

Ward Exmouth Halsdon

Reference 22/2669/MFUL

Applicant Mr N James (Exmouth Youth Football Club)

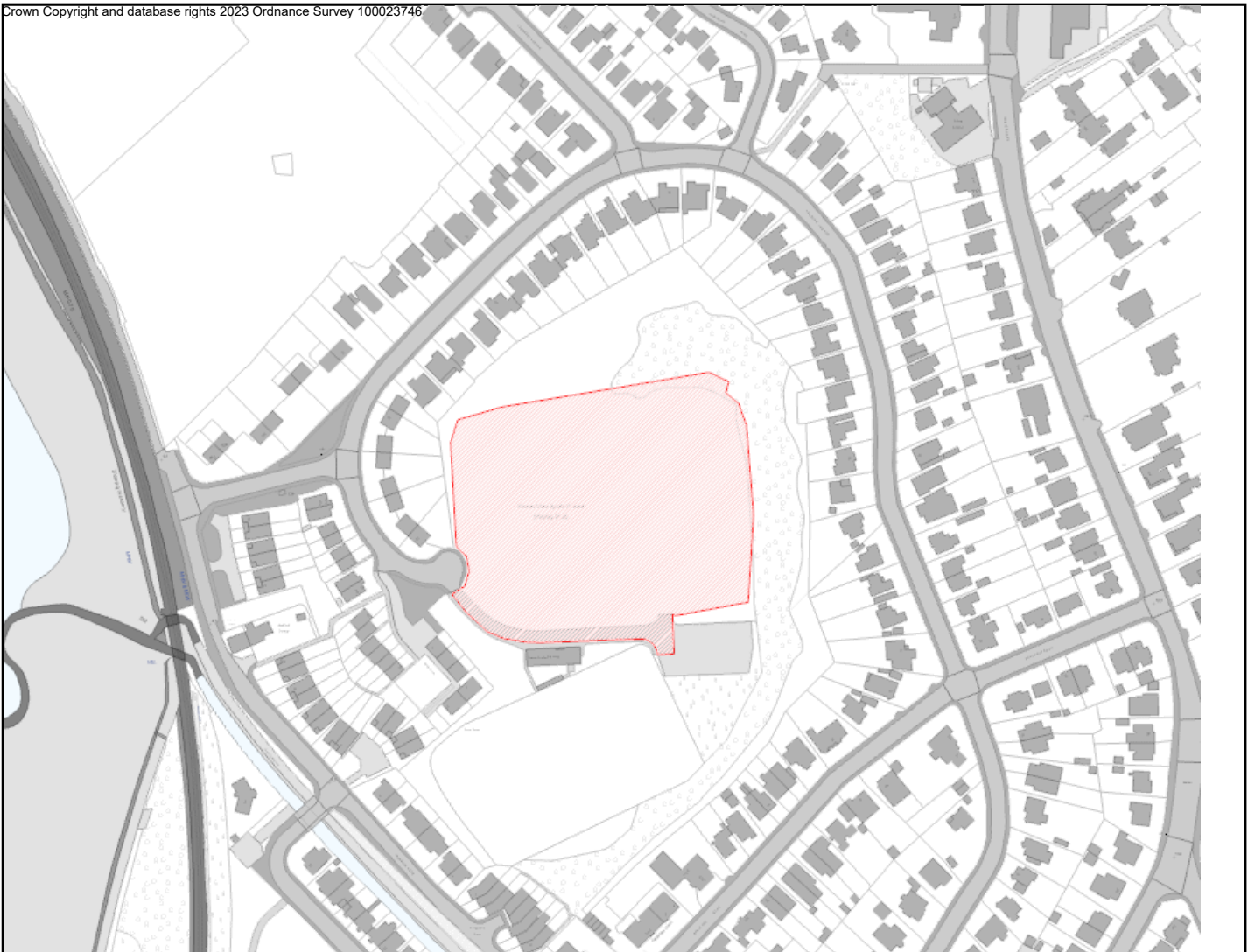
Location Warren View Sports Ground Halsdon Avenue
Exmouth EX8 3DH

Proposal Engineering operations for playing pitch improvement works including raising and levelling of surface



RECOMMENDATION: Approval with conditions

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		Committee Date: 24.10.2023
Exmouth Halsdon (Exmouth)	22/2669/MFUL	Target Date: 07.03.2023
Applicant:	Mr N James (Exmouth Youth Football Club)	
Location:	Warren View Sports Ground Halsdon Avenue	
Proposal:	Engineering operations for playing pitch improvement works including raising and levelling of surface	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as East Devon District Council is the freehold owner of the site.

