

**Ward** Exmouth Halsdon

**Reference** 23/1480/MFUL

**Applicant** Mr Brendan Lee

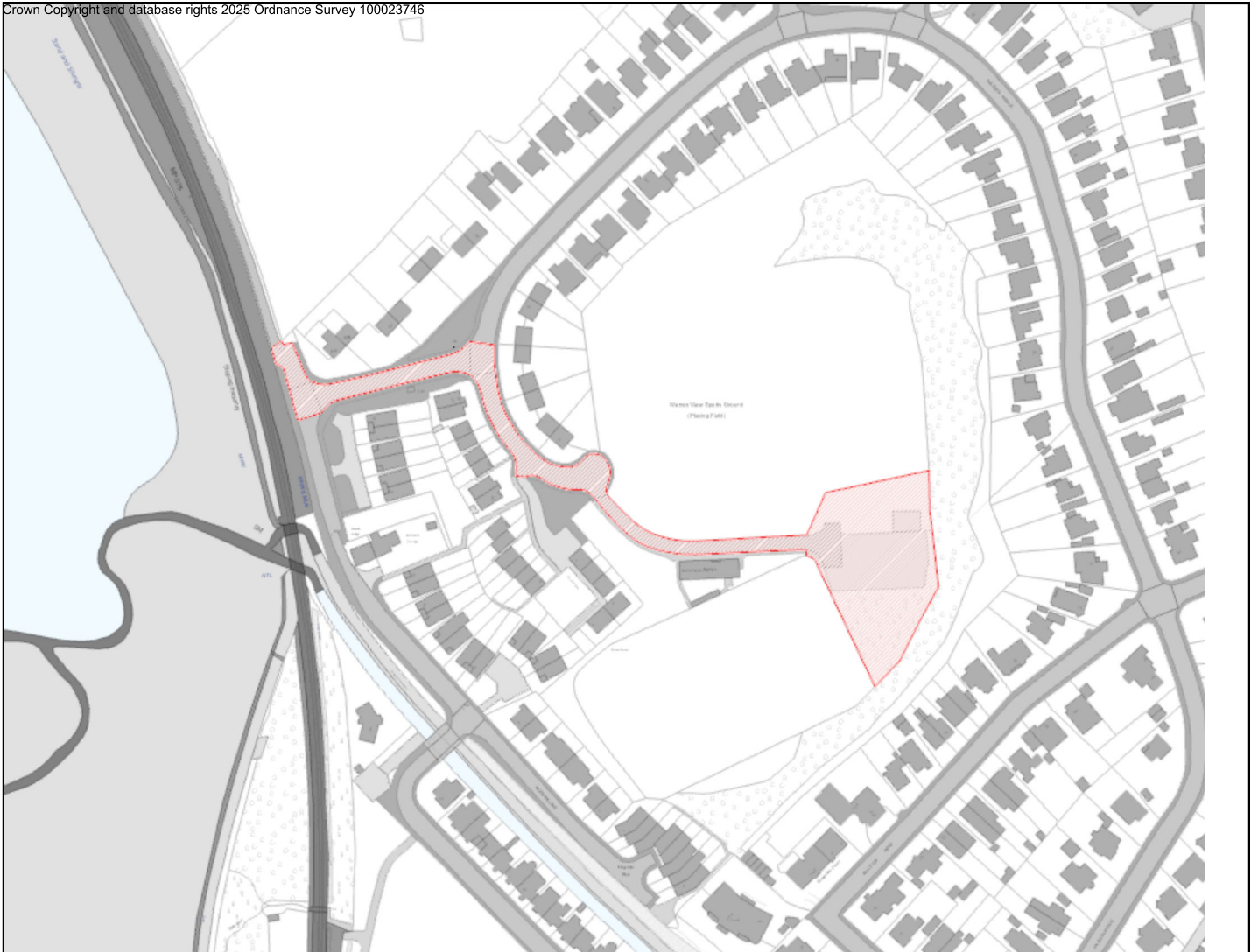
**Location** Warren View Sports Ground Halsdon Avenue  
Exmouth EX8 3DH

**Proposal** Construction of new boxing gym and community  
sport building with associated parking and  
landscaping



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 15.07.2025</b>
<b>Exmouth Halsdon (Exmouth)</b>	<b>23/1480/MFUL</b>	<b>Target Date: 13.10.2023</b>
<b>Applicant:</b>	<b>Mr Brendan Lee</b>	
<b>Location:</b>	<b>Warren View Sports Ground, Halsdon Avenue, Exmouth</b>	
<b>Proposal:</b>	<b>Construction of new boxing club/ gym building with associated parking and landscaping</b>	

**RECOMMENDATION: APPROVE subject to conditions.**

### **EXECUTIVE SUMMARY**

**This application is before members of the Planning Committee because the officer recommendation differs from that of two ward councillors.**

**This application seeks full planning permission for the construction of a 550 sqm boxing club/ gym building within the sports grounds. The building would be sited on the eastern side of the sports ground on an area of existing hard standing. The building would be single storey with a mono pitched design and would contain two boxing rings, a boxing gym and an area of functional gym space with male and female changing rooms and toilets provided at ground floor level only.**

**The building would be of contemporary design with a mono pitched roof form reaching a total height of 6.3 metres at the front with the height reducing down to 3.7 metres at the rear. The building would measure 32 metres in length and 20 metres in depth**

**The proposal would see the introduction of a new sports building on the existing and well established Warren View sports ground which has an existing sports and recreational use.**

**The proposal is for a new sports facility which is located within the BUAB of Exmouth and which is considered to be a sustainable development that enhances local sports infrastructure, supports community wellbeing, and aligns with local and national planning policy which as matter of principle supports the provision of new sports facilities within urban areas (policy RC2 and CF3 of the East Devon Local Plan and Exmouth Neighbourhood Plan refers).**

**Whilst the proposal would introduce a new sports use onto the site and see an intensification of its use, it is not considered that it would give rise to any**

significant harm to the character and appearance of the area, ecological or arboricultural impacts. Impacts in relation to ecology and trees, contaminated land, surface water and drainage can be controlled through appropriately worded conditions. The proposals would not result in the loss of any of the playing pitches on the site and would not undermine the future development of football pitches on the sports ground site.

The proposal has been carefully assessed in respect of its impacts on residential amenity and whilst it is acknowledged that the character of this part of the sports ground would change as a result of the introduction of a new building and use, an intensification of the use of the site and a noticeable change to the outlook of a number of residential properties which back onto the site, it isn't considered that harm to residential amenity would be significant that would justify refusal of planning permission or that would outweigh the wider social and health benefits that would be derived from the scheme. The applicants have reduced the size and scale of the proposal whose impacts can be appropriately managed through the imposition of conditions which control the hours of use of the site, restrict any large-scale events, requires the submission and implementation of a noise management scheme and mitigation for external plant and equipment and a lighting scheme.

The highway and parking impacts have been carefully considered by officers and the County Highway Authority. Whilst it is acknowledged that existing use of the site by various football club's results in the overspill of parking outside of the site onto residential roads which causes inconvenience and congestion, it isn't considered that this proposal would give rise to any significantly greater highway or parking issues that would justify refusal of the development.

This proposal would introduce 31 car parking spaces onto the site which would be shared between the boxing club and gym and those using the site for football. Whilst the proposal would displace an area of land within the ground upon which vehicles park informally, the proposal car park, formally laid out to maximise usage, would help to alleviate some of the existing parking issues arising from the use of the site. In the event that the football clubs and gym is at capacity at the same time, then it is accepted that vehicles are likely to spill out onto the public highway. However this is an existing situation that is unlikely worsened by this proposal on the basis that the parking area would be shared and visiting parties, such as that associated to football matches can be informed in advance that a formal parking area is accessible which can be promoted through the Travel Plan.

Furthermore, the site's sustainable location and close proximity to cycle path links into the town and surrounding residential areas along with cycle storage provision, the submission of a travel plan and the boxing clubs recent acquisition of a club mini bus (the use of which cannot be controlled through the planning system or conditions) provides opportunities for alternative modes of travel which is likely to minimise the use of the car parking spaces by the boxing club.

On balance, having regard for all of the above, the proposal is considered to

**represent a sustainable form of development which complies with the Development Plan when read as a whole and the wider sustainability objectives set out within the NPPF. The proposal would provide an asset to the town of Exmouth, in a sustainable location which would enhance community sports provision and be of significant social benefit with positive impacts on community, health and well being which are considered to outweigh the limited harms that have been identified within this report.**

**The application is therefore recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### Exmouth Halsdon - Cllr Tim Dumper 22/05/2025

I wish to register an objection to the latest amendment to this application, on similar grounds to previous objections by Exmouth Town Council. This latest submission by the applicant, sends a letter and technical note, stressing the previously amended removal of the upper floor, and stating that it wasn't the intention to run events / shows there. The single storey version was objected to by Exmouth TC on the last iteration, and I have seen no evidence that the proposal now eliminates either the community use aspect which could be very disturbing to a residential area, especially with the likely lengthy opening hours, or to local wildlife, eg the badgers, living very close on the bank.

I don't believe previous Exmouth TC objections have ever mentioned the shows specifically, but both large scale training and competition events, mentioned in the recent Exmouth Journal article , and apparently still in the revised proposal, would still generate traffic and associated noise.

I can see that ideas to reduce the overall number of cars visiting are welcome, but at this stage, I fear theoretical rather than representative of likely reality. Use of a local minibus May assist with local members, but is unlikely to affect traffic coming from further afield.

At our recent Town Council Planning meeting I suggested that the Boxing Club representatives should meet local residents again on an informal basis, emphasising changes from the original. The representatives rejected that proposal, increasing my doubts.

#### Exmouth Halsdon - Cllr Tim Dumper 08/08/2023

These are my comments on this application as a District Councillor for Halsdon Ward. Please note that as a Town Councillor in Exmouth and Vice Chair of Planning, I have already made comment and voted to send an objection to EDDC. I have also attended a public meeting organised by the applicant and listened to the presentation by the applicant's architects and the many comments and questions from many nearby residents.

Clearly, I will still be listening and reading carefully all representations and any amendments which may be made to the application and will let you know my views when and if things change.

At present, I have concerns in the following areas:

Noise, both from equipment and from large numbers of people attending what is planned to be a major national boxing venue. This is not just "normal " noise, but also echo amphitheatre style noise, given the profile and topography of the old quarry. I am told that a normal speaking voice carries across the playing fields, and up to the houses in Halsdon Avenue very easily. I was pleased to see Environmental Health's request for further noise assessment, and I hope the amphitheatre effect will also be assessed.

Light pollution, including, its effects late at night on vulnerable elderly people, and on the bird life in the area, as well as bats and badgers living there. Again, I welcome EH's comments.

The overall scale of the proposed development and ambition of its use, in what is a mainly residential, local sporting (football) and green area. I recognise this is technically a "brownfield site " but a distinct ecology seems to have developed over the years since that area had serious industrial use, and given current issues with massive reductions in biodiversity, it would not seem sensible to allow large scale development here.

Contaminated land. As is known, this area was used as a local authority landfill site, with all that implies for methane and other dangerous organic and inorganic chemicals. No development should be allowed until a full and thorough assessment of this, possible effects, and any necessary remedial action taken. Such chemicals are not only injurious, but potentially carcinogenic, and when disturbed could have serious detrimental effects to nearby plant and animal life.

Access, Parking and Vehicle movements. Many comments have been made about the inadequate access and parking, again considering the scale of the development and its stated ambitions for use. Many residents believe that the existing football club uses, on a mainly amateur basis, overstretch parking provision, leading to overcrowded local roads all around the area. How much more would this be stretched by a regional / national venue of the proposed scale. The access has also been pointed to, that it is narrow in from Halsdon Avenue.

