

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	24/00893/FUL	<b>Item</b>	01
<b>Date Valid</b>	05.08.2024	<b>Ward</b>	PEVERELL
<b>Site Address</b>	Home Park Football Ground Outland Road Plymouth PL2 3DQ		
<b>Proposal</b>	Temporary marquee to be used by the Green Taverners Members Club (Sui Generis) with associated development including portacabins for use as toilets, cellar storage and rainwater storage tank.		
<b>Applicant</b>	Mr Christian Kent		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>30.09.2024</b>	<b>Committee Date</b>	<b>14.11.2024</b>
<b>Extended Target Date</b>	<b>N/A</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Miss Amy Thompson		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to Planning Committee by Cllr Kate Taylor

### **1. Description of Site**

Home Park is a football ground and the home of Plymouth Argyle. As a result the site itself is large, but this application is only concerned with a small portion to the south of the stadium. The site falls within the Peverell ward of the city.

### **2. Proposal Description**

Temporary marquee to be used by the Green Taverners Members Club (Sui Generis) with associated development including portacabins for use as toilets, cellar storage and rainwater storage tank.

### **3. Pre-application Enquiry**

None.

#### **4. Relevant Planning History**

01/00085/FUL - Redevelopment in phases of existing football stadium to create an all seater stadium of approximately 19,000 capacity with associated pedestrian and vehicular accesses, car parking and floodlighting- Granted conditionally

03/01057/FUL - Erection of marquee for use for match day hospitality on waste ground adjacent to existing offices for a temporary period of two years - Granted conditionally

13/00942/FUL - Redevelopment to include the provision of a new south grandstand incorporating ancillary club retail and hospitality facilities, the erection of a 10 screen multiplex cinema (with IMAX), ice arena, 121 bed hotel, medical centre, 3293sq metres of restaurant/café floorspace (Use Class A3), 1725sq metres of retail floorspace (Use Class A1), community facilities and associated car parking, access, landscaping, servicing and works- Granted with S106 Agreement

17/01684/OUT - Hybrid Application comprising two parts:

(Part 1) Full Planning Permission for the refurbishment and extension to Home Park Stadium Grandstand (including ancillary area within the ground) (Class D2) and Erection of New Ice Arena (Class D2) with associated car parking, landscaping, public realm and highways access.

(Part 2) Outline Planning Permission for mixed use development including Food and Beverage Units (Class A3/A4), Offices (Class B1), Gymnasium (Class D2), Hotel (Class C1) and Veterinary Surgery (Class D1) with all matters reserved except highways access and parking. Granted with S106 Agreement

18/01335/FUL - New 2-storey Green Tavenors Building (Class A4) within the boundary of Plymouth Argyle Football Club - Granted conditionally

19/01281/S73 - Variation of condition 5 (Opening Hours - Green Tavenors Members Bar) of application 18/01335/FUL - Granted conditionally

21/02103/FUL - Re-configuration of existing car park and associated external works - Granted conditionally

There have also been a number of other planning applications relating to the wider Home Park site over the years, but no others directly related to the proposed development.

#### **5. Consultation Responses**

Local Highway Authority - Originally raised concerns but further information has been submitted to overcome the concerns raised.

Sport England - No objection.

Designing Out Crime Officer - No objection.

Public Protection Service - No objection, recommended conditions.

Lead Local Flood Authority - No objection

## **6. Representations**

83 public comments received from 77 different contributors. One of the contributors objected to the proposal, one contributor was neutral and the other 75 contributors supported the scheme.

