

County Council Development

Mid Devon District: Change of use of a grassed informal public open space to a new Multi Use Games Area including the creation of two all-weather courts with tarmac surfacing and associated ball stop fencing; new floodlights and bollards; a new pedestrian access path and landscaping, Cullompton Community College, Exeter Road, Cullompton

Applicant: Devon County Council

Application No: 21/00410/DCC

Date application received by Devon County Council: 2 March 2021

Report of the Chief Planner

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that planning permission is granted subject to the conditions set out in Appendix I of this report (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

- 1.1 This report relates to the construction of two floodlit sports courts on an existing area of open space, to be used by Cullompton Community College and by the local community in the evening.
- 1.2 It is considered that the main material considerations in the determination of this application are planning policy considerations; impacts upon the surrounding residential properties; biodiversity and landscape; flooding and drainage; traffic and parking issues; and climate change/sustainability implications.
- 1.3 Prior to this meeting, Members will undertake a site visit to view the location of the proposed development and its relationship with surrounding properties.
- 1.4 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4211/2020 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4211/2020>.

2. The Proposal/Background

- 2.1 The application site occupies part of an area of grassed open space to the south of Cullompton Community College and fronting onto Meadow Lane, and it is separated from the school by a boundary of mature trees and a drainage

ditch. There are residential properties situated to the west, backing onto the open space; at its closest point, the boundary fence of the new courts would be 25m from the garden boundary of the closest dwelling to the west, and just under 31m from the rear façade of that house. To the south beyond Meadow Lane are further dwellings in Dukes Close, with the closest façade of these being 35m from the proposed courts.

- 2.2 A community skate park is located directly to the east, beyond which is the Culm Valley Sports Centre found further east on Meadow Lane. The site is on the edge of the floodplain of the River Culm, which runs north to south, 280m to the east. Meadow Lane will form part of the proposed eastern relief road for Cullompton.
- 2.3 The development would create two all-weather courts, designed primarily to play tennis, mini tennis, basketball and netball or, as a single court, handball. These would be used by College students during daytimes, as well as the local community in the evenings and on Saturdays. The courts are proposed to be floodlit when in use during the winter months.
- 2.4 The proposal includes the provision of tarmacadam surfaced courts, measuring 36.6 x 36.8m (1,347m²). These would be enclosed by 3.5m high weldmesh ball stop fencing, except for the boundary with the skate park, where fencing would be increased in height to 4m, and incorporate additional screening nets. Eight floodlight columns, each 8m in height, would stand at the corners of the courts and two in the middle on either side. A tarmac path 1.4m in width would link the courts to the school, edged in timber and lined with 1m high bollards that would light the path at night. The facility is designed to be fully enclosed and only link to the school rather than with the surrounding open space.
- 2.5 The current boundary of trees and vegetation separating the open space from the Community College would be altered as part of the development, with 19 trees being removed to make way for the linking path and a further three trees removed to create sightlines for security purposes. In addition, the understorey/shrub vegetation within the tree belt would need to be removed to facilitate sightlines between the College and the proposed courts, and nine trees would have their crowns lifted to a height of 3m. A hedgerow that currently runs alongside the western boundary of the skatepark would also be removed.
- 2.6 To compensate for the loss of 22 trees, 28 new trees would be planted, comprising 11 trees (beech and ornamental cherry) on the western and southern boundaries of the new courts, together with a further 17 trees elsewhere within the College grounds. Further ecological enhancement is proposed through the creation of areas of species-rich grassland on three boundaries of the proposed courts, together with new bird boxes, log piles (offering habitat for hedgehogs, beetles and invertebrates) and hedgehog houses within the College site.

- 2.7 Evening use of the new courts is proposed until 2100 on Mondays to Fridays, and up to 1800 on Saturdays, with no use on Sundays, and the lighting would be switched off within a 15 minutes period following this. The application indicates that the facilities would be offered for use by the local community, with a possibility of two or three lettings per week to local netball or other sports clubs when not in use by the school.
- 2.8 Access to the courts for vehicles and pedestrians would be through the Community College using its main entrance off Exeter Road. Parking for evening visitors would be provided in front of the science block at the College, just north of the tree boundary for the site.

3. Consultation Responses

- 3.1 Mid Devon District Council (Planning): no response received.
- 3.2 Mid Devon District Council (Environmental Health): no objection. The lighting scheme is acceptable and the applicant has committed to ensuring that the lighting will only be in use when the area is being used for sports during dark evenings.
- 3.3 Cullompton Town Council: no objection subject to additional measures to mitigate light pollution to neighbouring dwellings and removing as few existing trees as possible. There are also some concerns about the access to this development from the Community College and serious concerns surrounding its proximity to the proposed Eastern Relief Road. The site is also prone to flooding and this needs to be addressed.
- 3.4 Environment Agency: no objection subject to implementation of the flood risk assessment and no increase in ground levels. It is noted that the site is on the fringe of the floodplain and that the development would result in no resultant loss of floodplain storage subject to ground levels not being raised above existing.
- 3.5 Sport England: no objection and support the application as it would meet their objective to provide new opportunities to meet the needs of current and future generations, subject to a community use agreement being secured through a condition. A need for the tennis facility is identified the Mid Devon Council 'Playing Pitch Strategy' under 'tennis', and Netball England identify a shortfall in provision in the Cullompton area. The use of slip resistant paint and adjustment of the court markings are suggested.

Sport England consider that the availability of the facility for community use is a material planning consideration and that the use of a condition can be necessary to ensure that the provision of the new sports facility is of sufficient benefit to sport and to keep the facility open to the wider community.

- 3.6 Police Designing Out Crime Officer: no objection, and welcomes use of boundary treatments, access gates, bollard lighting and measures to reduce the potential impact of noise and floodlighting on the nearby residential

properties. It is highlighted that designs must ensure security; generous storage should be provided to prevent the need for buildings vulnerable to attack; landscaping should not hinder or impede natural or formal surveillance of the facilities; suitable access and turning should be provided for emergency vehicles; and the MUGA should be covered by the College's CCTV system.