I am less than satisfied by the list of consultees you have circulated. In my view, these should also include: Contaminated Land Officer, EDDC Ecologist, South West Water. and EDDC Sports (especially bearing in mind that EDDC has a playing pitch strategy which I am told is currently being "tweaked ") It has often been commented that Highways do not often comment on applications, despite sometimes having major Road concerns. I hope this is one which you will encourage their comments!

Exmouth Halsdon - Cllr Daniel Wilson 23/05/2025

I commend the forensic detail, eloquence and accuracy in the huge number of objections to this proposal.

This proposal is not for a boxing club, it is a proposal for an events venue to hire out, that will also have a small amount of boxing training. This proposal is a wolf in sheep's clothing.

The money raised from boxing memberships will barely cover the costs to run this building, yet alone cover the several million it would cost to build it or turn any kind of profit. The only way this venture turns a profit or receives funding to be built, is by hosting large scale events. The technical notes specifically say the venue is to be used for events but by reducing the size of the building, some people and organisations have been fooled in to believing this venue no longer be for events. This is an enormous mistake.

This is EDDC land and the area around Warren View hosts a lot of EDDC homes, that are occupied by elderly, disabled and vulnerable people. For EDDC to approve this application and expose residents we are responsible for, to huge amounts of light, noise and traffic would be wilful negligence.

This application has been amended relentlessly over the years in order to find some way of getting an events venue approved. If the boxing club really needed to move to bigger premises, they would not be waiting these past three years, they would have moved already. Why haven't they? Because there is no requirement for a boxing club of this size. This is an events venue proposed in entirely the wrong setting.

The proposal of this venue is ridiculous and the justifications for it are a joke but for the residents, this venue is no joke. It represents a damaging, life altering change, with enormous negative impacts on their physical and mental wellbeing, if it is approved.

Noise, light, wildlife, traffic, take your pick on why this application should be refused. I object to this proposal entirely and I object to the torment residents have had with years of understandable stress, worrying about this application. It is time to end this application and allow residents to live in peace.

Exmouth Halsdon- Cllr Andrew Toye 10/08/2023

I have received over 50 objections from residents mainly relating to traffic and noise.

The current use is for football training with some noise that residents are used to on a Saturday afternoon. The applicants propose the venue to open until 10 pm on weekdays. As this is a large venue (900 sq.m.) with up to 200 attendees,, there would be an inevitable noise nuisance in pre- and post-match celebrations which cannot be confined to the inside of the building. This is a quiet residential area and the site is a disused quarry with a steep bank, where sound is projected around the basin and up the surrounding bank. Many residents refer to an "amphitheatre" effect.

There is already a large volume of traffic when sports events are held; this will vastly increase with the increase in capacity.

With increased traffic comes more demand for parking - some residents report driveways being blocked. Proposed new provision is inadequate for the demand.

The nearest bus stop is on the corner of Exeter Road/Crossingfields Drive, so not so convenient.

Although there are opportunities to walk/cycle, in reality most journeys will be by car as is currently the case.

There is also potential for disruption to wildlife in the area - I hope this can be assessed by the relevant dept.

Despite my objection, would like to wish the Boxing Club luck in their search for a suitable venue which is much needed.

#### Exmouth Town Council

12.05.25

No objection subject to approval from Devon County Highways, satisfactory ecological mitigation and consideration by the Club of the scope for further public consultation. (slightly amended 20/05/2025)

#### Exmouth Town Council

Meeting 31.07.23

Objection; it was acknowledged that policy CF3 of the Exmouth Neighbourhood Plan supports development of sport and leisure facilities, however members were concerned regarding a number of issues surrounding the application being an appropriate location. It was noted that the Contaminated Land Officer had not been consulted. Members were very concerned as it was understood that previous investigations for previous unrelated development had revealed that contaminations levels were high. It was also noted that the EDDC Ecologist had also not been consulted and concern was raised regarding the impact of noise to the wildlife. Members queried if the application had been considered by East Devon District Council in the context of the new playing pitch strategy being prepared for the emerging Local Plan. Concern was raised regarding noise and light and it was noted that Environmental Health had requested additional information. It was hoped that this assessment would take into account the amphitheatre effect of noise in the area. Comments were still pending from DCC Highways, DCC Flood Risk, EDDC Trees, which were areas of concern to members. Sport England also had not yet commented on the application.

#### Clerk To Exmouth Town Council

Objection was upheld. While members supported Exmouth Boxing Club's need for new premises, concerns about access, parking, traffic, and the potential ecological impact remained. The proposed location was still considered unsuitable. It was noted that DCC Highways had yet to respond to the additional information submitted. The application still did not meet the policy requirements of CF3 in the Exmouth Neighbourhood Plan or RC2.4 in the East Devon Local Plan.

#### Exmouth Town Council

Objection sustained. Construction of low retaining wall does not mitigate previous concerns and address substantive issue relating to concerns about traffic, noise and ecological impact of the proposed development.

Meeting 03.06.24

Objection sustained; the additional information submitted did not satisfactorily address the concerns previously raised. Members questioned the data in the reports from the consultants employed by the applicant. The Sound Impact assessment does not account for the amphitheatre location. The bird survey was scant in detail, noise and disturbance to badgers would undoubtedly result, both during construction and operation. Members support the Boxing Club and understand their need for a premises, however the proposed location is not 'appropriate' next to the Exe Estuary, a protected area and in a residential area with existing issues regarding parking and traffic. The proposal is still therefore considered to be contrary to policy CF3 of the Exmouth Neighbourhood Plan.

### **Technical Consultations**

County Highway Authority  
Addendum 20/06/2025

A Technical Note was submitted by the applicant, in response to a number of queries raised to allow DCC a better understanding of the operation of the development proposed, and its impact on existing activities.

The Gross Floor Area (GFA) of the community building has since been reduced, the initial mezzanine floor initially proposed as part of the development has been removed, with the GFA of the building now being 550sqm and therefore provides more limited spaces for classes and lessons to be practised. The applicant has also confirmed that no major events will take place at the venue – this can be suitably conditioned.

It has been clarified that the parking area that forms part of the proposal will be accessible to all visiting parties including visitors associated to football activities on the respective adjacent pitches. Consideration has to be given of the existing circumstance, where currently there are no recognised formal parking areas for people attending for football or such purposes. DCC are aware and acknowledge that the approach roads as a result sees informal on street parking which has led to parking issues during these times.

However, given what has since been confirmed, whilst the proposal would bring about additional vehicle movements to and from the site, it will also now provide a formal and recognised parking area for all users to have access to. Furthermore, there is an opportunity to make, for example visiting football teams aware that formal parking is available during match days that could be promoted and advertised out through a Travel Plan as part of a condition which will give parties an incentive to park in the designated area.

Some visiting parties to the gym also have the opportunity to travel by sustainable means. The proposal would see the delivery of a cycle parking area, which for clarity would need to be secure and sheltered to further promote this mode of travel. It has



also come to our attention that the club has acquired a minibus that could also help alleviate the parking demand associated to this proposal especially when days where anticipated larger crowds may be expected. The proximity of the site can be considered as sustainable, with options for people to travel by other modes, in particular on foot or through cycling.

DCC do accept that there are likely to be times during peak visiting to the area when the designated parking area will be at capacity and as a consequence parties visiting by vehicle would subsequently park on the immediate private road and public highway, but notwithstanding, this is already an existing situation where a view must be taken whether the development proposed would materially exacerbate the issue. On balance, and with the revised submission of detail and supporting information in mind, it is the view of DCC that there is now no overriding evidence to suggest that the proposal would be in conflict of the relevant policies that would warrant a recommendation to refuse the application.

There is already a constrained informal parking situation that is brought about by parties parking informally on the highway and private approach roads, sometimes inconsiderately, yet saliently there is no designated parking area to accommodate these visitors where parties have become accustomed to looking for an on-street parking area. The provision of a new formal parking area for all parties however, as well as sustainable travel modes as mentioned above is likely to bring about people intending to park in the formal parking area instead and, with the opportunity to promote and encourage people to park at this location as an alternative is likely to see less frequent on street parking. However, it would be a matter for EDDC to determine how, the future ability for the parking area to be for dual use is secured, either through condition or a suitable legal agreement.

### **Recommendation:**

With the above in mind and taking into account relevant policies, based on the revised information produced. our previous stance of a recommendation for refusal can be withdrawn. Should members be minded approving the development proposed the following conditions are recommended:

Prior to the development hereby permitted first being brought into use, access to covered cycle parking, numbers, and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Prior to first occupation of the development hereby permitted, access to appropriate electric vehicle charging points will be committed to being available to all residents. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and

safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including: (a) the timetable of the works; (b) daily hours of construction; (c) any road closure; (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance; (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits; 22/1532/MOUT (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases; (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority; (h) hours during which no construction traffic will be present at the site; (i) the means of enclosure of the site during construction works; and (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site (k) details of wheel washing facilities and obligations (l) The proposed route of all construction traffic exceeding 7.5 tonnes. (m) Details of the amount and location of construction worker parking. (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Officer authorised to 20 June 2025  
sign on behalf of the County Council

County Highway Authority  
Addendum 26/06/2024

Whilst the updated Transport Statement information is appreciated, there still appears to be some level of un-clarity upon the potential trip generation impact from this development.

One of the issues is the use of Class K - private gym club for TRICS data, whereas the Transport Plan states that for viability a range of community uses for the site will be considered such as training events, local sports teams, clubs and other leisure groups (including classroom hire).

Futhermore, the existing trip generation needs to consider weekend surveys.

TRICS data references used to calculate future trip generation is from 2021 the covid years only, which somewhat alters the likely trip generation from this site, there also appears to lack weekend trip generation surveys.

County Highway Authority

Addendum 21/11/2024

The further produced Highways Technical Note shows that the cumulative trip generation (Table 3.3) from this application and the existing trip generation from Warren View Leisure Centre would be up to 141 in the pm peak period, this would be more than 2 vehicles passing every minute, and whilst I appreciate the majority of these trips are from the existing development, I believe it shows that this residential Cul-de-Sac of Halsdon Avenue is already stretched and unable to accommodate additional trip generation.

County Highway Authority

I have visited the site and reviewed the planning application documents.

The application includes the provision of a Travel Plan with a Travel Plan Coordinator with measures promoting sustainable travel, encouraging public transport, car shoring and EV use. Facilitated by 29 parking spaces, including 3 disability spaces, 3 EV charging spaces and secure cycle storage. The Travel Plan and measures are appreciated by the County

Highway Authority (CHA) and is seen as a positive inclusion, though parking numbers is an objective for the LPA. The CHA also accepts that sufficient space is retained on site to avoid on-carriageway turning.

The CHA is however concerned that the Travel Plan only outlines employee trip generation with the predicted baseline modal choice for visitors / patrons to the application site being described as difficult to ascertain. However I believe that an approximate baseline and future projection can be gauged from;

- TRICS data upon (Class E) gym use to account from the multi-function gym space on the first floor.

- Existing Trip generation of both existing football/sports pitches which in accordance with the Travel Plan, will be retained and remain unaffected by the proposed building. This will allow for cumulative trip generation to be evaluated.

- Attendance figures/trip generation from previous with large championship events. The Travel Plan also states that the proposed use of the building is as a gym and community sports use and that no other provisions are provided for, other than those which are ancillary

to the specified use. However the Transport Plan later states that for viability other community and sport uses, training events, local sports teams, clubs and other leisure groups (including classroom hire) would be welcomed. This higher range of uses could vary the trip generation

greatly and so, the merits of these additional uses needs to be considered, with TRICS data available for such uses.

Without clear transparency of the potential uses of this site and further information on potential trip generation, it is difficult to ascertain the impact upon the local highway network,

Therefore it is difficult to judge whether National Guidance NPPF 2018 109 clause, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' would be triggered or not. Not so much upon the highway safety grounds, as our highway collision record currently running from 2018-2022 shows no collisions within the vicinity but more so the residual cumulative impact on the road network.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

#### Environment Agency

Environment Agency position

We have no objection to the proposed development as submitted.