The application site lies within the built up area boundary of Exmouth and comprises a parcel of land totalling an area of 1.4 hectares. The site is located along Halsdon Avenue to the western part of Exmouth town. It benefits from vehicular access off the adopted highway to the southwest of sports field.

The site comprises an open area laid to grass that is used for sports and recreation. The land has been in relatively poor condition for a number of years, with species poor grassland that does not drain well, resulting in surface flooding and boggy ground conditions not conducive to regular use for sporting activities.

This application seeks full planning permission for improvement works to the existing sports pitches at Warren View Sports Ground, the works include the raising of the level of the ground by up to 1 metre in a west to east direction with the existing site sloping down from the west by 1 metre over its 63 metre width and the raising of the level of the ground by a fairly consistent 0.8 metres in a north to south direction.

Limited drainage information has been submitted, however Devon County Flood Risk Management Team consider that the proposal is acceptable in principle subject to a condition requiring the submission of additional information prior to commencement of development, similarly the Environmental Health Officer raises no objections subject to the imposition of an appropriately worded condition to require submission of a remediation strategy to deal with any identified risks associated with contamination of the site (being a former land fill site) prior to any works commencing.

The proposed development represents a benefit to the local community through the improvement and enhancement of a well-used sports ground which is predominantly used for both adult and youth football in the town. Sport England, the statutory consultee, supports the proposal for the enhancement works to create a plateau level playing surface that would be installed with improved drainage and consider it will result in around 6 hours use per week. The impacts on neighbours, the highway network, flood risk and contamination have been considered in the report and been found to be acceptable such that approval of the application is recommended.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 19.12.22

No objection in principle subject to the submission of additional information requested by consultees and that subsequently supported the proposed works. It was noted that the Contaminated Land Officer had not been consulted, members were concerned given that the site was previously used as a landfill that they should be consulted.

Technical Consultations

DCC Flood Risk Management Team

We have no in-principle objections to the above planning application, from a surface water drainage perspective.

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Drainage Strategy
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (b) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

The Applicant has provided an indicative drainage strategy providing details on how surface water flows will be managed through the site.

The Applicant may wish to consider the feasibility of an alternative routing for formalising and managing the overland flows from the east through an improved ditch/ french drain type network perhaps running along the northern boundary, should levels allow, to avoid the freely draining overland flows cascading down the existing bank of vegetation on the east as present.

Sports England

The proposal seems to create a large plateau (not a single pitch) that can be used for adult and youth players that can be marked out to the suit the changing needs of football. The current playing area has a 'slope' on it. The proposed works will improve the site for football. Our recommendation would be "Type 4" pipe drained with sand grooves will allow up to 6 hours of use a week (Source Natural Turf for Sport 2011).

The Football Foundation on behalf of the FA/Devon FA advise that whilst the proposals seem to best use the area available, it is difficult to tell what the dimensions of the pitch are as the applicant just states 'single pitch'. The FF would ask the applicant to specify the pitch size that they are looking to install.

Another question has been raised by Devon FA regarding the use of the pavilion as this was submitted in a previous application. Whilst the FF appreciates the applicant has stated that they have put the pavilion application on hold at the moment, however, the FF would ask the applicant to reconsider this position as it could prove to be a useful service for the proposed Natural Turf Pitch.

We would be happy to receive confirmation of the above.

Exmouth Halsdon - Cllr Megan Armstrong

Thank you very much for bringing me up to date with this application and presumably there is still time for me to comment as ward member?

When looking at the planning portal yesterday, I noticed that only five of the public comments relate to this application and the other four are comments about an application for the sports ground which has not yet been submitted (regarding a new build for a boxing club, etc.).

Would you please be able to remove those four comments from this current application, to avoid any confusion?

Meanwhile could you please update me when you receive feedback about the Sport England and Devon County Flood team's concerns?

With many thanks.

Environmental Health

I have considered the application and do not anticipate any environmental health concerns

Contaminated Land Officer

No development approved by this planning permission shall commence until a remediation strategy to deal with any identified risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways and receptors
 - IV. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

Other Representations

Seven letters of representation have been received as a result of this application raising the following concerns:

- No proper drainage details submitted;
- Why does the land need to be raised so much;
- biodiversity impact due to being close to the estuary;
- increased flood risk;
- future uses other than football on other parts of the site;
- parking often spills out onto residential streets;
- methane gas leaks possible if surface is broken;
- drainage is essential;
- the soil imported needs to have good drainage properties;
- football players often visible over the fence line from garden;
- fencing around the site needs improving;
- increased noise due to more usability of pitches.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 6 (Development within Built-up Area Boundaries)

RC2 (New Open Space, Sports Facilities and Parks)

D1 (Design and Local Distinctiveness)

D3 (Development and Trees)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

Government Planning Documents
NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Neighbourhood Plan Documents
Exmouth Neighbourhood Plan (Made)

Policy CF3

ANALYSIS

Site Location and Description

The application site lies within the built up area boundary of Exmouth and comprises a parcel of land totalling an area of 1.4 hectares. The site is located along Halsdon Avenue to the western part of Exmouth town. It benefits from vehicular access off the adopted highway to the southwest of sports field.