- 3.7 Exeter and Devon Airport Limited: no objection.
- 3.8 DCC Highways: no objection. The number of trips this proposal could generate will not be a severe effect on the highway.
- 3.9 DCC Road Safety: no objection as no effect on road safety.
- 3.10 DCC Flood Risk: no objection, subject to a pre-commencement condition requiring detailed surface water drainage measures.
- 3.11 DCC Ecology Officer: no objection in principle, but queries are raised regarding the choice of route for the footpath and maintenance arrangements for the proposed wildflower and tree planting. In the event of permission being granted, conditions should be imposed regarding silt fencing to prevent run-off of pollutants into watercourses, compliance with the arboricultural impact assessment and ecological appraisal, implementation of planting and timing of vegetation clearance.
- 3.12 DCC Historic Environment: no objection, as the scale and situation of this development will have any impact upon any known heritage assets.
- 3.13 DCC Landscape: no objection in principle as the character of the development is in accordance with that of the wider school environs and the townscape of Cullompton. It is recommended that replacement tree planting should consider a more diverse range of trees, as well as an increased number of trees to achieve enhancement as well as compensation.
- 3.14 DCC Local Member (Cllr Berry): raises concerns over the impact on neighbours of floodlighting and tree planting, and requests that the Committee carries out a site visit prior to determination.

4. Advertisement/Representations

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of 46 neighbouring properties by letter. As a result of these procedures, responses have been received from four local residents, with their grounds of objection or concern being:
- impacts from lighting, and increased light pollution for nearby residential properties; how will this be minimised whilst trees reach maturity; and who will maintain/manage the trees to ensure these work as a screen;
 - the MUGA should be located 30m away from dwellings in line with guidelines;

- increase in noise levels for local residents, in addition to those already experience from the skatepark, and current noise levels are not reasonable;
- concerns about the combined impacts with the proposed relief road, with potential impacts upon highway safety;
- the current sports facilities are felt to be underused and could be used instead, and need hasn't been demonstrated;
- concern about the number of trees to be removed and the impacts upon climate change, as well as impacting upon the surrounding properties as these trees currently improve air quality, surround a staff car park, reduce noise and visual nuisance with the school, and help reduce light spill into the neighbouring residential properties;
- CCTV should be installed to prevent the need to remove so many trees;
- the evening use of the MUGA will not be monitored or managed by anyone to prevent impacts upon the surrounding properties;
- concerns raised about anti-social behaviour associated with the skate park, which will be made worst by the MUGA;
- the ground gets waterlogged in winter, and concerns are raised that run-off from the MUGA will be directed into nearby residential properties;
- loss of a right of way over the public open space; and
- removal of vegetation screening the current skate park will impact adjacent properties.

4.2 Following the receipt of amended drawings showing the provision of additional tree planting and clarification of the route for emergency vehicles, consultees and local residents have been re-notified, with the deadline for responses being 14 July 2021. Any further comments received in response to this renotification will be reported at the meeting.

5. Planning Policy Considerations

5.1 In considering this application the County Council, as County Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised below and the most relevant are referred to in more detail in Section 6.

5.2 Mid Devon Local Plan (adopted July 2020)

Policies S1 (Sustainable development priorities); S7 (Town centres); S9 (Environment); S11 (Cullompton); DM1 (High quality design); DM3 (Transport and air quality); DM4 (Pollution); DM5 (Parking); and DM23 (Community facilities).

5.3 Cullompton Neighbourhood Plan (made July 2021)

Policies SD03 (Flood Attenuation); EN01 (Protecting and Enhancing the Natural Environment); EN03 (Local Green Space); and WL04 (Outdoor Sports Facilities).

5.4 Other material considerations include:

- National Planning Policy Framework
- Planning Practice Guidance
- Mid Devon Open Space & Play Area Strategy

6. Comments/Issues

- 6.1 The proposed sports facilities raise a number of material planning issues that need consideration: planning policy; impacts upon the surrounding residential properties; biodiversity and landscape; flooding and drainage; traffic and parking issues; and climate change/sustainability implications.

Planning Policy Considerations and the Principle of Development

- 6.2 The Mid Devon Local Plan's Policies Map identifies the application site as part of an area safeguarded for school expansion, while Policy CU20 (Cullompton infrastructure) supports delivery of secondary education facilities and community facilities including sports and leisure facilities. Development of community facilities, including recreational facilities, is also supported by Policy DM23 (Community facilities) where they are easily accessible by the local community and well related to a settlement.
- 6.3 Policy DM24 (Protection of Local Green Space and recreational land/buildings) of the Local Plan seeks to protect open space from alternative development unless, *inter alia*, the development is for alternative sports and recreational provision for which the need clearly outweighs the loss.
- 6.4 The Cullompton Neighbourhood Plan was made (adopted) on 1 July 2021 following a positive referendum in May 2021, it and defines the amenity grass of the application site and adjoining land as 'Local Green Space'. Policy EN03 (Local Green Space) of the Neighbourhood Plan states that "proposals for built development...will only be permitted in very special circumstances".
- 6.5 The Neighbourhood Plan also includes Policy WL04 (Outdoor Sports Facilities) which supports proposals for tennis courts, MUGAs and other outdoor sports facilities subject to them having no adverse effect on the character and ecology of the area or other land uses, being capable of integration into the landscape and having satisfactory maintenance arrangements.
- 6.6 The proposed scheme forms part of a wider phased masterplan to expand the Community College to cater for additional pupils in the future, with Cullompton having significant long-term growth planned, with extensive areas allocated for housing. Existing hard play courts within the College have been

earmarked as a suitable area for new teaching blocks and the new courts would enable the College to maintain long term sports provision for tennis, netball and basketball in a location which is directly accessible from the school.