Reason - The site is located on an area which is identified to be a historic landfill site. The applicant has recognised this and submitted a Preliminary Risk Assessment & Ground Investigation Report. This report (by Horizon Consulting Engineers dated October 2022) includes an adequate assessment of the site and its history, and makes appropriate recommendations for the management of the contaminated land for the protection of human health and groundwater. We would recommend that you include this report in the list of approved documents on any decision notice so that the recommendations are followed.

#### Sports England

Thank you for consulting Sport England on the above application with additional information in support of the application.

We have reviewed the various documents and have no further comments to make.

Therefore, our position has not changed since last response to the application on the 22nd of May 2024.

For Clarity Sport England's Position

Given the above, Sport England raises no objection to the application because it is considered to accord with exception 3 of our Playing Fields Policy and paragraph 99 of the NPPF.

The absence of an objection is subject to the following condition being imposed should the local planning authority (LPA) resolve to approve the application:

The of new boxing gym and community sport building with associated parking and landscaping hereby permitted shall be constructed in accordance with: the design and layout details set out in the planning application and Drawing No's 22.013.04PL rev C, 22.013.05PL

Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable and to accord with RSS/UDP/LP/LDF Policy \*\*

If the LPA is minded to approve the application without imposing the above condition then Sport England objects to the application as it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.

If you wish to amend the wording of the condition or use another mechanism in lieu of the condition, please contact us to discuss. Sport England does not object to amendments to conditions, provided they achieve the same outcome, and we are involved in any amendments.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agenda(s), report(s) and committee date(s). Please notify Sport England of the outcome of the planning application.

#### EDDC Trees

No objection is raised to the proposed development on arboricultural grounds.

Any planning approval should be subject to a pre-commencement condition for the submission of a landscaping plan detailing the planting of and establishment of new trees and shrubs on the site and compliance with the submitted Arboricultural Method Statement and Tree Protection Plan.

#### Environmental Health 02/07/2025

I am satisfied that the NIA (Ref:AS13190.230815.NIA)used the correct guidance documents (BS4142:2014+A1:2019 & ProPG: Gym Acoustics Guidance 2023) to assess the potential noise impact of the development.

The National Planning Policy Framework (2024) [NPPF] outlines the requirements for the planning system in reducing the impact from noise pollution from new developments and therefore, when considering the application, the guidance forms a material consideration when making any decisions. Within Paragraph 187 e) of the NPPF, it's clear that in the granting of any permissions, we should aim to prevent noise sensitive receptors (NSRs) from being adversely affected by unacceptable levels of noise.

Paragraph 191 of the NPPF details that, 'planning decisions should ensure that new developments are appropriate for their location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to any negative impacts that could arise from the development. Forming part of the NIA an Environmental Sound Survey was carried out which established the current

soundscape for the area. I am satisfied that the soundscape identified local noise sources.

The Noise Policy Statement for England (NPSE) provides further clarity regarding current policies and practices as well as introducing the concept of 'effect levels' that relate to the impact of noise. The aims of these effect levels are to avoid significant adverse impacts and mitigate and minimise any adverse impacts on health and quality of life.

The Planning Practice Guidance on Noise (PPGN) is the current UK government guidance that supports the National Planning Policy Framework in helping local planning authorities consider noise in the planning process. It goes further than the Noise Policy Statement for England which provided clarity regarding current policies and practices as well as introducing the concept of 'effect levels' that relate to the impact of noise.

The classifications of effect levels are:

- No Observed Effect Level (NOEL)
- No Observed Adverse Effect Level (NOAEL)
- Lowest Observed Adverse Effect Level (LOAEL)
- Significant Observed Adverse Effect Level (SOAEL)

Through the analysis of the applicants NIA the typical background sound level for the area is 33 dB (LA90) during the daytime and 26 dB (LA90) during the night. Environmental Health recommendations aim to mitigate and reduce to a minimum any potential adverse impacts resulting from development noise and avoid any noise giving rise to significant adverse impacts on health and the quality of life.

e and avoid any noise giving rise to significant adverse impacts on health and the quality of life.

Therefore, noise emissions from any fixed plant can be controlled by a planning condition as follows:

- The specific noise level of any fixed plant or equipment installed and operated on the site must not exceed 26dB (LAeq 15min) when measured or predicted at the boundary of any noise sensitive property between the hours of 23:00 until 07:00 and must not exceed 33dB (LAeq 60min) when measured or predicted at the boundary of any noise sensitive property between the hours of; 07:00 until 23:00. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

This will offer sufficient control over any fixed plant noise ensuring that the effect level NOAEL is met.

To ensure that the impact of any noise breakout is minimised the applicants NIA has detailed the required level of sound insulation to the buildings fabric. In considering this, I am satisfied that the buildings fabric will offer sufficient control over any noise breakout ensuring that the effect level NOAEL is met.

In meeting the classification 'No Observed Adverse Effect Level' in relation to noise it is unlikely that residents are likely to be adversely affected by noise from the introduction of the boxing gym and community sport building.

The proposed operating times for the development are during the daytime only; Monday to Saturday 08:00 – 22:00 hrs and 09:00 – 20:00 hrs on Sundays and Bank Holidays and therefore, night-time noise levels have not been considered (for noise breakout).

Environmental Health 20/05/2024

I have reviewed the applicants' noise assessment (which I am satisfied with) and I recommend approval with conditions:

The specific noise level of any fixed plant or equipment installed and operated on the site must be designed as part of a sound mitigation scheme to operate at a level of 28 dB LAeq 1hr (5dB below daytime background level 33 dB (LA90T) 07:00 - 23:00) when measured or predicted at the boundary of any noise sensitive property and a night-time level of 21 dB LAeq 15min (5 dB below night-time background level 26 dB (LA90T) 23:00 - 07:00) when measured or predicted at 3m from the facade of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

Prior to the first use of the boxing gym, a Noise Management Plan (NMP) will be submitted for approval by the Local Planning Authority. On written approval of the NMP by the Local Planning Authority, the NMP will be implemented and operated during the hours of operation on the premises. The NMP must detail the methods by which the gyms management will systematically assess, reduce and prevent any excessive noise emissions from the premises, through operational managerial techniques and abatement technologies. The NMP will identify and employ appropriate measures to minimise the generation of noise from the premises and will additionally include:

- o The control noise from the use of audio equipment at source by good operational practices through staff training.
- o All external doors must be kept shut at all times when the premises is being used. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
- o Clear and legible notices must be prominently displayed in the car park area requesting customers to respect the needs of local residents and enter and leave the area quietly.

Environmental Health 25/07/2023

I have considered the application and I do have Environmental Health concerns in relation to noise and light.

This application involves the introduction of new commercial activity (new boxing gym and community sport building) in close proximity to existing noise sensitive dwellings and their amenity space. I am concerned that the noise impact from the

introduction of this new building has not been fully assessed. This information is required before I can make a recommendation.

I recommend that the applicant undertakes a noise assessment.

A BS4142:2014+A1:2019, assessment should be undertaken in order to determine the likely noise impact from the development on nearby noise sensitive dwellings including external amenity areas when measured against the current background sound levels. The assessment must have regard to ProPG: Gym Acoustics Guidance 2023

The purpose of the noise assessment is to determine whether or not residents are likely to be adversely affected by noise from the introduction of the new boxing gym and community sport building. This information will help the decision making process for the proposed development. If the noise assessment highlights noise as an issue, further mitigation will need to be considered and assessed in order to determine if it is at an appropriate level to achieve both satisfactory internal and external (amenity areas) noise levels.

A lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing. The lighting scheme must comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The scheme must cover the impact of the lighting both internal (due to the glazing) and external on the nearest sensitive receptors including the provision of any mitigation (shielding) measures. The lamps 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 and to avoid light pollution being detrimental to the amenity of local residents

#### DCC Flood Risk SuDS Consultation DO NOT USE

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

#### Observations:

Following my previous consultation response (FRM/ED/1480/2023, dated 2nd August 2023), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has confirmed that the proposed point of connection to the existing private surface water drainage network will be accordance with Foul and Surface Drainage Strategy (Drawing No.1010.100, Rev.A, Oct 2022). The applicant has also acknowledged that they have the right to connect into the private drainage.



The applicant has proposed to discharge the surface water runoff from the site freely into Withycombe Brook. However, the applicant shall demonstrate that the proposed surface water drainage system has sufficient capacity to store the volume of surface water generated during tide locked situation. Model output results shall be submitted for review.

The applicant should provide the details to demonstrate the surface water from the car park tanked paving is connected into the surface water system.

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 Flood Risk Assessment and Drainage Strategy (Report Ref.1010.FRA, Rev. - , dated 18th Oct. 2022 ).

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system. 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 stated that due to the elevation of the site (11m AOD) allowing for a sufficient hydraulic head, the flap valve will be forced open, ensuring that the drainage system won't be tide-locked.

The applicant has submitted the Tanked Permeable Paving Construction Detail.

However, the applicant should indicate how the tanked permeable paving connects to the surface water drain in the Drainage Strategy.

#### Police Architectural Liaison

I have nothing to add to my previous comments which include the consideration of the following conditions:

1. Condition: CCTV with a clear Passport for Compliance Document, including an Operation Requirement to be distributed throughout the development.

Reason: In order to help prevent/detect crime, disorder and anti-social behaviour.

2. Condition: A management plan to be in place that includes due consideration for security and safety.

Reason: In order to reduce the likelihood of crime, conflict, disorder and anti-social behaviour and to enhance the safety of residents of the scheme.

Further informative points as previously stated:

- o I appreciate that a reception has been added. Ideally a reception space would be positioned within the 'airlock' to have supervision of the entrance and approach to the building and control access beyond into the main facility.

- o As mentioned in previous responses, it is recommended that access to the space running to the rear of the building is restricted. The space lacks surveillance opportunities and could attract misuse.

- o Waste and recycling bins must be secured to prevent them being used misused.

#### Royal Society For The Protection Of Birds

The RSPB has concerns in relation to potential adverse impacts on wintering bird species that are designated features of the Exe Estuary Exe Estuary Special Protection Area (SPA). The application site lies c230m east of the SPA and is on sports fields that provide habitat used by some waterbird species at times over winter. In our view this ecological value of the site has not been properly assessed and so it is not possible to determine if the sports ground is significant as an area of undesignated habitat such that it that fulfils a role as functionally linked habitat for the SPA. Birds that are designated features of the Exe Estuary (which include oystercatcher) use open areas of grassland around the estuary as high tide refuges, some of these sites can be regularly used by numbers of the designated species such that those areas can be regarded as functionally linked, ie, they provide essential habitat for significant numbers of SPA birds. Given that climate change threatens the loss of intertidal habitat in the Exe Estuary and development proposals around the estuary can reduce or remove the value of undesignated sites as functionally linked habitat, it is important to identify and safeguard a network of functionally linked habitats so there is always going to be suitable high tide roosting/feeding habitat that the SPA birds can use.

The Ecology Report (South West Ecology, 9 February 2023) reports from its survey on 24 January 2023 that oystercatchers (numbers not cited) were using the sports ground to the NW of the application site. This report stated there would be no adverse impact because the birds were not present on the application site itself. However, it did not investigate the existing usage of the whole of the sports ground to quantify the extent that it may be currently suitable as an undisturbed area for birds. The RSPB notes that the proposed building will have extensive glazing and that there are 30 proposed car parking spaces. It is therefore reasonable to assume that noise and artificial light (which can be very disturbing to birds) will accompany operation of the proposed development and those impacts will affect wider than the footprint of the proposed development. No information was given on potential for

disturbance to birds or mitigation should construction occur over winter. It is in our view likely that the proposed development will reduce the existing value of the sports ground for waterbirds that are designated features of the Exe Estuary SPA.