The main concerns raised by the contributor objecting to the proposal include:

- Noise disturbance and pollution from amplified music, entertainment, generators, refrigeration, heating equipment and people, and impact on public amenity and Central Park
- The lack of sound insulation from the marquee
- Requests a noise assessment
- Suggests the marquee is sound proofed, acoustic fence and sound system and noise limiting devices
- Suggests conditions to restrict the use of the marquee to only on first team home matchdays for only match ticket holders limiting the opening hours to 2 hours before kick off and 1 hour after the game
- Suggests replacing marquee with modular units, requiring sound lobbies on all access points
- Impact on the quiet amenities of Central Park
- Impact on visual amenity
- Screening should be provided to improve visual amenity and noise impact
- No details on what happens to rainwater overflowing from the proposed water butts
- Emptying of portaloos creating a smell, details needed of drainage connection for sewage and waste water disposal
- Concerned that ground incursions will be required
- Legionella, insect and rodent controls
- Climate impact from heat from the marquee, refrigeration, lighting energy requirements and use of generators.
- Unauthorised fan zone on site being used for events independent from the use of Home Park Stadium
- Unauthorised marquee used by Green Taverners at Harpers
- Unauthorised marquee for the use as a gym on site
- Existing Green Taverners marquee accepts non-members on match days
- Unclear if staff, entertainer and under 18s are included in licensed 600 attendees and needs to comply with PAFC General Safety Certificate
- No mention of opening times of the marquee for games covered by Sky and it could attract for away games screened by Sky
- Unless guaranteed to 600 admitted that have match tickets there will be an increase in those travelling to Home Park
- Put pressure on availability for Park and Ride Car Park places and loss of public amenity
- Already have problems with parking on site that is likely detrimental to public and highway safety
- No public parking as allowed in the car park to the east of the marquee
- Does not promote non-car modes of travel
- Increasing parking pressures
- Exact figures of what is required in terms of capacity and delivery traffic movement, especially food and drink deliveries haven't been submitted.
- Submitted information states that food will not be served but Green Taverners website makes reference to food being served in marquee
- Food will probably be supplied from PAFC and will increase catering traffic on the shared road and impact on pedestrian path and cycle lane
- 700 + members trying to access a 600 capacity marquee will put pressure on management to control access.

The letters of support raised the following points:

- Provides betterment/ enhance Plymouth and Plymouth Argyle Football Club (PAFC)

- Location of marquee is no different to what has been there before
- Users of the marquee will be existing users of the old facility/ already visiting Home Park for a match
- Will enhance visitor experience
- Management of the facility will be the same as the successfully managed previous Green Taverners site
- Delaying application will hurt business
- Add funds to the local economy
- Will not disturb or impact local residents
- People in area have been respectful of the surroundings
- Provides a safe and enjoyable meeting place
- Green Taverners do a lot for fans and community
- Marquee is situated in stadium ground so would not impact on Central Park
- Noise and traffic related to match days will still be present with or without the marquee but it could ease arrival and dispersal of people
- Number of people going to PAFC is limited by ground capacity
- Facility is run under strict membership rules and security is in place
- Outland Road will not see any heavier traffic or the noise will not be any greater
- Provides a community hub to the supporters
- They run well organised events, showing respect for residents and the PAFC
- They provide help and charity and opportunities to young people offering volunteering and employment opportunities
- PCC have created a precedent of allowing many festivals and events throughout the year in Central Park
- Part of match day experience
- Level access and proximity to drop off site means it can be enjoyed by all
- Plymouth Argyle Football Club was in the area first (1901) compared to Central Park (1928)
- To lose it would be detrimental to social events that are important in promoting mental health and feeling of isolation
- Have a track record regarding noise in the park and respect the environment.
- Enhance local infrastructure, provide vital amenities, creates opportunities for engagement and activities and instils sense of purpose and belonging
- Offers value for money that ensures resources are invested wisely for long term benefits.
- Will be no extra traffic as fans already going to area
- Noise already within the grounds and doubt noise from marquee would be heard over it

## **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, national development management policies, local finance and any other material considerations. Section 38(5B) of the 2004 Planning and Compensation Act sets out that the determination of any matter under the planning Acts must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Other material considerations include the Joint Local Plan Five Year Review Report (March 2024), the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, Plymouth City Councils Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030 and the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022. Additionally,

the following planning documents are also material considerations in the determination of the application:

- The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020).
- Central Park Masterplan 2017

## **8. Analysis**

1. This application has been considered in the context of the development plan, the Framework and other material considerations as set out in Section 7.
2. The application turns upon policies PLY58.2 - Home Park, DEV1 (Protecting health and amenity), DEV2 (Air, water, soil, noise, land and light), DEV20 (Place shaping and quality of the built environment), DEV29 (Specific provisions relating to transport), DEV31 (Waste management), DEV32 (Delivering low carbon development) and DEV35 (Managing flood risk and water quality impacts) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Policy Framework. The key material planning considerations for this planning application are:
  - Principle of development
  - Impact on the character and appearance of the area
  - Impact on amenity
  - Impact on local highway

### Principle of development

3. The application site is allocated within the Plymouth and South West Devon Joint Local Plan under policy PLY58.2 - Home Park, as a development site, proposing the 'Completion of Stadium Improvement and Appropriate Ancillary Uses'. The policy sets out that the following should be provided by development:
  - i. Access improvements to be delivered in accordance with transport assessment for the proposal.
  - ii. Enabling uses could be acceptable provided that they are of a scale and nature that complement but do not prejudice the sporting use of Home Park and the wider recreational use of Central Park.
4. The proposal seeks permission to erect a temporary marquee to be used by the Green Taverners Members Club. The development also includes portacabins for use as toilets, cellar storage and rainwater storage tank.
5. The Green Taverners were set up in 2011 to support Plymouth Argyle Football Club through their administration. It started as a group of volunteers and now is a larger network of people that has a membership scheme. The Green Taverners raise money, organise events and provide a venue for Plymouth Argyle supporters.
6. The Green Taverners were previously granted consent in 2018 for a two storey building adjacent to Home Park Stadium to be used as a supporters bar. The Green Taverners bar was erected and has been used for the last 5 years. The building has since been purchased by Plymouth Argyle to be used as a hospitality space. The Green Taverners are therefore seeking permission for a marquee for a three year period to continue operating a supporters bar at Home Park.
7. A supporting statement has been submitted with the application from Plymouth Argyle Football Club which states that:

8. "The Green Taverners have been a key component in the club's success, not just over the past five years, but also historically having been a key stakeholder in ensuring the club's financial stability during administration. The Green Taverners and its members have continued to support the club through the Green Taverners suite at Home Park."
9. The statement concludes by saying:  
"The football club has offered the Green Taverners its explicit support in this venture and wholeheartedly supports the planning application. The club looks forward to working with the Green Taverners in the coming years in enhancing the matchday experience for all."
10. The development is set within the confines of the Home Park site and would be of a scale and nature that would complement the existing sporting use of Home Park. It is considered that the principle of the development would not prejudice the sporting use of Home Park and the wider recreational use of Central Park. The Green Taverners have previously been granted permission on site for a supporters bar, it is therefore considered that the principle of the development is acceptable and is in accordance with policy PLY58.2 of the Joint Local Plan.