- 6.7 The provision of new sports facilities for the Community College that will also be accessible to the local community is supported by Policies CU20 and DM23 of the Local Plan, and the clear need for the new courts to meet the College's ongoing requirements meets the requirements of Policy DM24. Provision of the new courts is supported by Policy WL04 of the Neighbourhood Plan, and the criteria of that policy relating to ecology and landscape will be addressed in subsequent sections of this report.
- 6.8 Although the new courts will change the character of the area by introducing built elements and resulting in a smaller area of open grassland, the facility will allow for community use. The visual impact of the development would be mitigated through its enclosure by Beech and Cherry trees, helping to integrate the facility into the landscape. While the proposed courts can be considered as 'built development' in the context of Neighbourhood Plan Policy EN03, the need to maintain and enhance the College's recreational provision is considered to meet that policy's 'very special circumstances' test.
- 6.9 Allowing dual use for the wider community as well as College pupils, on a site that is also located near existing playing fields, supports the Mid Devon Open Space & Play Area Strategy which specifically recommends provision of tennis courts for Cullompton. The new facilities are considered important in encouraging exercise and activity in the town to improve health, and they would support Sport England's objective to meet current and future generation's needs.
- 6.10 Sport England has requested a condition requiring a 'Community Use Agreement' to secure community access to the facilities. However, it is considered that such a condition would not meet the National Planning Policy Framework's tests of being necessary and enforceable, as the management of the new facility, including pricing and access arrangements, is a matter best controlled by the College rather than being imposed through a condition. While primarily being intended as a facility for the College's students, it will be in the College's interests to make it available for wider community use as a means of generating income to support the facility's maintenance.

Impacts on Residential Amenity

- 6.11 A number of the closest neighbours have raised concerns about the proximity of the proposed courts to their properties and the potential impacts from lighting, noise and overlooking. The nearest residential properties are to the west, with their garden fences forming a boundary with the existing open space and the rear of the property overlooks the area. While the southernmost of these dwellings is 'end on' to the application site with few windows facing the open space, the northernmost house is closer and with its rear elevation directly facing towards the proposed courts. The proposed

floodlights and edge of the new courts would be located 25m from the boundary of this property, and just under 31m from the rear of the house itself.

- 6.12 To the south of Meadow Lane in Dukes Close are a number of residential properties, some of which have windows facing the open space. The nearest garden boundary of these dwellings is 27m from the application site, with the closest face of a house being 35m.
- 6.13 Paragraph 180 of the National Planning Policy Framework states that:
- “decisions should also ensure that new development is appropriate for its 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 impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life...and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”
- 6.14 Policy DM4 (Pollution) of the Mid Devon Local Plan requires that development should not result in direct, indirect and cumulative effects of pollution (including through noise and light) that may have an unacceptable negative impact on health and general amenity.
- 6.15 Guidance from Sport England on the ‘Design, Specification and Construction of Multi-use Games Areas’ published in 2002 states that “It is normally advisable to locate a MUGA (especially floodlit ones) at least 12m, and ideally at least 30m from other residences. On flat terrain sites, landscaping and mounding can be used to obviate noise breakout and floodlight spillage”. However, current design guidance available on Sport England’s website for ‘Artificial Sports Lighting’ (2012) and ‘Artificial Surfaces for Outdoor Sport’ (2013), while acknowledging the potential for conflict with other land uses, do not provide recommended minimum distances to residential properties.
- 6.16 The applicant states that efforts have been made to locate the proposed MUGA as far from boundaries with neighbouring properties as possible within site constraints but achieving the recommended distance of 30m would require removal of the existing skate park. A minimum distance of 25m will be provided, together with mitigation in the form of fencing and tree planting.

Noise Impacts

- 6.17 Potential noise impacts from the proposed development would be from users of the facility, including from shouting and moving around the court; from balls being hit or striking surfaces; and during the construction period from machinery and construction traffic.

- 6.18 Sport England provides guidance on the impact from noise from artificial sports pitches, but this is aimed at generally much larger facilities used for hockey, rugby and football. This guidance advises that most impacts from noise are generated from the voices of those using the facility, rather than from balls hitting boundaries for example, and that the typical free-field noise levels as a result of a planning implications report is 58 dB LAeq, 1hr at 10 metres from the side of the half way line. No guidance is provided for smaller MUGAs/courts proposed as are proposed in this application, but it is considered that this type of facility would not generate the same noise levels as an artificial sports pitch.
- 6.19 It is anticipated that the noise levels generated from voices or equipment from use of the courts for tennis, netball or basketball games are unlikely to generate adverse impacts on health and quality of life. During the day, these would be typical levels associated with a school use and could be expected on a site allocated for this use. The evening use will add to the noise experienced by neighbours as a result of the existing skate park, although it is considered that the skate park noise is likely to be louder than noise generated from the MUGA. Nonetheless, this could result in some cumulative small increase in noise levels during the after-school period.
- 6.20 The Environmental Health Officer at Mid Devon District Council has been consulted as the authority responsible for ensuring impact from noise is not a statutory nuisance, and they have raised no objections or concerns to the scheme regarding noise.
- 6.21 It is concluded that the proposed scheme is unlikely to result in adverse noise impacts but, to ensure that any impacts upon neighbouring properties are limited and mitigated, it is recommended that the hours of use of the courts are reduced through a planning condition so they finish at 2000 on weekdays, and do not commence until 0900 on a Saturday, to limit impacts upon living conditions in the later evening and at weekends.
- 6.22 In terms of impacts during the construction period, it will be critical to ensure that these operations do not result in any adverse impacts upon the surrounding properties. During the 12 weeks construction period the likely plant and machinery to be used to build the courts are unlikely to result in adverse impacts upon neighbours if managed effectively and, to ensure this, a condition is recommended to require the approval of a Construction Management Plan before construction works commence.
- 6.23 Concerns have been raised regarding antisocial behaviour, and it is considered that this can be managed so it does not lead to an increase in noise levels at this site. The school will manage the use of the courts during the day, and proposed CCTV cameras will help to monitor the site during the evenings.
- 6.24 In terms of the concerns raised about potential verbal abuse for users of the path from those using the skatepark, it is evident that there is a management issue with those using the skatepark, which is beyond the realms of this

application. It is clear that lack of lighting in this area may be adding to the misuse of the area as it is dark and not overlooked, and the additional lighting proposed and having more footfall may help to alleviate this existing problem.

