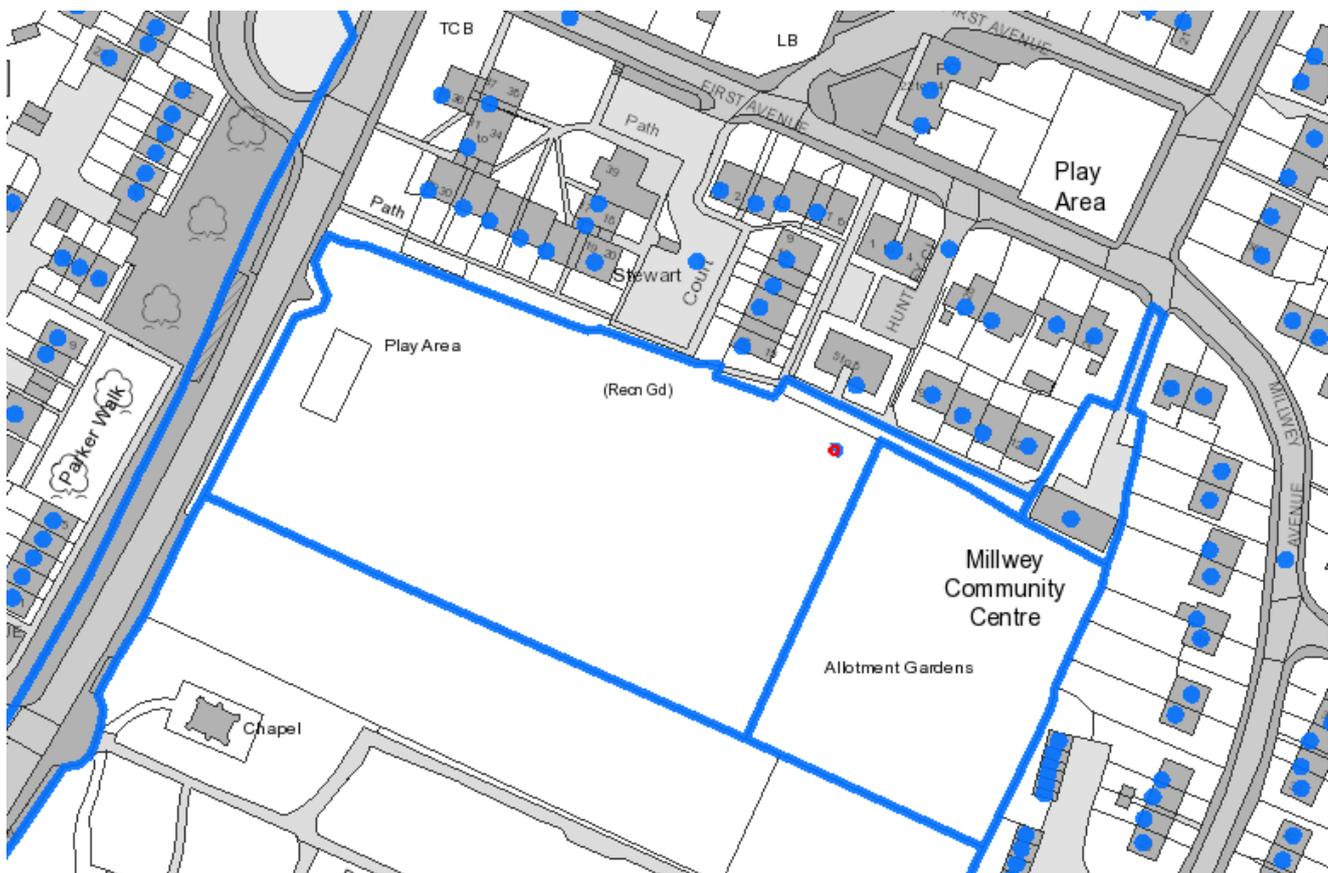
Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
 - Outstanding Homes and Communities
 - Outstanding Economic Growth, Productivity, and Prosperity
 - Outstanding Council and Council Services
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1. Background

- 1.1 The football pitch and open space formally used by Millwey Rise Football Club at First Avenue, Axminster are designated as Housing Revenue Account land.
- 1.2 After seeking an extension of the lease in 2010 the Millwey Rise Football Club disbanded/amalgamated with Axminster Town a few years ago, and since that time the land has been used as public open space.
- 1.3 This is the last significant piece of Housing land adjacent to a sizable housing estate and suitable for residential development, subject to planning constraints. When returned to Housing we have explored development options, including the provision of a replacement community centre.



2. Development considerations

- 2.1 Over the last few years there have been several expressions of interest in using part of the site to relocate the Cloakham Lawns Skate Park.
- 2.2 I was not enthused by the idea partly because this is the last remaining landholding of any significance we have available for social housing. Although we didn't feel the time was right for immediate housing development due to the amount of development occurring in Axminster with

a significant proportion of affordable housing coming forward, this would be a perfect site in the future.

- 2.3 As can be seen (**annex 1**) we have undertaken some feasibility studies with an eye to the future. We also have an old, but well used community centre adjacent to the site that I would like to see replaced as it reaches the end of its life.
- 2.4 There is a significant value to this land so any development proposal not sponsored by Housing will need to reflect the residential potential, although Planning colleagues advise me that the lands designation will need changing from its former football pitch use.
- 2.5 There is a comprehensive and active sports facility across the road at Cloakham Lawns and a desire to relocate a skate park on our land because its current location suffers with ASB partly because it is not overlooked and away from surveillance.
- 2.6 However, the former football pitch is a valuable piece of land and if we were pressured to allow alternative uses, this has a value that we would need to recover for the HRA.
- 2.7 Whilst not wanting to get in the way of what some in the community might want to see, there is a clear conflict when our corporate priority is housing, not relocation of a skate park. There are ongoing discussions about alternative sites for relocating the skate park and I am hopeful that a suitable alternative site will be found that meets the needs of the community, users and Cloakham Lawns.