#### Impact on the character and appearance of the area

11. The marquee is proposed to be situated on land south of the stadium, opposite the Mayflower Grandstand and adjacent to the parking area. The proposed marquee is 35m long and 15m wide, 3m to its eaves and 5.4m to its ridge. Along the western elevation of the proposed marquee would be portacabins containing men's and women's toilets and a separate disabled toilet with level access from the finished floor level of the marquee. An additional portacabin would provide the cellar storage for the adjoining bar area. In the south-west corner is a rainwater storage tank that will contain the marquee surface water roof run-off and supply 'grey water' to the proposed toilets.
12. The proposed marquee would be a steel structure faced with white PVC faced panels and completed with a pitched canvas style roof. Alongside the proposed marquee would be integrated steel portacabins that would be painted white/green.
13. The proposed development is quite a substantial structure but due to its single storey nature and positioning behind the Life Centre and Home Park Stadium it is largely screened from public views. It would be partially visible from the shared road between the application site and the Life Centre and from parts of Central Park such as Gilbert Lane (Mayflower Walk). Whilst the design of the marquee structure is simple in nature, and its overall contribution to the streetscene and appearance of the area is out of character and not of a high quality, Officers recognise that its temporary nature does not significantly harm the character of the area in the long term. Officers do not consider the marquee to be a suitable long-term solution. The supporting information has stated that the intention is for the marquee to be temporary, with it being there for three years which would align with the lease offered to the Green Taverners. The supporting information states that a masterplan is being considered by Plymouth Argyle to develop this area and will include discussions about permanent future accommodation for the Green Taverners. Given the temporary nature, it is considered that the proposed development is acceptable, on balance.
14. A condition restricting this timescale has been recommended and, taking the above into account, Officers consider that the scheme does not conflict with DEV20 of the JLP.

#### Amenity Impact

15. The proposed marquee is intended to fulfil the same function as the previously consented Green Taverners building except food will not be served as there is no kitchen facility being

proposed. It will be used as a supporters bar that is open to Green Taverners members but also available for events such as fundraisers and birthday parties. The marquee would have a capacity of 450 to 600 people.

16. Due to the location of the site, Officers do not consider that the proposal would lead to any significant massing, loss of light, or privacy concerns. The main consideration is the noise impact from the use of the marquee.
17. The closest residential properties are located on Outland Road which are approximately 250m away from the application site. Between the application site and these residential properties is Outland Road, which is a very busy route into the City and the Life Centre. The site is situated a fair distance from the nearest residential properties. The Public Protection Service were consulted on the scheme and they have not raised any objections from a noise perspective. They have advised that they had been consulted on this application as part of the licensing process and conditions have been added to the premises licence in accordance with the Council's licensing policy. The Public Protection Service have recommended a condition that restricts the opening hours from 08.00 to 00.30 hours. The Public Protection Service would also be the body responsible for investigating any noise complaints made. Officers do not consider that the scheme's noise impact would be significant enough to warrant a refusal of planning permission.
18. Concerns have been raised regarding the impact of the development on the amenity and recreational use of Central Park. While the application is not set within the Central Park boundary concerns have been raised regarding noise that would impact on the enjoyment of Central Park.
19. Central Park is allocated in the Joint Local Plan as a strategic green space under policy PLY19 and is described in the plan as a 'premier park for the people of Plymouth. It will become an outstanding venue of regional and national significance for active recreation and formal sport, culture, art and the natural environment. As part of the growth of the city significant improvements will be delivered to enhance the recreational and sporting facilities as well as increasing the wildlife and community value of the park. This will ensure the park provides significant health and well-being benefits for communities, a vibrant and diverse hub for formal sport and recreational activities, and a space where people can access nature'. The policy seeks:
  - Create a park with high quality, vibrant spaces that encourage a diversity of uses and is accessible to communities across Plymouth and beyond.
  - Enhancing existing and creating new sporting facilities that develop the park's role as a key sporting facility for the city and region whilst being sensitive to the park's natural and historic features.
  - Strengthening the links between the Life Centre and the sporting facilities within the park to deliver the highest quality sporting and recreational offer, catering for people of all abilities.
20. The policy also states that any developments around the periphery of the park should be sensitive to the purpose of the park and the natural and built assets it contains.
21. Having carefully considered the submitted information and the concerns raised by the public, it is considered that the proposed temporary marquee would not conflict with the Central Park policy. While there will be noise from the use of the marquee it is not considered it would be significant enough to warrant the refusal of this application. Restrictive conditions have been recommended that would ensure that the marquee is adequately managed and maintained as to ensure that there is not a detrimental impact on the amenity of visitors/ users of Central Park.