The site comprises an open area laid to grass that is used for sports and recreation. The land has been in relatively poor condition for a number of years, with species poor grassland that does not drain well, resulting in surface flooding and boggy ground conditions not conducive to regular use for sporting activities.

The topography of the site is undulating with an uneven surface across the application site. The site is located within flood zone 1.

Proposed Development

This application seeks full planning permission for improvement works to the existing sports pitches at Warren View Sports Ground, the works include the raising of the level of the ground by up to 1 metre in a west to east direction with the existing site sloping down from the west by 1 metre over its 63 metre width and the raising of the level of the ground by a fairly consistent 0.8 metres in a north to south direction.

Main considerations

The main considerations in the determination of this application relate to:

- The principle of the proposed development;
- The impact of the proposed development on its surroundings including residential amenity;
- Drainage;
- Contaminated land; and
- Impact on highway safety.

Principle

The site lies in the built up area boundary of Exmouth, where, in accordance with Strategy 6 of the EDDC Local Plan, development will be permitted if it is compatible with the site and its surroundings, would not involve loss of land of local amenity importance or recreational value, impact on highway safety or prejudice the development potential of an adjacent site.

The proposal seeks to redevelop an existing recreational area so that it can be used more frequently, at present in times of inclement weather the site becomes boggy and does not drain well such that there are times of the year when it cannot be used to its full potential. By raising the level of the land to create a level plateau and install proper drainage systems, the sports ground will be able to be used as one larger pitch or a number of smaller pitches for youth football matches, thereby benefiting the local community.

Furthermore, Policy RC2 - New Open Space, Sports Facilities and Parks of the EDDC Local Plan states the following:

Within or adjoining urban or built-up areas, permission will be granted for new open space areas, allotments, sports facilities and parks, the accommodation of the visual and performing arts, and the upgrading or enhancement of existing facilities provided the following criteria are met:

- 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 issues will be discussed in more detail under the specific heading below.

Sport England, who are a statutory consultee when proposals relate to the upgrading of facilities or the loss of sports facilities have commented as follows:

The proposal seems to create a large plateau (not a single pitch) that can be used for adult and youth players that can be marked out to the suit the changing needs of football. The current playing area has a 'slope' on it. The proposed works will improve the site for football. Our recommendation would be "Type 4" pipe drained with sand grooves will allow up to 6 hours of use a week (Source Natural Turf for Sport 2011).

The Football Foundation on behalf of the FA/Devon FA advise that whilst the proposals seem to best use the area available, it is difficult to tell what the dimensions of the pitch are as the applicant just states 'single pitch'. The FF would ask the applicant to specify the pitch size that they are looking to install.

The site is used by youth football and adult football and has been for a number of years such that the proposal does not seek to change the way the area is used, rather make it more usable without a slope and to enable it to drain effectively.

It is considered that the principle of the upgrading of the facilities on site to create a more usable playing surface with appropriate drainage is acceptable in principle under Strategy 6 and Policy RC2 of the EDDC Local Plan and Policy CF3 of the Exmouth Neighbourhood Plan.

Impact on surroundings, including residential amenity

The wider sports ground at Warren View is surrounded on all sides by residential development, the majority of which are set at a higher level than the pitches themselves such that in the wider landscape the pitches are not visible from public view instead views down onto the pitches are from private properties.

The raising of the level of the pitch on the western side of the complex by 1 metres (at its greatest extent) would not have any discernible visual impact in its surroundings and would not in itself be harmful to residential amenity given the difference in level of the sports ground and the residential properties. Representations have been received regarding the increased usability of the pitches and the increase in noise that it could generate. Whilst the works to provide better drainage and a level playing surface would provide an improved playing surface, the site is not floodlit (nor is it proposed to be) and there is no suggestion that the usage would generate any more noise than the site currently does during sociable hours. The Council's Environmental Health Officer raises no objections to the proposed development in terms of the criteria listed within Policy EN14 of the EDDC Local Plan.