Impacts from Lighting

- 6.25 The use of floodlighting around the courts during the hours of darkness has the potential for impacts upon the nearby residential properties. It is likely that lighting could be used between September and April, with a switch off time of 2115 on weekdays and 1800 on Saturdays being proposed by the applicant. The application indicates that the floodlights would be switched off when the courts are not in use, with an override timer used to ensure lighting does not stay on past the proposed switch off times.
- 6.26 The Institute of Lighting Professionals provides guidance¹ on maximum light levels from floodlit facilities to prevent nuisance or adverse impacts. This guidance classifies sites into 'Environmental Zones', and the application site could fall in either Zone E3 'Suburban - Medium district brightness' (defined as well inhabited rural and urban settlements, small town centres or suburban locations), or Zone E2 'Rural - Low district brightness' (sparsely inhabited rural areas, village or relatively dark outer suburban locations). The more rigorous rural Zone E2 has a maximum permitted 'pre-curfew' value for light on façades (in this case the nearest neighbouring properties) of 5 lux.
- 6.27 Lighting lux level plans have been submitted with the application that identify the extent of light spill when the floodlights are in use, not taking into account any vegetation. These demonstrate that light levels reduce to below the level of 5 lux at a point 10m from the nearest boundary with a residential property, and 16m from the façade of the closest dwelling, meaning that levels at the dwelling would be comfortably below the recommended maximum. The proposed lighting scheme would therefore not result in adverse impacts or a statutory nuisance for the nearest neighbours, in accordance with the Clean Neighbourhoods and Environment Act 2005, as the light would not shine into the adjacent homes or cause glare.
- 6.28 It is recognised that there will be a change in outlook from the nearby dwellings during the evening for parts of the year as the courts and their immediate surroundings will be floodlit, while there would be slightly clearer views of the rear of those properties from the courts themselves during this time. The hedgerow that currently exists alongside the skate park would also be removed, although a proposed 3.5m screen incorporated within the proposed boundary fencing would continue to block views of the skate park.
- 6.29 Tree planting around the pitch will help to mitigate visibility to some extent, particularly in the longer term as both species will grow to a height of 10-15m, and possibly 20m for the Beech trees. To mitigate impacts from the courts' use further, and to reduce noise impacts as set out above, it is recommended that their use ceases by 2000 hrs, and that the lights are switched off shortly

¹ 01/20 'Guidance Note for the reduction for obtrusive light

after this. This would not only limit impacts during the evenings when the lights are in use, but also limit the impacts over time, i.e. during the months when light would have been required after 2000 hrs. This will limit impacts upon local living condition of nearby residents in line with the NPPF and Mid Devon Local Plan Policy DM1 (High Quality Design).

- 6.30 No concerns have been raised in terms of impacts from the proposed floodlighting upon ecological receptors from the proposed floodlighting.
- 6.31 The local police Designing Out Crime Officer has raised concerns that bollard lighting is considered insufficient for security purposes, but the revised proposal to include CCTV cameras will overcome this issue.

Flood Risk

- 6.32 The site is located within Flood Zones 2 and 3 as some of the site forms part of the floodplain for the River Culm, but the Environment Agency have noted that any flooding here would be shallow in depth and of low velocity. Records indicate that the site has experienced surface water flooding, with local residents stating that ponding of water has occurred on the grassed open space in the past.
- 6.33 A sequential test was carried out for the site as part of the Local Plan allocation and adoption process in earmarking the site for development as an expansion to the school. The County Council is therefore not required to consider alternative sites outside the floodplain, but instead must assess if the site can be developed as an exception in terms of its location within an area at risk of flooding.
- 6.34 The proposed use as outdoor sports courts falls within a category classified by the Environment Agency as 'Water Compatible'. This means that, if it can be demonstrated that this use will be 'safe for its lifetime', and it can provide 'wider sustainability benefits to the community that outweigh flood risk', without increasing flood risk elsewhere and where possible reduce flood risk overall, it could be acceptable.
- 6.35 To ensure that the site is safe for its lifetime, a condition is recommended to require submission of flood management and evacuation measures. In terms of 'wider sustainability benefits', the proposed facility would enable College pupils and the local community to remain active. There would be no resultant loss of floodplain storage subject to ground levels not being raised above existing and, consequently, flood risk elsewhere would not increase. In line with the Environment Agency advice, a condition should be used to ensure the development is not built above existing ground levels in a way that will not affect the floodplain. Subject to these measures, it is considered that the development would satisfy the Exceptions Test as a water compatible development.

- 6.36 Surface water run-off would be managed using an attenuation/drainage blanket situated beneath the courts. This would hold water and allow it to drain freely underground without adding to surface water in the floodplain. Devon County Council as Lead Local Flood Risk Authority considers this approach acceptable subject to further details being submitted on the design, maintenance and management of exceedance flows, and these should be required by a condition.
- 6.37 Subject to the flood risk measures indicated above, the proposal would meet the requirements of the National Planning Policy Framework and Local Plan policies S9 (Environment), S11 (Cullompton) and DM1 (High quality design).