22. Conditions have been recommended that restrict the opening hours to align with those imposed by licensing and requiring the submission of a management plan. Therefore, it is considered that with the recommended conditions the proposal would not have a detrimental impact on amenity in line with DEV1 and DEV2 of the JLP.

#### Highway Impact

23. The Highway Authority (LHA) were consulted on the scheme, and initially raised concerns and sought further information. The LHA were concerned about the intensification of the site and the possible net addition of event space causing an unmanaged increase in trips. The LHA were concerned about the lack of parking (cycle, accessible and EV), additional traffic movements, lack of travel plan and lack of loading and unloading provision.
24. The applicant submitted a response to the LHA's initial comments, raising the following points:  
"Home Park Stadium is perhaps one of the most sustainably located football stadiums in the EFL. It is located on a main bus route which links the ground to the city centre, the suburbs of all parts of the city, Tavistock and west Devon as well as Cornwall".  
"Match day buses run from existing park and ride sites, the city centre and Plympton and Plymstock. In addition, the Club is this season offering four new additional specific match day bus services".  
"In addition, the stadium is a short walk from the city's main line station which serves Cornwall and Devon".  
"The Club have facilitated a large coach parking area at Harpers (formerly Goals) which is a short walk from the ground".  
"The Club have facilitated 190 match day car parking spaces at Devonport High School and 75 spaces at Montpellier School. Both locations are within easy walking distance of the Stadium".  
"Staff parking is offered at Scott Business Park which is also within easy walking distance".  
"The Club now operate an EV salary sacrifice scheme within the club which several members of staff have taken up and car share now".
25. The statement confirms that the proposal would not be including any additional parking (including EV and accessible spaces) given that it's a temporary proposal. It states that if the marquee is in operation on non-match days people would use walking, cycling, buses, coaches and trains. It also cites the availability of a large car park with EV chargers adjacent to the site and public parking in the main central park car park located directly in front of Home Park.
26. With regards to loading and unloading they advised that deliveries will be undertaken on non-match days when the level of vehicular and pedestrian activity will be minimal and the majority of the deliveries would be carried out in the deliveries area within the site (via the access gates). They also advised that there is space for cycle parking around the marquee but because of the temporary nature it shouldn't be required and will be something they consider as part of the Home Park Masterplan.
27. A Transport Statement (TS) was also submitted which considered match days and non-match days, which details the transport impacts from the proposed development. Within the TS it stated that the marquee would be a members only bar on match days. It states that the proposed marquee will not be open to the general public and only open to members, with staff on the door to check memberships on arrival. The marquee will be open to members before and after the game and is not open to anyone during the game or at half time, with only staff allowed in the building for cleaning and re-stocking. Therefore on match day, people visiting the marquee will be people that are already attending Home Park to watch the match.