Accordingly, it is considered that the proposed development is acceptable, not impacting unreasonably on its surroundings or residential amenity in accordance with Policies D1 and EN14 of the EDDC Local Plan.

Tress

There is well established landscaping to the east of the site growing at the base of and up the side of a slope, concerns have been raised regarding the impact that laying additional soil on the ground may have on the rooting environment of the trees ultimately leading to their potential loss. However, there is a small ditch/water course that runs the entire length of the application's eastern boundary that separates the trees from the playing surface and a further 3-5 metres area of scrub that is proposed to be retained on the pitch side of the ditch such that any roots that have either grown under the watercourse or transversed it in some way would be protected from harm. It is important to note that none of the trees on the bank are worthy of protection in their own right but do form a pleasing visual screen around the sports ground.

It is therefore considered that there would be no detrimental impact on the health of the existing trees in accordance with Policy D3 of the EDDC Local Plan.

Drainage

The application has been submitted on the basis that the existing pitches are often boggy and unplayable during inclement weather due to their uneven surface and the fact that the grass is species poor and therefore does not allow proper drainage, raising the level and importing new soil with effective drainage systems would improve this situation and the playability of the pitches year round.

Devon County Flood Risk Management Engineers have been consulted on this application and after initially objecting to the application on the basis of a lack of

surface water drainage information they have commented on the submission of additional information as follows:

The Applicant has provided an indicative drainage strategy providing details on how surface water flows will be managed through the site.

The Applicant may wish to consider the feasibility of an alternative routing for formalising and managing the overland flows from the east through an improved ditch/ French drain type network perhaps running along the northern boundary, should levels allow, to avoid the freely draining overland flows cascading down the existing bank of vegetation on the east as present.

They are content that the development is acceptable subject to an appropriately worded condition requiring more information prior to any works commencing on site.

The proposal is therefore considered acceptable in relation to Policy EN22 of the EDDC Local Plan.

Contaminated land

The land subject of this application was a former landfill site such that there is potential for gases to be released should the existing ground be broken in a significant way, however, the proposal does not seek to break and ground, instead additional soil is to be brought onto the site to create a level playing surface at its maximum height raised by 1 metre.

The Council's Environmental Health Officer has considered the application and raises no objection subject to conditions.

Accordingly, subject to the imposition of a condition as discussed above, the proposal is considered acceptable in relation to Policy EN16 of the EDDC Local Plan.

Impact on highway safety

The site is accessed by a dedicated roadway from the surrounding residential streets with informal parking available on site for around 20 vehicles, on some match days visitors to the site often use the surrounding unrestricted residential streets to park, this situation has existing for a number of years. It is not proposed to increase the capacity of the pitch(es) on site such that the number of visitors to the site would increase, instead the pitch(es) would be able to be used when weather conditions are less favourable because the land would drain more freely.

No comments have been received from Devon County Highways Department, however, it is considered that the raising of the land would not create any additional trips to the site, except for when the lorries are bringing the additional soil to the site, for this reason it is considered necessary to impose a condition requiring the submission of a construction and environmental management plan (CEMP) to ensure that surrounding residents are protected from a detrimental impact during the, whilst relatively short, soil importation stage.

Subject to the condition outlined above, the proposal is considered acceptable in relation to Policy TC7 of the EDDC Local Plan.

Conclusion

The proposed development represents a benefit to the local community through the improvement and enhancement of a well-used sports ground which is predominantly used for both adult and youth football in the town. Sport England, the statutory consultee, supports the proposal for the enhancement works to create a plateau level playing surface that would be installed with improved drainage and consider it will result in around 6 hours use per week. The impacts on neighbours, the highway network, flood risk and contamination have been considered in the report and been found to be acceptable such that approval of the application is recommended.

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 hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Drainage Strategy
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

No part of the newly laid surface shall be brought into use until the works have been approved and implemented in accordance with the details under (a) - (b) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

4. No development approved by this planning permission shall commence until a remediation strategy to deal with any identified risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways and receptors
 - IV. potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the

effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN16 (Contaminated land) of the East Devon Local Plan. The conditions should be pre-commencement since it is essential that any contamination found is dealt with appropriately before any further development takes place.

5. Prior to commencement of development a Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. The plan shall also consider construction vehicle routing and delivery arrangements. Construction working hours and all site deliveries shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.) The conditions should be pre-commencement since it is essential that the proposed vehicle routes for construction are known and how off site effects are to be mitigated before they occur.

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:

DR-A-050-002 A	Proposed Combined	19.06.23
: site/sections	Plans	

List of Background Papers

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

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