Biodiversity and Landscape

- 6.38 As a result of the construction of the courts, there will be a direct loss of a section of the existing grassed area, as well as 22 trees and a hedge to create a footpath that links with the school. Remaining trees may also be harmed during the construction of the pitch, although the arboricultural report states that, except for the footpath, the layout and infrastructure has been arranged to avoid the root protection area of these trees. These works would lead to a reduction in the ecological value of the site, as well as loss of habitats, with nesting birds likely to be affected by the tree removal.
- 6.39 Concerns about the numbers of trees to be removed as part of the scheme to form the new path with the school have been raised by the Council's landscape officer as well as the Town Council and a local resident. The landscape officer has suggested that trees should be retained where possible, and any loss appropriately compensated for taking into account the County Council's 3-2-1 ash dieback policy (i.e. plant 3 saplings of alternative native species for loss of a mature ash; 2 saplings for a young mature tree and one sapling for a sapling). Additionally, it is recommended that a more diverse range of tree species are used within the proposed landscaping scheme.
- 6.40 In response to these concerns, the applicant has considered the option of using the existing path, but this raises issues in terms of health and safety, safeguarding and impacts upon mental wellbeing. These issues result from the path not being overlooked, its tendency to be dark in poor light, and from verbal abuse being shouted by users of the skate park at passers-by. A number of other options have also been explored as part of the planning process in an effort to minimise trees loss, including pushing the path nearer to the skatepark ramp, which would be more concealed and could consequently feel even less safe; or having a bridge over the adjacent ditch, so there is a direct link with the school, although this would result in loss of parking places and raise possible concerns about drainage.
- 6.41 To maximise surveillance of the proposed path, the remaining trees would be thinned out to increase visibility between the College and the proposed courts, and would be lined with bollard lighting to improve visibility and help users feel safer during the hours of darkness. As the existing trees have been planted

too closely together, they would not be able to reach maturity in their current state, so thinning these out is seen as a benefit from an arboricultural viewpoint.

- 6.42 After assessing the benefits and disadvantages of the different path route options, it is considered that the applicant's proposed option, although resulting in loss of a substantial number of trees, addresses concerns raised regarding the safety and wellbeing of users of the proposed courts and access path. In order to compensate for the loss of trees, which will have negative impacts upon both the landscape and climate change, the applicant has increased the number of trees to be planted across the school site to 17, with a greater diversity of species.
- 6.43 In addition to impacts from the loss of trees, hedgehogs could potentially be affected by the development and, although evidence of badgers using the site was not found as part of the ecological survey, they could potentially move into the site in the future with the potential to become trapped in deep excavations, piping etc. No European protected species, or statutory or non-statutory wildlife sites, are considered to be affected by the proposal. Construction works may also lead to silt entering the nearby stream, Crow Brook, which links with Mill Stream and then the River Culm, if measures are not put in place to prevent this.
- 6.44 The proposed 282m² of grassland, including native flower planting, will satisfactorily compensate for the loss of grass. A supplementary document setting out management arrangements for the wildflower meadow has been subsequently submitted, and implementation of this should be conditioned as part of any permission.
- 6.45 Further mitigation and compensation for any potential harm to habitats and species can be achieved through the following actions in order to ensure that the development meets the requirements of Local Plan Policy S9 (Environment) and Neighbourhood Plan Policy EN01 (Protecting and Enhancing the Natural Environment):
- silt fencing to be put in place around the site before construction works start;
 - protection of trees with existing fencing and use as a construction exclusion zone;
 - carry out the recommendations in the tree report to protect remaining trees;
 - any vegetation clearance is undertaken outside of the bird nesting season;
 - covering trenches and deep excavations and providing access out, and capping bore pipes, to protect badgers;
 - providing alternative places for hedgehogs to live and hedgehog impact avoidance during the construction phase; and
 - ensuring that the planting is adequately maintained.
- 6.46 Some of these measures are already set out in the application, and the remaining actions should be conditioned as part of any grant of permission.

- 6.47 In terms of achieving Biodiversity Net Gain to compensate for the loss of species and habitats identified above, in line with paragraph 170 of the National Planning Policy Framework, measures proposed in the application are the installation of six bird boxes in the surrounding trees; two hedgehog houses; two log houses for hedgehogs, beetles and invertebrates; and the planting of 28 trees, around the MUGA and across the school site. These measures are considered to provide adequate net gain.
- 6.48 Subject to the measures outline above, the development would meet the requirements of Local Plan Policy S9 (Environment) and Neighbourhood Plan Policy EN01 (Protecting and Enhancing the Natural Environment).

Traffic and Parking Issues

- 6.49 The Community College and the proposed facilities are in a sustainable location with the town centre only 650m away, and the nearest bus stop is within 150m. As the site is located within the built-up area of Cullompton, the courts could also be easily accessed by bicycle or on foot. The main users of the courts would be pupils at the College, of whom the vast majority already travel to the site using sustainable modes. There would be no increase in pupil numbers as a result of the proposal and, consequently, no increase in traffic movements associated with these users.
- 6.50 The evening community use is more likely to generate trips that are less sustainable, i.e. made by car, although the accessible location would help promote use of sustainable modes. It is predicted that there would be approximately two to three lettings per week for use by local sports clubs, and no more than 40 people would be using the facility at any one time. The number of vehicles associated with the development would therefore be relatively small and would fall outside peak travel hours.
- 6.51 No direct vehicular access would be provided to serve the development, with use being made of the existing College access from Exeter Road, including for emergency vehicles attending the proposed MUGA, and this junction is safe in terms of highway standards. As the community use would be outside school hours, visitors would use the existing 27 parking spaces, of which two are accessible. Local Plan Policy DM5 (Parking) sets out parking standards for 'Outdoor Sports' as one space per two players, and cycle parking as one space per 20 players, meaning in the region of 20 car parking places and two cycle parking spaces would be required. The existing parking facilities within the school can readily accommodate the requirements of the proposed development arising from community use.
- 6.52 The Transport Assessment accompanying the application does not makes reference to cycle parking. There is a cycle shelter adjacent to the main entrance to the school, approximately 100m away from the access to the MUGA but it is reasonable to require additional cycle parking at the school, nearer to the proposed facilities, to encourage evening users to travel to the

site by sustainable modes, and to ensure the development accords with Mid Devon Local Plan policies. This should form a condition of any permission.