28. On non-match days the marquee is intended to be used in the same way as the previously consented Green Taverners building which was granted consent in 2018. The building had a capacity of around 600 and the use of the building was originally permitted for 7-days a week between 10.00hrs and 00.30hrs and later extended to 02.00hrs to align with the permitted Plymouth City Council licence conditions.
29. The TS states that Plymouth Argyle purchased this building in 2024 and it is now in use for Club hospitality on match days and club related purposes including player dining and meeting room facilities on non-match days.
30. The TS states that travel to the marquee will be exactly the same as for match days, walking, cycling, bus and train or taxi taking advantage of the site's sustainable location. Evening events will have use of the consented car park to the east of the proposed marquee. Day time parking will take place within the large Milehouse free car park immediately west of the Stadium which is available for public use 24 hours a day and seven days a week on an unrestricted basis.
31. The TS states that drop offs for passengers visiting the marquee will be the same as the former Green Taverners building through the shared surface highway that runs between the Stadium and the Life Centre from Jack Leslie Way, which is the road that runs around the perimeter of the Milehouse car park. The TS also states that there is a shared surface private road that runs between the Stadium and the area known as the Mayflower Quarter where the application site is. This road provides access to the rear of the Mayflower Grandstand, the former Green Taverners building and the Club car park. On non-match days this private road has a very low traffic use. It enables all deliveries to be made to the Club, the former Green Taverners building and the Mayflower Quarter without any impedance upon the low flow of traffic on the road. Deliveries to the proposed marquee will be made in the same way. Delivery vehicles are able turn at the car park entrance and exit the site in forward gear.
32. The Local Highway Authority considered the further details submitted and considered sufficient delivery arrangement details had been submitted. When considering parking the LHA accepted that on match days the marquee would not result in an increase in the number of vehicular movements in the vicinity of the stadium, or parking demand, as those attending will be attending the game.
33. On non-match days the applicants have stated that evening events will have use of the 2021 approved car park to the east of the proposed marquee and daytime parking will take place in the large free council car park to the West of the stadium. In terms of the 2021 approved car park, it is stated that no public parking will be allowed however the applicant has confirmed it is primarily GT members who will be using the marquee and therefore the 2021 approved car park. This is acceptable in principle to the LHA but have recommended condition requiring the submission of a management plan that includes parking arrangements to ensure parking is available and where it is not available a viable alternative is provided.
34. The TS does not mention accessible parking, cycle parking, or a travel plan. The LHA have stated that they would usually expect to see these aspects covered in the context of a planning application where potentially new trips to or from a site are proposed. The submitted details have no evidence to demonstrate if new trips to the site will consistently occur over the three year proposed use period, particularly on non-match days.

35. The LHA have considered the submitted details and have stated that they are able to remove their objection but subject to their recommended conditions which require accordance with the submitted Transport Statement and the submission of a Management Plan for the site and a Travel Plan. Officers have considered the wording recommended for the Travel Plan and have amended it so that it more proportionate to the scale of the development.
36. Having carefully considered the comments from the Local Highway Authority it is considered that on match days the marquee would not attract any more trips to the site than what already existed as people who will be visiting the marquee will already be attending a match at Home Park. On non-match day events it is considered that there may be an increase in visitors to the site but with the recommended conditions requiring the submission of a management plan and travel plan the proposal would not have significant impact on the local highway network and parking. Officers therefore consider that the scheme accords with DEV29 of the JLP.

#### Drainage

37. The site is located in Flood Zone 1 and considered to be at a low risk from fluvial and tidal flooding. Surface water flood risk mapping indicates the site is at a low risk from a 1 in 100 year return period event.
38. The site is located in a Critical Drainage Area where the Environment Agency considers the existing drainage system to be at or close to capacity.
39. The applicant proposes to discharge surface water to the existing surface water drainage system installed for a previous planning application that meets Local Flood Risk Management Strategy requirements. Following review of the submitted information the LLFA have no objection to this application for a period of three years. The proposal is therefore considered to comply with policy DEV35 of the JLP.

#### Climate Emergency

40. Due to the scope of the development proposed and its temporary nature, Officers consider that it would not be proportionate to seek any low carbon mitigation measures in line with DEV32 of the JLP or the CEPS.

#### Biodiversity Net Gain

41. The proposal is exempt from Biodiversity Net Gain requirements and is considered 'de minimis' because no habitat is impacted by the development.

#### Habitats Regulation Assessment

42. The project has been considered in light of the assessment regulations of Regulation 63(1) of the Habitat Regulations 2017 by the above officer of Plymouth City Council.
43. Having considered the nature, scale, timing, duration and location of the project, it was concluded that it be eliminated from further assessment because it cannot have a conceivable effect on a European site. The reason for this conclusion is that the project will not in itself impact, or the development is too far from the European site, and will not result in any pressures on the European sites.

#### Other Matters

44. Within the concerns raised through the public comments it was raised that the emptying of the Portaloo's/ toilets create smells, however it isn't considered that the smells generated from this would not be significant to warrant the refusal of this application as it would not be constant and would be temporary.