The RSPB recommends that, prior to deciding this application, your authority seeks more information to determine the value of the sports ground for waterbirds (Assessment of Likely Significant Effect as required under the Habitats Regulations). If this concludes the sports ground is a functionally linked habitat, then a Habitats Regulations Assessment will be needed.

The RSPB considers these comments align with the National Planning Policy Framework (July 2021) which requires in para 174 (a) that sites of biodiversity value should be protected, in para 179 (b) that ecological networks should be conserved and in para 180 (a) that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." Para 182 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Strategy 147 Nature Conservation and Geology of the East Devon Local Plan 2013-2031 states that all developments need to conserve the biodiversity value of land. On other matters, the RSPB recommends that any new buildings provide nest sites for birds via integral nestboxes ('swift bricks') that are built into the exterior walls of a building at least 5m above ground level. These are much longer lasting, maintenance-free and less obtrusive than externally fixed boxes. The Environment Act requires that all new development provide a minimum of 10% biodiversity net gain - this is in addition to measures required to mitigate or compensate for adverse impacts on existing biodiversity.

### Other Representations

263 letters of representation have been received at the time of writing this report.

181 objections have been received raising concerns which can be summarised as:

#### **Noise Pollution**

- The site's natural amphitheatre shape amplifies sound, making even normal conversations audible across the area.
- Concerns about noise from:
  - Events and training sessions.
  - Car doors, engines, and people arriving/leaving.
  - Mechanical systems like air conditioning and ventilation.
- The proposed long opening hours (8am–10pm) would lead to continuous disturbance.

### **Traffic and Parking**

- Local roads (Halsdon Avenue, Carter Avenue, Belle Vue Road) are already congested, especially during football matches.
- The proposed 29 parking spaces are deemed insufficient.
- Increased traffic poses risks to:
  - Elderly and disabled residents.
  - Children and cyclists using nearby paths.
- Emergency vehicle access could be compromised.

### **Light Pollution**

- Light from the building, car park, and vehicles would disturb residents and wildlife.
- No formal light impact assessment has been provided.

### **Wildlife and Environmental Impact**

- The site is home to badgers, foxes, bats, and protected bird species.
- Proximity to the Exe Estuary (SSSI, SPA, Ramsar site) raises ecological concerns.
- The site is a former landfill with potential contamination and drainage issues.

### **Residential Amenity and Community Impact**

- The development is seen as incompatible with the quiet, elderly residential character of the area.
- Concerns about:
  - Visual impact of the large, industrial-style building.
  - Loss of green space.
  - Potential for anti-social behaviour and late-night disturbances.

### **Planning Process and Policy Compliance**

- The development is viewed as contrary to:
  - The Exmouth Neighbourhood Plan.
  - Local Plan Policy RC2 (impact on character and amenity).
- Sport England and the boxing club itself acknowledge no strategic need for the facility.
- Residents feel their objections have been ignored and consultation has been inadequate.

### **Design, Scale, and Purpose**

- The building is considered oversized for the club's current needs (30–40 members, 5–8 hours/week).
- Suspicions that the facility will be used for large-scale commercial events.
- Lack of clarity about future use, funding, and management.

### **Alternative Locations Suggested**

- Liverton Business Park.
- Imperial Ground (Rugby Club).
- Cranford Gardens or other council-owned sports sites with better infrastructure.

81 letters of support for the application been received:

### **Youth Development & Community Impact**

- Widespread support for providing a safe, structured environment for young people.
- Seen as a positive alternative to anti-social behaviour, offering discipline, focus, and mentorship.
- Many supporters highlight the lack of youth facilities in Exmouth and the need for inclusive, affordable spaces.

### **Mental & Physical Health Benefits**

- Strong emphasis on the gym's potential to improve mental health, reduce isolation, and promote well-being.
- Boxing and fitness are praised for building confidence, resilience, and life skills.
- Some mention potential for rehabilitation, Parkinson's support, and inclusive fitness for all ages and abilities.

### **Appropriateness of Location**

- Many note that Warren View is already a longstanding sports ground, making it a logical site for expansion.
- Supporters argue that the impact on traffic, noise, and wildlife is minimal, especially compared to the benefits.
- Several comments dismiss objections as NIMBYism or exaggerated concerns.

### **Community Hub & Multi-Use Potential**

- The facility is seen not just as a boxing gym but as a multi-sport, community hub.
- Suggestions include:
  - Hosting fitness classes, dance, Zumba, and rehabilitation sessions.
  - Providing space for meetings, social events, and disability-inclusive activities.
  - Supporting local schools and clubs with additional training space.

### **Endorsements & Testimonials**

- Letters of support from:
  - England Boxing (official governing body).
  - Former members who credit the club with changing their lives.
  - Parents, coaches, and residents who see the club as a vital community asset.
- Many describe the club as welcoming, inclusive, and well-run.

### **Economic & Social Value**

- Seen as a long-term investment in Exmouth's future.
- Potential to attract visitors, support local businesses, and revitalise underused land.

Offers job opportunities and boosts the town's profile as a sporting destination.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
22/2669/MFUL	Engineering operations for playing pitch improvement works including raising and levelling of surface	Approval with conditions	06.11.2023

## **POLICIES**

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

Strategy 3 (Sustainable Development)  
Strategy 5B (Sustainable Transport)  
Strategy 38 (Sustainable Design and Construction)  
Strategy 46 (Landscape Conservation and Enhancement and AONBs)  
Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)  
D2 (Landscape Requirements)  
D3 (Trees and Development Sites)  
EN5 (Wildlife Habitats and Features)  
EN14 (Control of Pollution)  
EN16 (Contaminated Land)  
EN21 (River and Coastal Flooding)  
EN22 (Surface Run-Off Implications of New Development)

RC1 (Retention of Land for Sport and Recreation)  
RC2 (New Open Space, Sports Facilities and Parks)

TC2 (Accessibility of New Development)  
TC4 (Footpaths, Bridleways and Cycleways)  
TC7 (Adequacy of Road Network and Site Access)  
TC9 (Parking Provision in New Development)

### Exmouth Neighbourhood Plan (made)

CF3- Sport and Leisure Facilities  
EB2- Design

### Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP05- Development inside Settlement Boundaries Draft  
Strategic Policy DS01 - Design and Local Distinctiveness Draft  
Strategic Policy TR01 - Prioritising Walking, Wheeling, Cycling and Public Transport Draft

Strategic Policy TR03- Travel Plans, Transport Statements and Transport Assessments Draft

Policy TR04 - Parking Standards Draft

Strategic Policy OL01 - Landscape Features Draft

Policy OL09 (Control of pollution) Draft

Strategic Policy PB01 - Protection of Internationally and Nationally Important Wildlife Sites Draft

Policy PB07 - Ecological Enhancement and Biodiversity in the Built Environment Draft

Policy PB08 - Trees, Hedges and Woodland on Development Sites Draft

Strategic Policy OS01 - Access to Open Space and Recreation Facilities Draft

Policy OS02 - Sport, recreation and open space provision in association with development Draft

#### Government Planning Documents

NPPF (National Planning Policy Framework 2024)

National Planning Practice Guidance

#### Site Location and Description

The site refers to Warren View, an EDDC owned sports ground containing two full sized football pitches and an associated club house building which is understood to be currently used by Exmouth United, Exmouth Amateurs and Exmouth Town Football Club.

The application site itself refers to approximately 0.1 hectares of land within the sports ground, primarily comprised of an area of hardstanding (compacted gravel) used as an informal car park and an area of overgrown vegetation (grass and scrubland). The site comprises an area of flat ground between the existing vehicular turning head, the southern football pitch and the embankment which runs around the eastern boundary of the site.

The site is generally flat with a slight slope from east to west. The surrounding land is also broadly flat and is used as playing fields. Land rises sharply around the perimeter of the site in the north, east and south.

The site is located along Halsdon Avenue to the western part of Exmouth town. It benefits from an existing vehicular access off the adopted highway to the southwest of sports field.

The playing fields are surrounded by residential properties on Halsdon Avenue and Belle Vue Road which occupy elevated positions with rear outlooks over the sports ground.

The site lies within the built-up area boundary (BUAB) of Exmouth and is designated as recreational open space under Policy RC1 of the East Devon Local Plan. The site is not subject of any landscape, or heritage constraints.

Whilst not a material planning consideration, the sports ground is owned by East Devon District Council and let to Exmouth Town Football Club and Exmouth Youth Football Club who have a long lease on the site. It is understood that the football club intended to sublet the application site to the Boxing Club which has been agreed in principle by EDDC.

### **Proposed Development:**

This application seeks full planning permission for the construction of a 550 sqm boxing club/ gym building within the sports grounds. The building would be sited on the eastern side of the sports ground on an area of existing hard standing.

The building would be single storey with a mono pitched design and would contain two boxing rings, a boxing gym and an area of functional gym space with male and female changing rooms and toilets provided at ground floor level only.

The building would be of contemporary design with a mono pitched roof form reaching a total height of 6.3 metres at the front with the height reducing down to 3.7 metres at the rear. The building would measure 32 metres in length and 20 metres in depth.

The proposed building would have a vertical profiled metal clad finish and would contain a number of glazed openings on the front and side elevations.

The proposal includes the provision of a car park for the boxing club providing 31 car parking spaces (including 3 disabled spaces), 12 no external cycle racks and 3 no EV charging points. The car park would be shared and open for use for the use of the football clubs.

The building would be accessed via the existing vehicular entrance into the sports ground from Halsdon Avenue.

From the information submitted by the applicant, the boxing gym would be run by Exmouth Amateur Boxing Club and would be used as a boxing training facility only with functional space that could be rented out to local groups. The EABC are currently based in New Road in Exmouth and have approximately 20 current members including junior and senior boxers. It is understood that boxing club training nights are currently Monday (18:30-20:00), Wednesday (18:30-20:00), Thursdays (18:00-20:00) with between 10-30 members training.

If granted planning permission the current facility would close and the EABC would relocate to the Warren View site. No maximum capacity for the boxing gym has been provided by the applicant but it is understood that average capacity is not expected to exceed 20-30 users at a time.

The applicant proposes the following hours of use 8 am- 10 pm Monday- Friday and Saturday and 9 am- 8pm Sundays and Bank Holidays.



Outside of the boxing club use, we are told that the building, site and car park would be made available for uses for training and classes for Yoga and Zumba etc.

## **ANALYSIS**

The main issues to be considered in the determination of this application relate to:

- Policy Context and the principle of development
- Design and Landscape and Visual Impact
- Residential Amenity
- Highways Impact and Parking
- Impact on Sports Pitches
- Arboricultural Impact
- Ecological Impact
- Drainage and Flood Risk
- Contaminated Land
- Planning Balance and Conclusions

### **Policy Context:**

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight. The Exmouth Neighbourhood Plan (NP) has been 'made' and also carries full weight.

### **Principle of Development:**

#### **NPPF:**

Section 8 of the NPPF supports the promotion of healthy and safe communities and supports the provision of sports facilities to enable and support healthy lives (para 96c refers).

Para 98 of the NPPF states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings,

public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Para 103 of the NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

#### East Devon Local Plan (Adopted)

The site is located within the BUAB of Exmouth in a sustainable location within the town. The principle of a new sports building is supported by policy RC2- New Open Space, Sports Facilities and Parks of the East Devon Local Plan which states:

*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.*

Each of these criteria will be assessed within the various sections of this report as important material planning considerations.

#### Exmouth Neighbourhood Plan (made)

Policy support for the principle of development is also found within the Exmouth Neighbourhood Plan in policy CF3. This policy states:

*‘Opportunities to further develop sport and leisure facilities to meet demand will be supported in appropriate locations’.*

#### Emerging East Devon Local Plan (Reg 19 Consultation Draft)

A new East Devon Local Plan is under preparation and a Draft Local Plan has been produced and has been consulted upon. The Emerging Plan has reached Regulation 19 stage, with the consultation period on the draft plan having closed on 31 March 2025.