- 6.53 The Town Council and a neighbour have raised concerns about highway safety impacts in relation to the proposal to use Meadow Lane, which bounds the site to the south and would form part of the Cullompton relief road in the future. As the site would be accessed through the Community College by all travel modes, and not directly from Meadow Lane, with parking facilities available within the College, it is considered that the proposal does not pose a risk to highway safety at the present time or following development of the relief road.
- 6.54 With the mitigation above, it is considered that the proposal would not raise highway safety concerns or result in a severe impact upon the highway, and so meets the requirements of the paragraphs 108-109 of the National Planning Policy Framework, and also accords with Mid Devon Local Plan Policies DM1 (High quality design), DM3 (Transport and air quality) and DM5 (Parking).
- 6.55 The small numbers of trips generated by the proposal are not considered to result in an impact upon the Cullompton Air Quality Management Area, particularly as they would be used off peak, preventing any further congestion and impacts upon air quality associated with this. The proposal is therefore considered to be consistent with Local Plan Policy DM3 (Transport and air quality).
- 6.56 In terms of construction traffic, the application is accompanied by a construction management plan, which provides information on access and routing of construction vehicles and the location of the compound during the 12 weeks construction period. A more detailed plan should be required by a condition to be submitted when a contractor is appointed to ensure impacts upon the surrounding neighbours are minimised, and that there are no resulting highway safety issues.

Other Environmental Considerations (Including Climate Change)

- 6.57 Paragraph 148 of the National Planning Policy Framework requires that “the planning system should support the transition to a low carbon future in a changing climate”, while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon’s carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 6.58 As mentioned above, the scheme involves the removal of 22 trees, which will currently be acting as a carbon sink in the local area. Although 23 replacement trees were originally proposed, it will take several years for these trees to reach the same maturity and function the same in terms of carbon

absorption. The scheme has therefore been revised to provide additional tree planting, increasing the number of new trees to 28.

7. Reasons for Recommendation/Alternative Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 It is considered that overall benefits of providing a sports facility to help improve the health and wellbeing of the local community outweigh the impacts upon the nearby neighbouring properties and the local environment, which can be mitigated against. In particular, reducing the hours of use and managing the construction process through suitable conditions will ensure that the development does not result in harm to health or adverse impacts upon local living conditions.