45. Concerns have also been raised regarding legionella, insect and rodent controls. It is not considered necessary to impose rodent controls as there is no kitchen facility proposed to serve food. Concerns about legionella bacteria are not a material planning consideration and is covered by health and safety law.
46. It is noted that a public comment has raised concerns about climate impact from heat from the marquee, refrigeration, lighting energy requirements and use of generators however given the scale of the development and its temporary nature it isn't considered reasonable to seek any mitigation measures. Officers note that any permanent proposals for the site will need to consider climate emergency measures.
47. It is acknowledged that within the public comments concerns have been raised about unauthorised development on site, these matters are being looked into separately and do not affect the determination of this application which shall be judged on its own merits.

### **9. Human Rights**

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

### **10. Local Finance Considerations**

None.

### **11. Planning Obligations**

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations are not sought due to the nature and size of proposal.

### **12. Equalities and Diversities**

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

### **13. Conclusions and Reasons for Decision**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the notwithstanding the poor design quality, given the temporary nature of the proposal and the benefits it will provide to the sporting facilities, the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

### **14. Recommendation**

In respect of the application dated 05.08.2024 it is recommended to Grant Conditionally.

## **15. Conditions / Reasons**

The development hereby permitted shall be carried out in accordance with the following approved plans:

### **1      **CONDITION: APPROVED PLANS****

Proposed Floor Plan P1259 - 03 Rev C received 06/08/24  
Proposed Elevations P1259 - 04 Rev B received 06/08/24  
Proposed Master Site Plan Indicating Site levels P1259 - 05 Rev A received 06/08/24  
Proposed Site and Block Plans P1259 - 02 Rev C received 06/08/24

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

### **2      **CONDITION: COMMENCE WITHIN 3 YEARS****

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

### **3      **CONDITION: MANAGEMENT PLAN****

#### **PRE-USE**

Prior to the first use of the development hereby permitted, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of noise management, security management and traffic/ parking management associated with the use of the site, including EV Charging and Accessible Parking. Contact details shall also be provided (including postal address, email address and telephone number) of the person to be contacted for external enquires and complaints about any issues arising from the use of the site and shall include a commitment to keep this information up to date. Thereafter, the development hereby approved shall continue to be managed permanently in accordance with the approved management arrangements.

Reason:

To ensure that the proposed use complies with the submitted details and does not give rise to unacceptable noise and disturbance to near neighbours, or cause parking problems and to ensure compliance with policy DEV2 and DEV29 of the Plymouth and South West Devon Joint Local Plan, the accompanying Supplementary planning Document 2020 and the NPPF.

### **4      **CONDITION: TRAVEL PLAN****

#### **PRE-USE**

Prior to the first use of the development hereby permitted, a Staff and Visitor Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Staff and Visitor Travel Plan shall be prepared in accordance with policy and best practice. The plan should primarily focus on non-match day use. From the date of first use the developer shall operate the approved Travel Plan.

The Staff and Visitor Travel Plan shall include practical methods to encourage modes of transport other than the private car such as:

- o Travel information provision to be provided with event invites, in particular bus and rail use (including park and ride) and safe recommended walking routes
- o Promotion of car sharing amongst Staff and Visitors
- o Provision of shower and changing facilities for staff
- o Measures to regulate the management and use of permitted car parking areas and mitigate against overspill on-street parking
- o Mechanisms for monitoring and review
- o The appointment of a Travel Plan Coordinator and notification to the Local Planning Authority of their contact details
- o Measures for enforcement of the Travel Plan, should agreed objectives and targets not be met
- o An agreed timescale for implementation of the agreed measures.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019 and NPPF.

## **5 CONDITION: EXTERNAL LIGHTING**

### PRE-USE

The development shall not be brought into use until details of the external lighting of the marquee and external areas have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use and retained as such thereafter.

Reason:

To protect the general amenity of the area from any harmfully polluting effects and avoid conflict with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework.