Policy OS03- Location of Facilities for Sport and Recreation and Open Space states:

*Within or adjoining urban or built-up areas, planning permission will be granted for new open space areas, sports facilities and parks and gardens or for the upgrading or enhancement of existing facilities provided that unacceptable adverse amenity or environmental impacts do not arise from development. Any new or enhanced provision should be readily accessible to all people with a particular emphasis attached to ensuring safe pedestrian and cycle accessibility. Any built development associated with new facilities should be proportionate in scale or kind to the facilities that exist or are to be provided and where possible close by to existing built development.*

However, given that the plan is at Regulation 19 stage, only very limited weight can be afforded to this draft plan and its emerging policies at present.

### **Design and Landscape and Visual Impact:**

Section 12 of the NPPF, 2024 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Good design is a key aspect of sustainable development (para 131). In addition, development should function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and be sympathetic to local character and history, including the surrounding built environment and landscape setting (para 135). Development that is not well designed should be refused (para 139)

Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Local Plan requires that development will need to be undertaken in a manner that is sympathetic to and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty (now known as National Landscapes (NLs)).

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development proposals should not adversely affect important landscape characteristics or prominent topographical features.

Policy RC2 (New Open Space, Sports Facilities and Parks) requires that proposals do not unduly affect the character and appearance of the area.

The existing site has a clear sports and recreation character being comprised of football pitches and a small sports pavilion building which contains a number of changing rooms and a store. The site is relatively enclosed owing to its position at the end of Halsdon Avenue and therefore it is not prominent in public views from outside of the site (notwithstanding the outlook from properties on Halsdon Avenue and Bell View Road who overlook the site).

The proposed building would have a contemporary appearance owing to its mono-pitch form and metal clad finish and would introduce this modern building into part of the site that is currently undeveloped in nature. Whilst this would be the case, the

building would be sited within the easterly side of the site and be set well back from the road and the entrance into the site. It would be positioned at a lower gradient in front of an existing vegetated bank which rises up significantly above the proposal and which would ensure minimal visual intrusion as demonstrated by the cross-section drawing submitted with the application.

Whilst the building would be sizable, its bulk and massing would be reduced by its mono-pitched design where the building would reduce in height with its roof sloping down towards the boundary.

It is considered that the proposal would be visually self-contained within the sports ground site, resulting in no significant harm to the wider landscape or visual amenity of the character and appearance of the area which is primarily residential in character. The sports ground benefits from being relatively secluded with public views from outside of the site limited to the entrance into the sports ground from Halsdon Avenue, such that it is considered that the site would be able to accommodate a building of this size, design and form without significantly impacting on the visual amenity of the area.

The proposed development is in accordance with the development plan with regard to design, landscape and visual impact.

### **Transport and Access:**

Strategy 5B (Sustainable Transport) of the EDLP (2016) states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

Policy TC2 (Accessibility of New Development) of the EDLP (2016) states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Policy TC4 (Footpaths, Bridleways and Cycleways) of the EDLP (2016) states that development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal. Policy TC7 (Adequacy of Road Network and Site Access) of the EDLP (2016) states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) of the EDLP (2016) states that spaces will need to be provided for parking of cars and bicycles in new developments. All small scale and large scale major developments should include charging points for electric cars.

Policy RC2 (New Open Space, Sports Facilities and Parks) of the EDLP states that proposals will be permitted where 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.

Para 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Owing to its location with the BUAB of Exmouth, the site is considered to be located in a sustainable location where users of the facility will be able to travel via a variety of sustainable modes of transport including walking and cycling, noting the site's proximity to residential areas of Exmouth, links to the town centre and the nearby Exe Estuary cycle path to the west. The development makes provision for external cycle storage which would encourage this mode of transport to access the venue. The requirement to provide and retain cycle storage facilities will be the subject of a condition.

The County Highway Authority have given this application careful consideration noting the significant concerns that have been raised by the local community in respect of traffic and parking. This included the submission of a Technical Note, in response to a number of queries raised to allow the County Council to have a better understanding of the operation of the development proposed, and its impact on existing activities.

The Gross Floor Area (GFA) of the building has since been reduced, the initial mezzanine floor initially proposed as part of the development has been removed, with the GFA of the building now being 550sqm and therefore provides more limited spaces for classes and lessons to be practised. The applicant has also confirmed that no major events will take place at the venue – this can be suitably conditioned.

It has been clarified that the parking area that forms part of the proposal will be accessible to all visiting parties including visitors associated to football activities on the respective adjacent pitches. Consideration has to be given of the existing circumstance, where currently there are no recognised formal parking areas for people attending for football or such purposes. DCC are aware and acknowledge that the approach roads as a result sees informal on street parking which has led to parking issues during these times.

However, given what has since been confirmed, whilst the proposal would bring about additional vehicle movements to and from the site, it will also now provide a formal and recognised parking area for all users to have access to. Furthermore, there is an opportunity to make, for example visiting football teams aware that formal parking is available during match days that could be promoted and advertised out through a Travel Plan as part of a condition which will give parties an incentive to park in the designated area.

Some visiting parties to the gym also have the opportunity to travel by sustainable means. The proposal would see the delivery of a cycle parking area, which for clarity

would need to be secure and sheltered to further promote this mode of travel. It has also come to our attention that the club has acquired a minibus that could also help alleviate the parking demand associated to this proposal especially when days where anticipated larger visitor numbers may be expected. The proximity of the site can be considered as sustainable, with options for people to travel by other modes, in particular on foot or through cycling.

DCC do accept that there are likely to be times during peak visiting to the area when the designated parking area will be at capacity and as a consequence parties visiting by vehicle would subsequently park on the immediate private road and public highway, but notwithstanding, this is already an existing situation where a view must be taken whether the development proposed would materially exacerbate the issue. On balance, and with the revised submission of detail and supporting information in mind, it is the view of DCC that there is now no overriding evidence to suggest that the proposal would be in conflict of the relevant policies that would warrant a recommendation to refuse the application.

There is already a constrained informal parking situation that is brought about by parties parking informally on the highway and private approach roads, sometimes inconsiderately, yet saliently there is no designated parking area to accommodate these visitors where parties have become accustomed to looking for an on-street parking area. The provision of a new formal parking area for all parties however, as well as sustainable travel modes as mentioned above is likely to bring about people intending to park in the formal parking area instead and, with the opportunity to promote and encourage people to park at this location as an alternative is likely to see less frequent on street parking. However, it would be a matter for EDDC to determine how, the future ability for the parking area to be for dual use is secured, through planning condition,

With the above in mind and taking into account relevant policies, based on the revised information produced. The County Council's previous stance of a recommendation for refusal has been withdrawn subject to a number of conditions that require the submission of a Travel Plan that includes provisions to ensure that on site vehicle parking facilities are made available for shared use by the football club, the provision of cycle storage, EV charging points a Construction Traffic Management Plan and the applicant entering into a Unilateral Undertaking to confirm that the car parking would be shared by all users of the site at all times.

In the absence of an objection from the County Highway Authority to the application and subject to conditions, it is considered that the proposal complies with the provisions of policies TC7- Adequacy of Road Network and Site Access and policy RC2 (New Open Space, Sports Facilities and Parks) of the East Devon Local Plan 2013-2031).

### **Residential Amenity:**

Section 12 (Achieving Well-Designed Places) of the NPPF (202) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing users.

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development should not adversely affect the amenity of occupiers of adjoining residential properties.

Policy EN14 (Control of Pollution) of the Local Plan states that permission will not be granted for development which results in unacceptable levels of pollution including smell, fumes and dust; pollution of surface or underground waters; noise; vibration; light intrusion and fly nuisance

Policy RC2 (New Open Space, Sports Facilities and Parks) states that proposals will be permitted where they do not unduly affect the visual and physical amenities enjoyed by adjoining residential areas.

A significant amount of local objection and concern has been raised to this proposal on the grounds of noise and disturbance and lack of parking and the impacts on residential amenity arising from introducing a new leisure use onto the sports ground site.

It is recognised that the introduction of a new boxing gym facility on this site would result in a degree of additional impact and harm to the residential amenities of the occupiers of the properties along Halsdon Avenue and Belle Vue Road who occupy an elevated position over the sports ground with a rear outlook from properties and gardens over the site. The introduction of a new facility with car parking would increase the levels of activity on the site, increase the number of comings and goings and introduce a formalised parking area within the site. The intensification of the site's use combined with its use by local football teams and the introduction of a new leisure use on the site does have the potential to impact on the residential amenities of the occupiers of surrounding properties and Council officers have been working with the applicants to reduce the impacts of the scheme to an acceptable level in planning terms.

It should be noted that the applicants have significantly reduced the scale of this proposal since the original submission by removing a first floor and limiting the gym to single storey only. The reduced capacity of the building limits the space to a boxing training facility only with some functional space rented out to local groups. The original submission also suggested that the proposal would provide a venue with the potential to host large championship events with a national draw in attracting high level amateur boxing competitions. The original design of the building reflected this through its two-storey design (with a mezzanine floor) to allow birds eye view of the rings below. Understandably this raised significant local concern in respect of a significant intensification in the use of the site, traffic and parking and noise and disturbance from the comings and goings of spectators, most likely in the evening when such events are commonly held.

Amendments to the proposal have significantly reduced the size and scale of the building and the floor space provided for boxing and gym related activities and a letter has been received from the boxing club which confirms that there would be no boxing shows at the site, that the club already has a venue for its shows and has no intention to use the proposed facility for that purpose.

It is accepted that the amended design and reduced floor space limits the capacity of the building to a boxing training facility only with functional gym space to rented out to local groups which does limit the amount of activity that would take place on the site and within the building. Notwithstanding the amendments to the scheme, it is still necessary to assess the impacts of the proposal on the residential amenities of the occupiers of surrounding residential properties, noting the existing relationship between the sports ground and the residential properties on Halsdon Avenue and Belle Vue Road which have rear outlooks across the site and the residential properties on Halsdon Avenue who share a close relationship with the vehicular access into the site.

#### Physical Impact:

It is accepted that the proposed building and car park on this site would be visible from a number of residential properties and gardens who have a rear outlook onto this site. These properties are located at the top of a steep embankment and occupy a significantly elevated level above the application site and the site of the boxing club building.

The character of the site would change through the introduction of a new building and the car parking area however given the distance between the neighbouring properties and the site, it isn't considered that the building would result in any significant harm in terms of its physical impact. The cross section drawings provided demonstrate that the building would be significantly lower than the embankment against which it would be positioned which would seek to reduce any physical impact arising to an acceptable level. Residential properties most affected by the development would be to the east and south east however given the difference in levels, the mono pitched roof design whereby the building would reduce in height towards the boundary, it isn't considered that an objection could be sustained on the grounds of the building being unduly overbearing or over dominant. It would not result in any overlooking or loss of privacy or any loss of light.

Outlook from the rear of residential properties to the north and south would change where the building would present its side elevation which would reach a maximum height of 6.3 metres however given the distance of over 25 metres between the rear of the building and the rear the boundaries of the gardens on Belle Vue Road and Halsdon Avenue, the difference in levels and the intervening embankment which is higher than the proposed building, it isn't considered that this would result in any significant harmful impact .

#### Traffic and Parking:

The impacts arising from increased traffic and parking on the site have been comprehensively addressed in the highways section above.



## Noise:

The Council's Environmental Health Officer originally raised concerns regarding the close proximity of the development to existing noise sensitive dwellings and their amenity space and that the noise impacts from the introduction of the new building has not been assessed.

The EHO recommended that the applicant undertakes a BS4142:2014+A1:2019 noise assessment be undertaken in order to determine the likely noise impact from the development on nearby noise sensitive dwellings including external amenity areas when measured against the current background sound levels. It was advised that the assessment must have regard to Pro PG: Gym Acoustics Guidance 2023 and that the purpose of the noise assessment is to determine whether or not residents are likely to be adversely affected by noise from the introduction of the new building.