Mike Deaton
Chief Planner

Electoral Division: Cullompton & Bradninch

Local Government Act 1972: List of Background Papers

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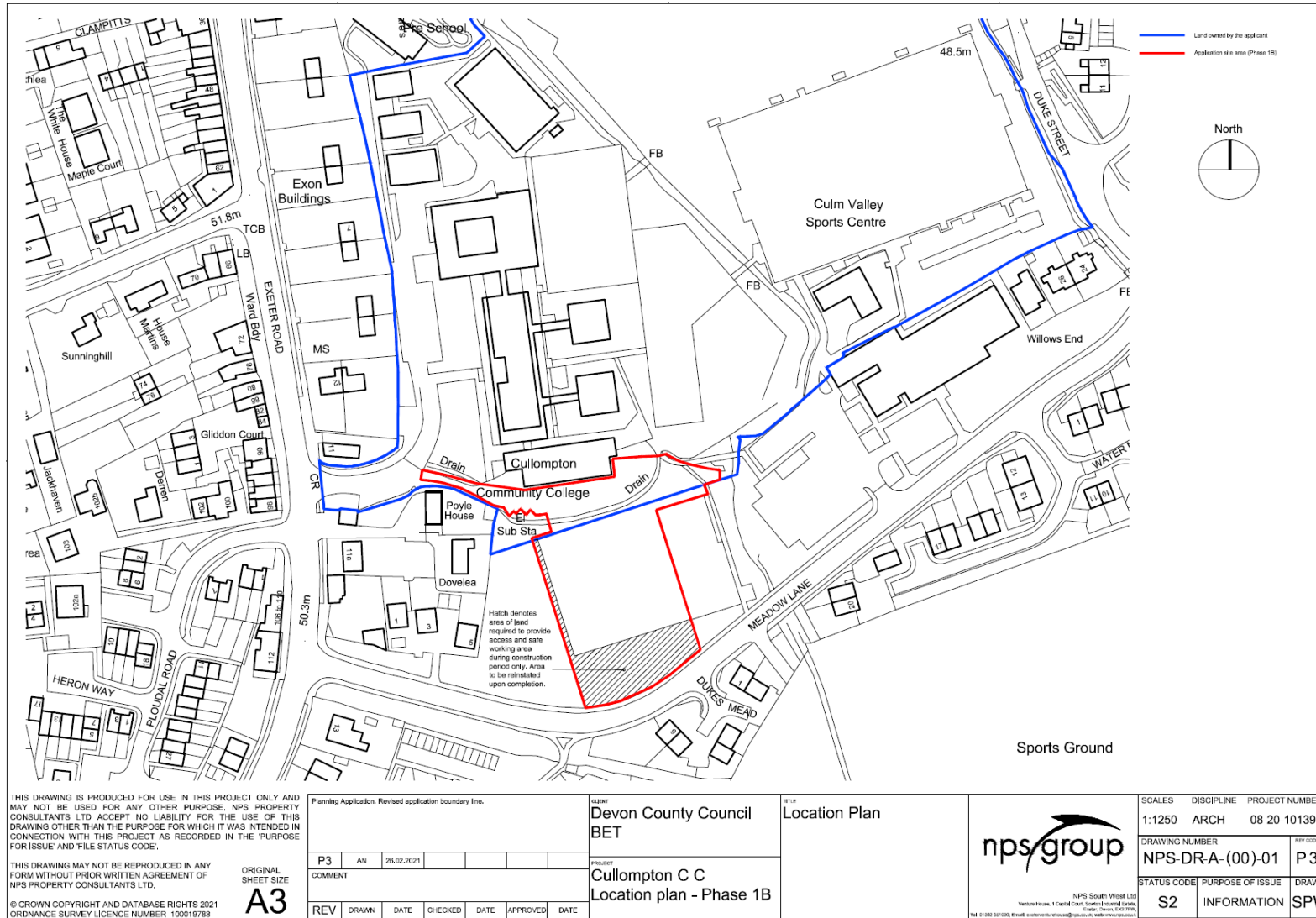
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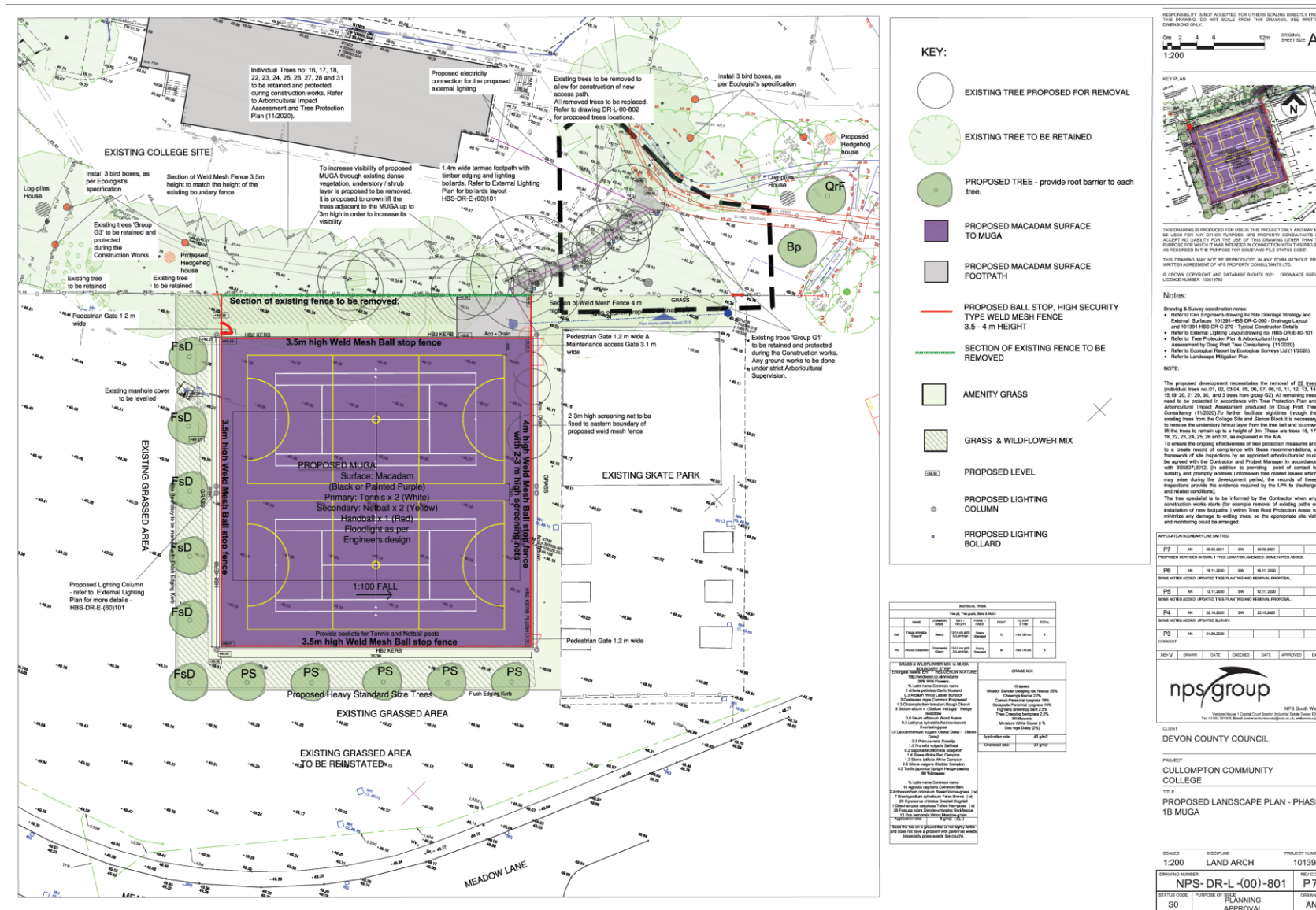
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hs070621dma
sc/cr/Change of use public open space to a Multi Use Game Area Cullompton
Community College
02 120721

Location Plan



Site Plan To PTE/21/28



Planning Conditions

STANDARD COMMENCEMENT

1. The development shall commence within three years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered and entitled: Location Plan - NPS-DR-A-(00)-01 Rev P3, Proposed External Lighting Layout - HBS-DR-E-(60)-101 Rev P2); Landscape Mitigation Plan - NPS-DR-L-(00)-802 Rev C2; Proposed Landscape Plan - Phase 1B MUGA - NPS-DR-L-(00)-801 Rev C1; Site Cross Sections - NPS-DR-L-(00)-804 Rev P1; Drainage Layout- HBS-DR-C-(00)-060 (P4); Typical Construction Details- HBS-DR-C-(00)-270 (P2); Emergency Access Route – NPS-DR-L-(00)-805 Rev P1; 'Creation and maintenance of wildflower grassland' MUGA Development ref. PP-09348873, 07.04.2021; 'Preliminary Ecological Appraisal - REF PEA_Cullompton Community College_NPS-Sept 2020; and 'Aboricultural Impact Assessment - REF 19.072/4/AIA 20th November 2020;

except as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

CONDITIONS (PRE-COMMENCEMENT)

DRAINAGE

3. No development shall commence until the following information has been submitted to and approved in writing by the County Planning Authority:
 - (a) a detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy;
 - (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; and
 - (d) a plan indicating how exceedance flows will be safely managed at the site.