## **6 CONDITION: REFUSE**

### PRE-USE

The development hereby approved shall not operate until details of refuse storage facilities and refuse storage plan for the development have been submitted to and approved in writing by the Local Planning Authority. The details are to include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall then be implemented before the premises is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework

## **7 CONDITION: TEMPORARY USE (REINSTATEMENT)**

The marquee hereby permitted shall be removed and the land restored to its former condition on or before 10th January 2028. The use to which this permission relates shall not be carried out after the expiry date. Any structures or works implemented under this permission shall be removed from the site no later than the expiry date and the land restored to its former condition on or before that date.

Reason:

In the opinion of the Local Planning Authority the temporary use to which this permission relates will by the said date have fulfilled its required purpose. The use and development are not considered to be suitable for permanent retention due to its design and a more permanent solution would need to be proposed in accordance policies DEV20 and PLY58 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

## **8 CONDITION: TRANSPORT STATEMENT**

The development shall be implemented and monitored in strict accordance with the submitted Transport Statement dated 23rd October 2024.

Reason: In the interests of highway safety, in accordance with Policy DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and the National Planning Policy Framework.

## **9 CONDITION: VENUE CAPACITY**

The site shall not at any one time be occupied by more than 600 persons, excluding staff.

Reason:

To ensure that the proposed use does not give rise to unacceptable noise and disturbance to near neighbours, or cause parking problems and to ensure compliance with policy DEV2 and DEV29 of the Plymouth and South West Devon Joint Local Plan, the accompanying Supplementary planning Document 2020 and the NPPF.

## **10 CONDITION: OPENING HOURS**

The marquee hereby approved shall only be operational during 08.00 to 00.30 hours.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance and avoid conflict with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

## **11 CONDITION: MATCH DAY**

On match days the marquee shall not be open to the general public and only be open to members of the Green Taverners (full membership or day membership).

Reason:

To ensure that the proposed use does not give rise to unacceptable noise and disturbance to near neighbours, or cause parking problems and to ensure compliance with policy DEV2 and DEV29 of the Plymouth and South West Devon Joint Local Plan, the accompanying Supplementary planning Document 2020 and the NPPF.

## 12 **CONDITION: TREE/HEDGEROWS TO BE RETAINED/PROTECTED**

The trees and hedges located to the southern boundary of the application site shall be retained and not cut down, uprooted or destroyed, nor shall any tree be pruned without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

The erection of barriers and ground protection for the retained tree or hedgerows on the southern boundary shall be undertaken in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policy DEV28 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework

## 13 **CONDITION: NOISE**

No public entertainment or public address system whatsoever, including but not limited to amplified sound or the playing of amplified music, shall take place on site other than within the marquee.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects and avoid conflict with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework.

## **INFORMATIVES**

### **I **INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION****

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

More information and CIL Forms can be accessed via the Planning Portal:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5)



More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

## **2 INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

## **3 INFORMATIVE: TRAVEL PLAN**

The document required in connection with the relevant travel plan condition should be based upon the Council's Travel Plan Guide for Developments in Plymouth published on the Council's website. The guidance is available at this link :

<https://www.plymouth.gov.uk/planningandbuildingcontrol/travelplans> or can be obtained by emailing [Travelplans@plymouth.gov.uk](mailto:Travelplans@plymouth.gov.uk)

Further information on the Council's Travel Plan Audit and Monitoring Fee which may be applicable is also contained in the Travel Plan guide and also in the Strategic Planning and Infrastructure Fees Policy which can be viewed here:

<https://www.plymouth.gov.uk/planningandbuildingcontrol/planningapplications/planningapplicationfees>

## **4 INFORMATIVE: BIODIVERSITY NET GAIN AND MINOR DEVELOPMENT**

In accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, this application is considered to be de minimis and exempt from Biodiversity Net Gain requirements. Therefore, this application is not subject to the mandatory Biodiversity Gain condition.