The applicants commissioned a noise assessment which has been considered by the EHO who has raised no objections to the findings of the report. The EHO's comments on the NIA are as follows:

I am satisfied that the NIA (Ref:AS13190.230815.NIA) used the correct guidance documents (BS4142:2014+A1:2019 & ProPG: Gym Acoustics Guidance 2023) to assess the potential noise impact of the development.

The National Planning Policy Framework (2024) [NPPF] outlines the requirements for the planning system in reducing the impact from noise pollution from new developments and therefore, when considering the application, the guidance forms a material consideration when making any decisions. Within Paragraph 187 e) of the NPPF, it's clear that in the granting of any permissions, we should aim to prevent noise sensitive receptors (NSRs) from being adversely affected by unacceptable levels of noise.

Paragraph 191 of the NPPF details that, 'planning decisions should ensure that new developments are appropriate for their location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to any negative impacts that could arise from the development. Forming part of the NIA an Environmental Sound Survey was carried out which established the current soundscape for the area. I am satisfied that the soundscape identified local noise sources.

The Noise Policy Statement for England (NPSE) provides further clarity regarding current policies and practices as well as introducing the concept of 'effect levels' that relate to the impact of noise. The aims of these effect levels are to avoid significant adverse impacts and mitigate and minimise any adverse impacts on health and quality of life.

The Planning Practice Guidance on Noise (PPGN) is the current UK government guidance that supports the National Planning Policy Framework in helping local planning authorities consider noise in the planning process. It goes further than the

Noise Policy Statement for England which provided clarity regarding current policies and practices as well as introducing the concept of 'effect levels' that relate to the impact of noise.

The classifications of effect levels are:

- No Observed Effect Level (NOEL)
- No Observed Adverse Effect Level (NOAEL)
- Lowest Observed Adverse Effect Level (LOAEL)
- Significant Observed Adverse Effect Level (SOAEL)

Through the analysis of the applicants NIA the typical background sound level for the area is 33 dB (LA90) during the daytime and 26 dB (LA90) during the night. Environmental Health recommendations aim to mitigate and reduce to a minimum any potential adverse impacts resulting from development noise and avoid any noise giving rise to significant adverse impacts on health and the quality of life.

e and avoid any noise giving rise to significant adverse impacts on health and the quality of life.

Therefore, noise emissions from any fixed plant can be controlled by a planning condition as follows:

- The specific noise level of any fixed plant or equipment installed and operated on the site must not exceed 26dB (LAeq 15min) when measured or predicted at the boundary of any noise sensitive property between the hours of 23:00 until 07:00 and must not exceed 33dB (LAeq 60min) when measured or predicted at the boundary of any noise sensitive property between the hours of; 07:00 until 23:00. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

This will offer sufficient control over any fixed plant noise ensuring that the effect level NOAEL is met.

To ensure that the impact of any noise breakout is minimised the applicants NIA has detailed the required level of sound insulation to the buildings fabric. In considering this, I am satisfied that the buildings fabric will offer sufficient control over any noise breakout ensuring that the effect level NOAEL is met.

In meeting the classification 'No Observed Adverse Effect Level' in relation to noise it is unlikely that residents are likely to be adversely affected by noise from the introduction of the boxing gym and community sport building.

The proposed operating times for the development are during the daytime only; Monday to Saturday 08:00 – 22:00 hrs and 09:00 – 20:00 hrs on Sundays and Bank Holidays and therefore, night-time noise levels have not been considered (for noise breakout).

The report identifies that the proposal includes the installation of an air handling, heating and ventilation plant which would be positioned externally at the rear of the

building. The EHO has advised that a condition that controls the noise of any fixed plant or equipment along with the submission of a sound mitigation scheme would be required to ensure that low frequency noise does not impact on the amenity of surrounding residents.

To address additional impacts arising from intensification of the use of the site and the introduction of a new boxing club facility and parking, the EHO has also recommended a condition that requires the submission of a Noise Management Plan (NMP) to be implemented and operated during the hours of operation on the premises.

The NMP is essentially required to detail the methods by which the gyms management will systematically assess, reduce and prevent any excessive noise emissions from the premises, through operational managerial techniques and abatement technologies. It is suggested that the NMP would identify and employ appropriate measures to minimise the generation of noise from the premises and will additionally include:

- The control of noise from the use of audio equipment at source by good operational practices through staff training.
- Ensuring that all external doors are kept shut at all times when the premises is being used. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
- Clear and legible notices must be prominently displayed in the car park area requesting customers to respect the needs of local residents and enter and leave the area quietly.

On balance, whilst it is accepted that the introduction of a new boxing club facility on this site would result in additional impact to residential amenity beyond that of its existing use for football, having regard for the significant reduction in the size and scale of the building, confirmation that it would not be used for large scale events (which will be the subject of a condition) and the conditions recommended by the Council's EHO in respect of the noise mitigation for external plant and machinery, a noise management plan and a lighting scheme, it isn't considered that the proposed development would result in significant harm to residential amenity to sustain an objection. Further conditions will be imposed which controls the hours of use of the facility to between the hours of 08:00-22:00 hours Monday to Friday and 09:00-20:00 hours Sundays and Bank Holidays. A further condition will be imposed requiring the submission of a lighting scheme.

In the absence of an objection from the EHO and subject to the above conditions, it is considered that the proposals comply with policies D1, EN14 and RC2 of the Local Plan.

### **Impact on Sports Pitches:**

Para 104 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;
- b) or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;
- c) or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Policy RC1 - Retention of Land for Sport and Recreation of the Local Plan states that proposals that would result in the loss of open space currently or previously used for recreation and/or sports uses, play areas or playing fields 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.
- 2. Or 2. Sports and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site.
- 3. Or 3. Locally there is an excess of public open space, children's play areas or sports pitch provision in the area as the case may be.

As the site is considered to constitute a playing field, or land last used as playing field, the proposal requires statutory consultation, under the terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Sports England originally objected to the application due to the red line shown on the location plan including part of the playing field and as plans were submitted which showed a soil bund being created in the playing field.

Amended plans were received clarifying these points and the views of Sports England and Devon County Football Association/Football Foundation were sought. They have advised that there will be no negative impact on the playing field/existing or proposed football pitch layouts.

Given the above, Sport England raises no objection to the application because it is considered to accord with exception 3 of their Playing Fields Policy and paragraph 104 of the NPPF.

### **Arboricultural Impact:**

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development should not adversely affect trees worthy of retention.

Policy D3 (Trees and Development Sites) states that permission will only be granted

for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

The application is accompanied by a tree report which has been considered by the Council's tree officer who raises no objections to the proposal.

The report identifies that the proposed new boxing club is located on the eastern side of the sports ground. It comprises an area of flat ground between the existing vehicular turning head, the southern football pitch, and the embankment which runs around the eastern boundary of the site.

The main section of the area demarcated for the facility features no trees however, the embankment is well vegetated. The report identifies the majority of the trees comprise area A1 which consist of middle aged stems include Elm, Goat Willow, Elder, Sycamore and Buddleia, most or all of which are likely to be naturally regenerated. The condition of these trees is variable, and whilst there are few, if any, trees which are of individual merit, collectively they form a reasonable landscape feature with habitat potential; on this basis, the area is considered to be a British Standard 5837:2012 category B feature.

The report concludes that the proposals remain entirely outside of the identified rooting constraints and whilst minor lateral reduction of the trees towards the foot of the bank is recommended, this will not have any significant detrimental impact on the trees' collective condition or visual amenity value.

The Council's tree officer has considered the proposals and raises no arboricultural concerns as the proposals allow for the retention of all trees with a negligible risk of any harm as a consequence of construction activities. The site layout is therefore considered to be sustainable from an arboricultural perspective. It is suggested that any planning approval should be subject to a pre-commencement condition for the submission of a landscaping plan detailing the planting of and establishment of new trees and shrubs on the site and compliance with the submitted Arboricultural Method Statement and Tree Protection Plan.

The development would comply with Policy D3 (Trees and Development Sites) of the Local Plan.

## **Drainage and Flood Risk**

Policy EN21 (River and Coastal Flooding) of the EDLP (2016) states that a sequential approach will be taken to considering whether new developments excluding minor developments and changes of use will be permitted in areas subject

to river and coastal flooding. Wherever possible, developments should be sited in Flood Zone 1.

Policy EN22 (Surface Run-Off Implications of New Development) of the adopted Local Plan (2016) states that planning permission for new development will require that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.
4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.
5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

The NPPF (2023) states at Paragraph 168 that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The entire of the site is within Flood Zone 1 and is therefore at very low risk of flooding. All new development will be sited within Flood Zone 1.  
The application is accompanied by a surface water and foul drainage scheme.

The report identifies that following inspection of the drainage system, it was established that a surface water drainage system currently discharges surface water from the access road to Withycombe Brook.

The ground investigation works have established that the Site is underlain by a layer of made ground comprises of compacted clay and mudstone which has been proven and recorded as a landfill. Officers accept that it is therefore inappropriate to utilise infiltration techniques in this instance.

In accordance with the drainage hierarchy the surface water drainage strategy therefore comprises of the installation of a new surface water drainage system that disposes of surface water to the Withycombe Brook via the existing private surface water drain serving the site. As Withycombe Brook is tidally influenced at the point of discharge there are no requirements to restrict the surface water flows or volumes discharged from the site. The surface water drainage system would include tanked permeable paving for the area of proposed car parking to provide water quality improvements.

The drainage strategy has been considered by the County Council's Lead Local Flood Authority who have advised that the applicant would need to demonstrate that the proposed surface water drainage system has sufficient capacity to store the volume of surface water generated during tide locked situation. Model output results would need to be submitted for review. The applicant would also need to provide the details to demonstrate the surface water from the car park tanked paving is connected into the surface water system. No objections to the principle of the drainage scheme have been raised by the LLFA but is considered necessary to impose a condition that requires the submission of a detailed drainage design which covers proposals for the management of surface water and silt runoff during construction, proposals for the adoption and maintenance of the permanent surface water system.

In respect of foul drainage, it is reported that the site does not currently benefit from a foul water drainage system and therefore it is proposed to construct a new foul water drainage system with foul flows discharge to an existing South West Water foul sewer located within Halsdon Avenue.

The applicant has advised that they have the right to connect into the private drainage and it is noted that South West Water have not commented on the proposal. In principle it is considered that the proposed foul drainage scheme is acceptable.

Subject to conditions that require the submission of a detailed surface water and foul drainage scheme, it is considered that the proposals comply with the provisions of policy EN22 and EN19 of the Local Plan.

### **Contaminated Land:**

Policy EN16 – Contaminated Land of the Local Plan states where it is anticipated that contamination may be present on or near to a development site, a contaminated land assessment will be required. The assessment must be agreed with the Council and must:

- a) Identify and characterise the contamination;
- b) Identify the risks; and
- c) Identify remediation and/or mitigation measures. Where identified as necessary, the agreed measures must be taken to remediate the site prior to or during the development.

Development on or in close proximity to active or former waste sites will only be permitted where it can be demonstrated that there will be no harm to future occupiers of the site from leachate or landfill gas or other waste arising.

The Environment Agency have advised that the site is located on an area which is identified to be a historic landfill site. It is understood that the site is located in an area where clay workings were carried out extensively and subsequently infilled. The applicant has recognised this and submitted a Preliminary Risk Assessment & Ground Investigation Report.

Both the EA and the Council's Contaminated Land Officer have considered the report (by Horizon Consulting Engineers dated October 2022) and advise that it includes an adequate assessment of the site and its history and makes appropriate recommendations for the management of the contaminated land for the protection of human health and groundwater.

The report concludes that through ground investigation that made ground was encountered from ground level with landfill material encountered comprising of locally imported soil and stones with frequent evidence of brick, tile, plastic and wood. The fill material was placed directly onto the mudstone bedrock which would have been the base of the clay pit.