The sports courts shall not be brought into use until the approved works have been implemented in accordance with the details provided under (a) - (d) above.

Reason: 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 and local policies, including the National Planning Policy Framework, Planning Practice Guidance and Mid Devon Local Plan Policies S9 (Environment), S11 (Cullompton) and DM1 (High Quality Design). 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.

ECOLOGY

4. No vegetation clearance shall take place during the bird nesting season (1 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

REASON: To minimise impacts on nesting wild birds and ensure that no birds take up residence in the intervening period in accordance with paragraph 170 of the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).

5. No construction work shall commence until the following information has been submitted to and approved in writing by the County Planning Authority:
 - (a) the location and design of the silt fencing;
 - (b) a scheme to safeguard all trees, shrubs and other natural features not scheduled for removal during site works and building operations; and
 - (c) measures to protect badgers and hedgehogs.

The development shall be carried out in accordance with the approved actions above prior to the construction works commencing.

The development shall be carried out in accordance with the recommendations/actions set out in section 5 (Further Surveys, Mitigation and Enhancement) of the Preliminary Ecological Appraisal (Ref. PEA_Cullompton Community College_NPS-Sept 2020) and section 7 (Recommendations) of the Aboricultural Impact Assessment (Ref. 19.072/4/AIA 20th November 2020), unless otherwise agreed in writing by the County Planning Authority or varied by the details approved under (a) to (c) above.

REASON: To ensure that protected species are conserved in accordance with Policy S9 (Environment) of the Mid Devon Local Plan and Policy EN01 (Protecting and Enhancing the Natural Environment) of the Cullompton Neighbourhood Plan.

CONSTRUCTION MANAGEMENT

6. No development shall take place until a Construction Management Scheme has been submitted to and approved in writing by the County Planning Authority. The statement shall provide details of:
- (a) timetable/programme of works
 - (b) measures for traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles]
 - (c) days and hours of building operations and deliveries;
 - (d) location of loading, unloading and storage of plant and materials;
 - (e) location of contractor compound and facilities;
 - (f) provision of boundary fencing/hoarding;
 - (g) parking of vehicles of site personnel, operatives and visitors;
 - (h) wheel washing;
 - (i) dust control; and
 - (j) recycling during construction.

The development shall be implemented in accordance with the approved scheme.

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction on nearby residents and local highway network in accordance with Mid Devon Local Plan Policies (DM1 High quality design), DM3 (Transport and air quality) and DM5 (Parking).

CONDITIONS (PRE-USE)

FLOOD RISK AND MITIGATION

7. The development shall be carried out in accordance with the submitted flood risk assessment (July 2020, Harrison Barron Smith, ref. 101391) and in particular section 6.3.1 on site levels. There shall be no landraising within Flood Zone 2 and 3 which affects the floodplain.

Before the first use of the Multi Use Games Area, plans showing the ground levels before and after the development shall be submitted to and approved in writing by the County Planning Authority to confirm that no land raising has taken place that will affect flood risk. The development shall be maintained in accordance with the submitted details.

REASON: To ensure that the development does not result in any loss of floodplain storage which could increase flood risk elsewhere. In accordance

with Mid Devon Local Plan Policies S9 (Environment), DM1 (High quality design) and S11 (Cullompton).

8. No part of the development shall be brought into use until a Flood Management and Evacuation Plan has been submitted to and approved in writing by the County Planning Authority. This Plan shall set out management and evacuation procedures in the event of the site being flooded. The development shall be managed in accordance with the approved Plan.

REASON: To ensure the safety of users of the proposed facilities in accordance with Mid Devon Local Plan Policies S9 (Environment), S11 (Cullompton) and DM1 (High quality design).

CYCLE PARKING

9. No part of the development shall be brought into use until cycle storage facilities have been installed in close proximity to the MUGA, in accordance with details that shall first have been submitted to and approved in writing by the County Planning Authority.

REASON: To promote sustainable travel to the facility in accordance with Mid Devon Local Plan Policy DM5 (Parking).

CONDITIONS (OPERATIONAL)

LANDSCAPING AND TREES

10. The planting of trees and grass/wildflower mix shown on drawing NPS-DR-L-(00)-802 Rev C2 and the mitigation measures proposed in paragraphs 5.3.14 and 5.3.15 of the Preliminary Ecological Appraisal (Ref. PEA_Cullompton Community College_NPS-Sept 2020) shall be implemented within 12 months of completion of construction of the proposed MUGA.

REASON: To protect the character and appearance of the local landscape, enhance biodiversity and mitigate impacts upon carbon emissions, in accordance with Policy S9 (Environment) of the Mid Devon Local Plan and Policy EN01 (Protecting and Enhancing the Natural Environment) of the Cullompton Neighbourhood plan (2021).

HOURS OF USE

11. The proposed sports facility as shown on plan numbered NPS-DR-L-(00)-801 Rev C1 shall not be used other than between the hours of 0800 and 2000 on Mondays to Fridays and 0900 and 1800 on Saturdays, and at no time on Sundays and Public Holidays.

The floodlighting shall be switched off by 2015 on Mondays to Fridays and 1815 on Saturdays.

REASON: To protect the living conditions of nearby residents in accordance with paragraph 180 of NPPF and Mid Devon Local Plan Policy DM4 (Pollution).

Informative Note

Bats and their roosts (resting/breeding places) and nesting birds are protected by law. In the event that a bat is discovered then works should cease and the advice of Natural England and/or a suitably qualified ecologist should be obtained. Works should not resume until their advice has been followed. If any nesting birds are discovered using the areas to be affected, work should not proceed until breeding has finished and all fledglings have departed the nest.