3. Planning considerations for housing at Millwey Rise

- 3.1 Informal Planning comments were obtained in August 2013. These will need to be updated, but observations at the time were as follows:

Site context

The site is immediately adjacent to Chard Road in Axminster, it lies to the east side of this road and north of the town centre. The land on the opposite side of the road has outline planning permission for large scale residential development. To the north of the site is existing residential development in the form of flats. To the north east of the site is further residential development in the form of bungalows as well as Millwey Rise Community Centre and to the immediate east of the site allotment gardens. To the south of the site there appears to be a strip of land between the site and the cemetery beyond this.

The site itself is an existing playing field, relatively level and with an overall site area of approx. 1 ha it includes a children's play area on the northern side an existing building in the northeast corner of the site and incidental land surrounding the pitch. There is an overgrown hedge screen along the Chard Road boundary and an existing access on to this road in the northwest corner of the site.

Principle

The site lies within the built-up area boundary of the town and close to existing residential development but is designated as recreation land in the existing Local Plan, the loss of such sites is generally resisted unless certain criteria are met (see below).

The Publication Draft of the New Local Plan also shows the site retained for the current purposes.

Existing recreation areas and sports pitches are, as mentioned above, generally resisted. Policy RE1 of the Local Plan states that development that would result in the loss of such space will not be permitted unless:

1. Alternative provision of equivalent community benefit is made available and will be appropriately laid out by the applicant as a replacement; or

2. Sports and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site; or
3. There is an excess of public open space, children's play areas or sports pitch provision in the area as the case may be.

In addition to the above policy any proposal which would affect existing sports pitches requires consultation with Sport England. We have therefore consulted with Sport England on a pre-application basis, they have commented as follows:

"Thank you for consulting Sport England on the proposal to build houses on a football pitch (96m x 50m approx.) that until recently was leased to Millwey Rise football club.

Sport England considers proposals affecting playing fields in the light of its Playing Fields Policy: 'A Sporting Future for the Playing Fields of England'. This is available at <http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/>

The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demands of the pitch sports. The policy identifies five exceptions to our normal position of opposing development, which would result in the loss of playing fields, as follows:

E1 - A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.

E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

E4 - The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.

E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

Additionally when considering proposals affecting sport and recreation including playing fields, the Government's National Planning Policy Framework (paragraph 74):

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus of requirements;*
or

- *The loss resulting from the proposed development would be replaced by equivalent or better provision in term of quantity and quality in a suitable location; or*
- *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

The Council are currently initiating a Playing Pitch Strategy. The loss of the site to community sport may have a significant impact on the playing pitch supply for community sport in the area. We are not aware that the housing developers are proposing plans to provide a 'replacement playing field' to mitigate loss of playing field for residential use.

In summary, the proposed development does not meet any of the five exceptions to the policy above, nor does it comply with the Government's National Planning Policy Framework as set out in paragraph 74. This is likely to draw an objection from Sport England.

Sport England reserves the right to object to any subsequent planning application if we do not consider that it accords with our playing fields policy."

Access

Devon County Council as highways authority has been consulted and have commented as follows:

"There are no objections in principle to the site being developed for residential purposes subject to the provision of a suitable vehicular access with appropriate sight lines. Having said that, we would need to look carefully how any access related to the proposed access alterations for Cloak ham Lawns, which has already been approved, as you know. There may conceivably be some issues with separation and stagger distances, but I can look at this in due course when more details are available.

I hope this response is adequate for the time being, but, as always, these comments are made without prejudice to any further comments that may arise from the submission of a formal planning application."

Trees

The Council's tree officer, David Colman, has looked at the site and provided the following comments:

"In principle there is no tree related reason to prevent this site being developed.

As you have identified the principle tree related constraints are located on the western boundary of the site. This boundary comprises a well-made and intact hedge bank from which is growing a mix Sycamore, Field Maple and Elm. All of these have grown up from old hedgestock, typically with multiple stems and a spreading group canopy. To the eastern side of the entrance gate there is an early mature Beech set back from the hedgeline by a metre or so. The estimated RPA for this tree will have a radius of approximately 6-8m. There is also one significant offsite tree, a semi-mature Walnut growing in the rear garden of one of the Stewart Court properties to the north of the site.

Any forthcoming development application will need to be supported and informed by a tree survey and report that accords with the principles laid out in BS 5837:2012."

Although the site is considered to be physically capable of accommodating residential development and subject to design and layout it is likely to be achievable it is suggested that any application is unlikely to be considered acceptable at present, due to the loss of open space and sports pitch provision.

4. Housing Need

4.1 A recent (May 2021) analysis of the number of applicants we have on Devon Home Choice wishing to live in Axminster by banding and bedroom need. This shows that there is a significant level of housing need in Axminster.

Areas in East Devon	Axminster
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Count of Application	Bedroom				Grand Total
	1	2	3	4	
Band B	15	10	3		28
Band C	9	16	23	11	59
Band D	105	13	7	4	129
Band E	95	70	26	3	194
Grand Total	224	109	59	18	410

4.2 For these reasons set out in this report I would recommend that the land is reserved for future housing development, subject to planning permission.

Financial implications:

There are no direct financial implications from the recommendation made in this report.

Legal implications:

The report does not raise any legal implications requiring comment at this stage.