The report concludes that based on the results of the ground investigation and laboratory testing to date no specific remedial measures are recommended other than the incorporation of the following into the development:

- Installation of hardstanding as per the development design to reduce risks to human health from direct contact pathways.
- Installation and verification of ground gas protection measures within the new building;
- Installation of barrier water supply pipe; and
- Following the unexpected finds protocol in the event contamination is identified during groundworks.

The report notes that the design of the foundations and sub-structure will have an effect on the risk from ground gas. It advises that the Made Ground (i.e., landfill waste) is not considered to be a suitable-bearing strata in its current condition for piled foundations. If the building is to be piled, these would need to be extended through the Made Ground into the underlying natural ground.

Suspended floor slabs are recommended given the thickness of Made Ground and soft nature of surface soils. The floor slab design should take into account recommendations in relation to ground gas.

The report sets out recommended ground gas protection measures to mitigate against ground gas ingress are installed within the building comprising of the following components:

- Structural barrier of the floor slab;
- A pressure relief pathway formed of low fines gravel terminating in a gravel trench external to the building; and
- A membrane resistant to carbon dioxide and methane.

The floor slab as designed is considered to achieve the required performance of a structural barrier and is to comprise a cast in-situ suspended floor slab with minimal penetrations or equivalent. Where practical, utilities should enter the building above floor level with any conduit or meter housing being properly vented outside of the building.

Both the EA and the Contaminated Land Officer recommend that the Geoenvironmental recommendations detailed within the sites Preliminary Risk Assessment & Ground Investigation report are implemented with this development which can be the subject of an appropriately worded condition considered to be



necessary and reasonable given the findings of the ground investigation and to reduce risks to human health.

In the absence of an objection from the EA or Contaminated Land Officer, it is considered that the proposal complies with the provisions of policy EN16 of the Local Plan.

### **Ecology:**

Strategy 47 (Nature Conservation and Geology) of the Local Plan states that all development proposals will need to conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats; maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features. The aims of this Strategy are reinforced in paras 187 to 188 of the NPPF, 2024.

Policy EN5 (Wildlife Habitats and Features) of the adopted Local Plan (2016) states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process. Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

Policy PB07 (Ecological enhancement and biodiversity in the built environment) of the Emerging East Devon Local Plan 2020 to 2024 (Regulation 19 Plan February 2025) states that in addition to features required as part of biodiversity net gain, mitigation or compensation, all proposals are required to incorporate features of biodiversity value tailored to the specific proposals, relevant local receptors and in accordance with best practice to maximise potential benefits.. This emerging policy carries limited weight at the time of determination.

Concerns have been raised by the RSPB in relation to potential adverse impacts on wintering bird species that are designated features of the Exe Estuary Exe Estuary Special Protection Area (SPA). The RSPB suggested that the ecological value of the site has not been properly assessed to determine if the sports ground is significant as an area of undesignated habitat such that it that fulfils a role as functionally linked habitat for the SPA.

The applicants commissioned a wintering bird survey a wintering bird survey (South West Ecology, March 2024) which spanned several months, times and various states of high tide which has been considered by the Councils Ecologist. The report concludes that two oystercatchers, wintering birds associated with the River Exe Special Protection Area (SPA)/Ramsar site were recorded on the site in January

2024. These were also noted on the site in January 2023. A single curlew, a notable wetland birds, was also recorded in December 2023.

Officers agree with the conclusions of the report that given the low number of wintering birds present, the site is unlikely to provide a significant resource for overwintering birds associated with the nearby designated sites, e.g., such as functionally linked land. As such, it considered there would be no likely significant impacts on the designated sites arising from the proposed building and parking from noise and artificial light from the boxing club proposal.

Concerns were also raised by third parties regarding the potential impacts on badger sets. The applicant has commissioned an updated badger survey (South West Ecology, May 2024) which identified the locations of two sett entrances located 16 metres east and 31 metres north east from the edge of the proposed development. The report concludes that sett entrances are likely to lead to a tunnel system that runs into the bank rather than down to the location of the proposed development such that physical disturbance to the setts is considered unlikely during the proposed works.

The report concludes that no closure or destruction of the badger setts would be required but that the proposals could result in the disturbance of active badger setts during construction, and that a badger licence from Natural England will be required. Other mitigation measures during construction are also required. The site is considered unlikely to provide a significant foraging resource for badgers, with setts likely to extend into the banked area, rather than below the sports ground.

Licences can only permit someone to 'interfere' with a badger sett for the purpose of development. A licence cannot permit the removal, translocation or killing of badgers for the purpose of development. Interference primarily means anything that might:

- disturb any badger in a sett
- damage or block the tunnels that radiate from a sett's entrances

In this instance there will be noise and vibration disturbance to badgers caused by light machinery to the nearest sett entrance to the east and pile driving to all sett entrances. Therefore, a licence from Natural England to interfere with setts for development purposes.

In these circumstances the Local Planning Authority has a statutory duty under Regulation 3(4) to have regards to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species maybe affected.

The species protection provisions of the Habitats Directive, as implemented by the Habitats Regulations, contain three 'derogation tests' which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would otherwise lead to an offence under provisions protecting species in the Habitats Regulations: The Woolley court judgment makes it clear that the Local Planning Authority must apply these same three tests when determining a planning application and that failing to do so will be in breach of the Habitats Regulations.

The three tests are:

**1. the activity must be for imperative reasons of overriding public interest or for public health and safety;**

In this case it is considered that the imperative reasons of overriding public interest are that the proposal would deliver a new sports facility on an existing recreation ground which would be of significant social, community benefit and which would benefit health and well being.

**2. there must be no satisfactory alternative;**

The proposal is on an existing sports and recreation site within the BUAB of Exmouth where the provision of new sports facilities is supported in principle by local and national planning policy. No alternative sites have been identified.

**3. favourable conservation status of the species must be maintained.**

The report concludes that no closure or destruction of the badger setts would be required but that the proposals could result in the disturbance of active badger setts during construction. The Licence is required due to potential disturbance to badgers by work near a sett even if there is no direct interference or damage to the sett. It is noise and vibration disturbance to badgers caused by light machinery to the nearest sett entrance to the east and pile driving to all sett entrances that requires the licence.

Having regard for the above assessment, it is considered that the three tests can be met and that Natural England are likely to grant an EPS licence.

The application is also supported by an Ecology Report (South West Ecology, February 2023) which has been considered by the Council's ecologist who has raised no concerns in respect of impacts on protected species and on the basis that the various recommendations for ecological enhancement which include installation of reptile fencing, the provision of external mounted bat (1) and bird boxes (4) are provided as part of the development.

Subject to a condition that requires the development to be carried out in accordance with Section 5.2 and 5.3 of the Ecology Report (South West Ecology, February 2023) and recommendations within the badger survey report (South West Ecology, May 2024), it is not considered that the proposed development would result in any significant ecological impacts. The proposal would comply with the provisions of Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031.

**Planning Balance and Conclusions:**

It is a requirement of planning law that planning decisions are determined in accordance with the Development Plan unless material planning considerations indicate otherwise.

The proposal is for a new sports facility which is located within the BUAB of Exmouth and which is considered to be a sustainable development that enhances local sports infrastructure, supports community wellbeing, and aligns with local and national planning policy which as matter of principle supports the provision of new sports facilities within urban areas (policy RC2 and CF3 of the East Devon Local Plan and Exmouth Neighbourhood Plan refers).

The proposal would see the introduction of a new sports building on the existing and well-established Warren View sports ground which has an existing sports and recreational use.

The site is located well within the BUAB of Exmouth and the proposal would be within walking and cycling distance and opportunities for sustainable modes of travel have been fully explored as part of this application which includes the provision of external cycle stores along with the requirement for the submission of a travel plan. The proposal would therefore have support from Strategy 3 of the adopted Local Plan and the NPPF which supports sustainable development, and the development would appear to accord with the overarching principles of delivering sustainable development.

The proposals would also align with the social objective of the NPPF by providing a new sports facility which would increase the opportunities for sport and physical activity which is important for the health and well-being of communities.

Economic benefits would be derived from the proposal during construction, through new job creation for the running of the gym and through income generated through use of the building as a gym outside of boxing club use.

Whilst the proposal would introduce a new sports use onto the site and see an intensification of its use, it is not considered that it would give rise to any significant harm to the character and appearance of the area, ecological or arboricultural impacts. Impacts in relation to ecology and trees, contaminated land, surface water and drainage can be controlled through appropriately worded conditions. The proposals would not result in the loss of any of the playing pitches on the site and would not undermine the future development of football pitches on the sports ground site.

The proposal has been carefully assessed in respect of its impacts on residential amenity and whilst it is acknowledged that the character of this part of the sports ground would change as a result of the introduction of a new building and use, an intensification of the use of the site and a noticeable change to the outlook of a number of residential properties which back onto the site, it isn't considered that harm to residential amenity would be significant that would justify refusal of planning permission or that would outweigh the wider social and health benefits that would be derived from the scheme. The applicants have reduced the size and scale of the proposal whose impacts can be appropriately managed through the imposition of

conditions which control the hours of use of the site, restrict any large scale events, requires the submission and implementation of a noise management scheme and mitigation for external plant and equipment and a lighting scheme.

The highway and parking impacts have been carefully considered by officer and the County Highway Authority. Whilst it is acknowledged that existing use of the site by various football clubs has resulted in the overspill of parking outside of the site onto residential roads which has caused inconvenience and congestion, it isn't considered that this proposal would give rise to any significant highway or parking issues that would justify refusal of the development. The existing site does not have any dedicated or formal parking arrangements and therefore the parking of vehicles on the residential roads surrounding the site which do not have any parking restrictions during training and match days currently falls outside of the control of the LPA and the CHA. It is accepted that there is a pinch point between the access into the site and the spur of the cul-de-sac where Halsdon Avenue ends and that this is where vehicles tend to park so that they are closest to the sports ground which causes congestion through inconsiderate parking and parking across residents' driveways.

This proposal would however introduce 31 car parking spaces onto the site which would be shared between the boxing club and gym and those using the site for football. Whilst the proposal would displace an area of land within the ground upon which vehicles park, the proposal car park would help to alleviate some of the existing parking issues arising from the use of the site. In the event that the football clubs and gym is at capacity at the same time, then it is accepted that vehicles are likely to spill out onto the public highway.

However this is an existing situation that is unlikely worsened by this proposal on the basis that the parking area would be shared and visiting parties, such as that associated to football matches can be informed in advance that a formal parking area is accessible which can be promoted through the Travel Plan.

Furthermore, the site's sustainable location and close proximity to cycle path links into the town and surrounding residential areas along with cycle storage provision, the submission of a travel plan and the boxing clubs recent acquisition of a club mini bus (the use of which cannot be controlled through the planning system or conditions) provides opportunities for alternative modes of travel which is likely to result in less take up of all of the car parking spaces by the boxing club.

On balance, having regard for all of the above, the proposal is considered to represent a sustainable form of development which complies with the Development Plan when read as a whole and the wider sustainability objectives set out within the NPPF. The proposal would provide an asset to the town of Exmouth, in a sustainable location which would enhance community sports provision and be of significant social benefit with positive impacts on community, health and well being which are considered to outweigh the limited harms that have been identified within this report.

The application is therefore recommended for approval subject to the conditions below.

## **RECOMMENDATION**

**Approval subject to the following conditions:**

**1. Time Limit**

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. Approved Plans**

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. Materials**

No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted 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 ensure that the materials are considered at an early stage and are sympathetic to 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.)

**4. Construction Environment Management Plan**

Prior to commencement of development a Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority 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.

The development shall thereafter be carried out in accordance with the approved details.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution from the outset (required to be pre-commencement) 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 details are provided before any construction impacts on the environment commence.

## **5. Construction Management Plan**

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits; 22/1532/MOUT
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The development shall thereafter be carried out in accordance with the approved details.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution from the outset (required to be

pre-commencement) in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

The condition should be pre-commencement since it is essential that the proposed details are provided before any construction impacts on the environment commence.

## **6. Landscaping**

Prior to the commencement of development (including demolition and ground works); a detailed landscaping scheme to include all parts of the site not covered by buildings, shall be submitted to and approved in writing by the Local Planning Authority based on the recommendations in Section 5.2 of the Ecology report (South West Ecology, February 2023) Such a scheme shall include the planting of trees, hedges, infill planting, and wildflower planting. The landscaping scheme shall include:

- a) A scaled plan showing the vegetation to be retained, and all new tree and shrub planting
- b) A schedule detailing species, sizes and numbers of all proposed trees and shrubs
- c) Sufficient specification to ensure successful establishment and survival of new planting

The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority. The landscaping shall be maintained for a period of 30 years. Any trees or other plants which die within the first five years 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: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031

The condition should be pre-commencement to ensure that the development integrates well with the surrounding environment and maintains the area's character and biodiversity.

Prior to the commencement of any above-ground works, a detailed Landscaping Scheme for Hard Surfacing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- The layout, materials, colours, and finishes of all hard surfacing areas, including the car park, footpaths, and communal spaces.



- Permeable surfacing solutions where appropriate, to support sustainable drainage.
- Details of any boundary treatments, kerbing, and edge restraints.
- A timetable for implementation and arrangements for maintenance.

The development shall be carried out in full accordance with the approved scheme and maintained thereafter.

(Reason: To ensure a high standard of design, visual amenity, and sustainable surface water management, in accordance with Policy D1 (Design and Local Distinctiveness) and Strategy 5 (Environment) of the East Devon Local Plan 2013-2031).

## **7. Ecology**

The development hereby approved shall proceed strictly in accordance with Section 5.2 and 5.3 of the Ecology Report (South West Ecology, February 2023) and recommendations within the badger survey report (South West Ecology, May 2024). Prior to first use of the building a written record shall be submitted to and approved by the Local Planning Authority to include records of pre-construction badger survey, badger class licence report of action, details regarding the ecological supervised habitat removal and installation of reptile fencing, and photographs of the installed external bat box (Beaumaris Woodstone Bat Box (or similar) and four external mounted bird boxes (Vivara Pro Woodstone House Sparrow Nest Box (double chamber) or equivalent).

Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031

## **8. Trees**

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) prepared by Advanced Arboriculture dated 2nd August 2022 ref TH/B391/0722 will have been completed:

- a) The tree protection fencing and / or ground protection shall be in place and in accordance with the agreed specification.
- b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant, commissioned to act as the project Arboricultural Supervisor.
- c) The findings of the Arboricultural Supervisor's initial site inspection shall be forwarded to the Local Planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protection measures identified in the above AMS and TPP will be undertaken:

- d) The AMS and TPP shall be strictly followed.
- e) Ad-hock monthly site inspections shall be undertaken by the project's Arboricultural Supervisor and the finding recorded in the site monitoring log.
- f) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

On completion of the development hereby approved:

- g) A completed site monitoring log shall be submitted to the Local Planning Authority for approval and final discharge of the tree protection condition.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990

The condition should be pre-commencement since it is essential that the retained trees are protected before works begin to avoid damage to them.

## **9. Noise**

Prior to the first use of the boxing gym/ gym for training and fitness purposes, a Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. On written approval of the NMP by the Local Planning Authority, the NMP will be implemented and operated during the hours of operation on the premises. The NMP must detail the methods by which the gyms management will systematically assess, reduce and prevent any excessive noise emissions from the premises, through operational managerial techniques and abatement technologies. The NMP will identify and employ appropriate measures to minimise the generation of noise from the premises and will additionally include:

- The control noise from the use of audio equipment at source by good operational practices through staff training.
- All external doors must be kept shut at all times when the premises is being used. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
- Clear and legible notices must be prominently displayed in the car park area requesting customers to respect the needs of local residents and enter and leave the area quietly.

(Reason: - To protect the amenity of the residents in relation to noise and disturbance in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan).

The specific noise level of any fixed plant or equipment installed and operated on the site must be designed as part of a sound mitigation scheme to operate at a level of 28 dB LAeq 1hr (5dB below daytime background level 33 dB (LA90T)

07:00 - 23:00) when measured or predicted at the boundary of any noise sensitive property and a night-time level of 21 dB LAeq 15min (5 dB below night-time background level 26 dB (LA90T) 23:00 - 07:00) when measured or predicted at 3m from the facade of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

(Reason: - To protect the amenity of the residents in relation to noise and disturbance in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan).

## **10. Hours of Use**

The use of the boxing gym/ gym for training and fitness purposes hereby approved shall only take place between the hours of 08:00 and 22:00 Monday to Saturday and 09:00 to 20:00 on Sundays and Bank Holidays.

(Reason - To protect the amenity of the area in relation to noise and in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan).

## **11. Use**

The building shall only be used as a boxing gym/ gym for training and fitness purposes and for no other purpose (including any other purpose in Class E of the Schedule to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

(Reason – To define the permission and to ensure that future use of the building is controlled where other uses within Class E would be inappropriate due to impacts from traffic generation and on residential amenity and to ensure that the social benefits from the proposal are realised in accordance with policies RC2 (New Open Space, Sports Facilities and Parks), TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031.)

## **12. Parking and cycle parking**

Prior to the first use of the development hereby permitted, details of the provision of covered and secure cycle parking facilities, including the number, type, and location of spaces, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the development being brought into operation and shall thereafter be retained and maintained for that purpose.

(Reason: To ensure that adequate cycle parking is provided to promote sustainable modes of transport and reduce reliance on private vehicles, in

accordance with Policies TC2 (Accessibility of New Development) and TC4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan 2013–2031.

Prior to the first use of the development hereby permitted, details of the provision of electric vehicle (EV) charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the number, type, and location of EV charging points, and shall demonstrate that users will have access to appropriate charging facilities. The approved scheme shall be fully implemented prior to first use and retained in perpetuity throughout the lifetime of the development.

(Reason: To promote sustainable modes of transport and reduce carbon emissions, in accordance with Strategy 5B (Sustainable Transport) of the East Devon Local Plan 2013-2031).

Prior to the first use of the development hereby permitted, the car park shall be laid out and made available for use for the parking of cars, in accordance with the details hereby approved. The car park shall thereafter be retained and maintained for that purpose.

(Reason: To ensure that adequate car parking is provided to minimise on street parking in the interest of the safety and convenience of users of the highway in accordance with Policies TC9) (parking provision in new development) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013–2031.

### **13. Lighting**

Prior its installation, a lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme must comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The scheme must cover the impact of the lighting both internal (due to the glazing) and external on the nearest sensitive receptors including the provision of any mitigation (shielding) measures. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No lighting shall be provided within the site that does not accord with the approved scheme.

(Reason: To avoid light pollution and to avoid light pollution being detrimental to the amenity of local residents in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan.

### **14. Surface Water Drainage**

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 Flood Risk Assessment and Drainage Strategy (Report Ref.1010.FRA, Rev. - , dated 18th Oct. 2022 ) prepared by Horizon Consulting Engineers.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

The development shall thereafter be carried out in accordance with the details under (a) - (c) above and shall be fully implemented prior to occupation of the building hereby approved.

(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 and policy EN22 (Surface Water Implications of New Development) of the East Devon Local Plan 2013-2031).

The condition 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.

## **15. Foul Drainage**

No development shall commence until a detailed Foul Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the method of disposal of foul water and demonstrate that the proposed system is adequate to accommodate the development without causing pollution or flooding. The strategy shall include evidence from South West Water confirming that there is adequate capacity within the existing network to accommodate the development and a timetable for implementation and arrangements for future maintenance. The approved scheme shall be implemented in full prior to the occupation of any part of the development and shall be retained and maintained thereafter.

Reason: To ensure that adequate foul drainage infrastructure is provided to serve the development and to prevent pollution of the environment, in accordance with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) of the East Devon Local Plan 2013–2031.

## **16. Contaminated Land**

The development hereby approved shall be carried out in accordance with the Geoenvironmental recommendations and mitigation measures contained within the Preliminary Risk Assessment and Ground Investigation report prepared by Horizon Consulting Engineers dated October 2022 ref HCE1010.

If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until a remediation strategy for the unexpected contamination has been submitted to and approved in writing by the Local Planning Authority.

(Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, residents and other offsite receptors, in accordance with Policy EN16 (Contaminated Land) of the East Devon Local Plan 2013–2031).

## **17. Travel Plan**

Prior to the first occupation of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include both hard and soft measures to promote sustainable modes of transport, including walking, cycling, and public transport, as well as targets, monitoring arrangements, and safeguards to assess and ensure its effectiveness. The Travel Plan shall also include a timetable for implementation and ongoing monitoring of travel habits.

The development shall not be brought into use unless the approved measures are being implemented in accordance with the agreed timetable, and the measures shall continue to be implemented for as long as any part of the development is used.

The Travel Plan shall also include provisions to ensure that on-site vehicle parking facilities are made available for shared use by football clubs or other community sports organisations that regularly use the site and adjoining recreational land, in order to maximise efficient use of land and support community access and detail how it will be advertised/promoted to parties so they understand facilities are for shared use.

(Reason: To promote sustainable travel choices, reduce reliance on the private car, and ensure efficient use of shared community infrastructure, in accordance with Policies Strategy 5B (Sustainable Transport), TC2 (Accessibility of New Development), and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013–2031).

## **18. Large Scale Events**

The premises shall be used solely as a boxing club/gym for training and fitness purposes and shall not be used for the hosting of public events, or any other activities involving spectators who are not members of the facility.

‘Member’ is defined as individuals who have completed a membership application and paid the required membership fee. The boxing club/gym for training and

fitness purposes, shall maintain an up-to-date register of all members which shall be made available for inspection by the local planning authority upon request.

(Reason: To ensure the use remains compatible with the surrounding area, to protect the amenity of nearby residents, and to avoid adverse impacts on local infrastructure, in accordance with Strategy 6 (Development within Built-up Area Boundaries), EN14 (Control of Pollution), and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013–2031).

## **19. Anti Social Behaviour**

Prior to first use of the boxing club/ gym for training and fitness purposes, a comprehensive Security and Surveillance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- A CCTV scheme with a clear Passport for Compliance Document, including an Operational Requirement (OR) assessment, detailing the location, specification, management, and maintenance of all surveillance equipment across the development.
- A Security and Safety Management Plan addressing the management of public and private spaces, access control, lighting, community safety measures, and ongoing site management responsibilities.

The approved strategy shall be implemented in full prior to first use and maintained thereafter for the lifetime of the development.

(Reason: To help prevent and detect crime, disorder, and anti-social behaviour, and to promote a safe and secure environment for all users, in accordance with Strategy 4 (Balanced Communities) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031).

## **NOTE FOR APPLICANT**

Informative:

Confirmation - No CIL Liability. This Informative confirms that this development is not liable to a CIL charge.

Biodiversity Net Gain Informative:

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemptions 1 from the list below are considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
  - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - (i) the application for planning permission was made before 2 April 2024;
    - (ii) planning permission is granted which has effect before 2 April 2024; or
    - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2 Development below the de minimis threshold, meaning development which:



- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

#### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

#### Plans relating to this application:

ECOLOGY                      Ecological Assessment      07.07.23

## REPORT

TREE SURVEY	Other Plans	07.07.23
22.013.04PL E & Site Plan	Location Plan	17.05.24
13190.230817.NI A	Noise Impact Assessment	17.05.24
Badger Sett Assessment	General Correspondence	17.05.24
Wintering Birds Survey	Protected Species Report	17.05.24
22.013.04PL.M	Proposed Site Plan	30.04.25
22.013.05PL E	Proposed Combined Plans	09.12.24

### List of Background Papers

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

## **Statement on Human Rights and Equality Issues**

### Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, 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.

### Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality 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.