

**ITEM: 06**

**Application Number:** 10/00274/FUL

**Applicant:** Balfour Beatty

**Description of Application:** Use of land for temporary period for storage of spoil heaps in association with Life Centre development

**Type of Application:** Full Application

**Site Address:** LAND NORTH AND SOUTH OF COTTAGE FIELD, CENTRAL PARK MAYFLOWER DRIVE PLYMOUTH

**Ward:** Peverell

**Valid Date of Application:** 01/03/2010

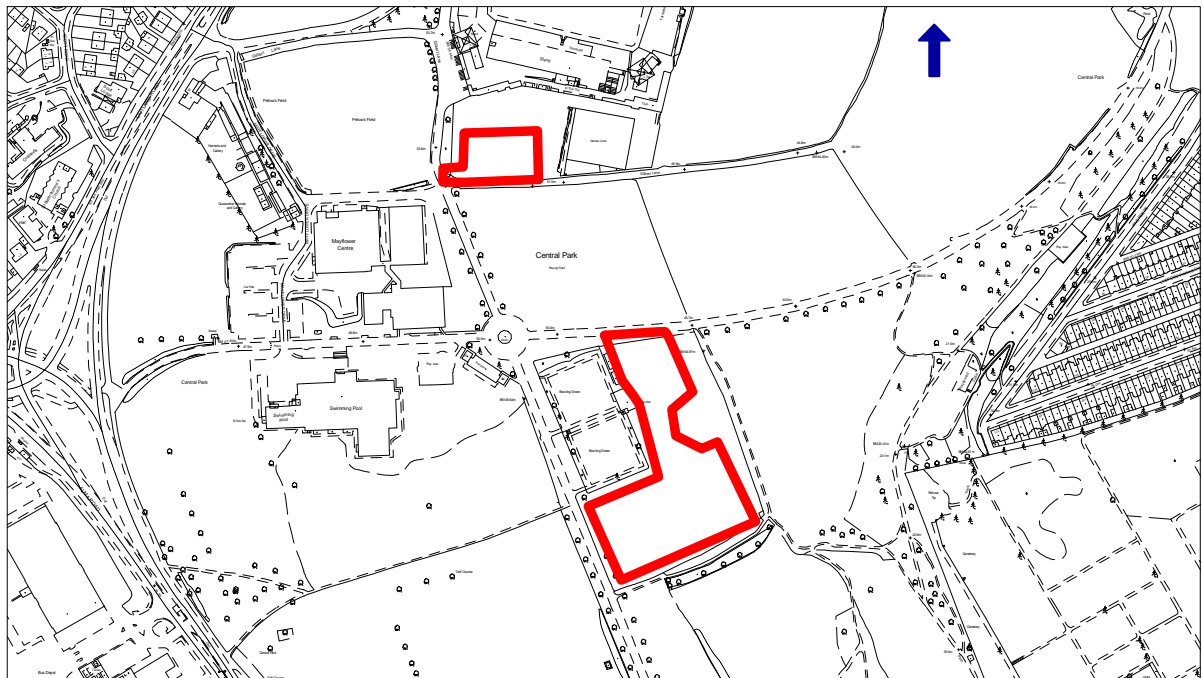
**8/13 Week Date:** **31/05/2010**

**Decision Category:** Major Application

**Case Officer :** Robert Heard

**Recommendation:** Grant Conditionally

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## OFFICERS REPORT

### Site Description

This application affects 2 sites; the existing Home Park car park and a field to the rear (east) and side (south) of the existing public bowling greens that are located just to the south of Cottage Field.

### Proposal Description

This application proposes to use the sites described above for the storage of spoil heaps in association with the Life Centre development. It is intended that the spoil will be used for re-landscaping the areas of the existing Mayflower Leisure Centre and Central Parks Pools buildings when they are demolished (upon completion and opening of the Life Centre), as these areas will be returned to parkland.

The application makes provision for securing both sites, by proposing to erect a 1.8 metre high fence to enclose both areas. All trees that will be affected by the development are also proposed to be protected and a temporary haul road is planned to the east of the bowling greens to give vehicular access to this area. Both sites will be returned to parkland upon completion of the restoration works at the Mayflower Centre and Central Parks Pools sites.

### Relevant Planning History

09/00258/FUL - Life Centre to include:- sport and leisure centre (Class D2) on three levels consisting of cafe/foyer, dive pool with spectator seating, 50m 10 lane competition pool with spectator seating, leisure water, climbing zone, 12 court sports hall with spectator seating, wet and dry changing facilities, dry dive training room, 8 lane indoor bowls centre, multi-purpose dance/creche/soft play/martial arts area, studio/asb squash, fitness gym, ancillary staff and office accommodation and other associated developments including: transport hub, car parking, coach lay-by, new junction to outland road, amendment to park and ride layout, demolition of the Mayflower Centre and Central Park Pools, relocated events field and associated hard and soft landscape improvements. GRANTED.

### Consultation Responses

#### Public Protection Service

No objections subject to conditions.

#### Highways Officer

No objections subject to conditions.

### Representations

2 letters of representation received, both objecting to the application on the following grounds:

- Concerned that the temporary status will be permanent

- The proposed vehicle access to the site will be hazardous to park users
- There are no plans to show exactly where the spoil heaps will go or how big they will be

### **Analysis**

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.

The Life Centre planning application (listed above in the planning history section) was approved by the planning committee in August 2009. It is for a new sports and leisure centre on Pellows Field, containing the following facilities:

- Entrance foyer/reception with cafe
- A dive pool to FINA standards with spring boards, platforms and moveable floor.
- A 50m long and 10 lane wide competition pool with 2 moveable floors and 2 submersible booms
- A leisure pool with 2 water flume rides
- A climbing zone with climbing wall and bouldering area
- A 12 badminton court sports hall suitable for a range of sports with high level spectator seating
- Wet and dry changing facilities
- Dry dive training room
- An 8 lane indoor bowls facility with ancillary social area
- Multi purpose crèche/soft play/martial arts area
- Dance studio with dual use as 2 squash courts
- A 150 station fitness gym including health suite
- Ancillary office and staff accommodation

Ancillary to the above, the application also includes provision for 350 car parking spaces including disabled spaces, coach lay by and parking, service access, new road junction to Outland Road, amendments to existing Park and Ride layout to form new junction, demolition of existing Mayflower Centre and Central Park Swimming Pools, hard and soft landscape works and a new transport hub serving the existing park and ride site, Life Centre and Central Park.

Work on site has recently commenced and there is a need to find a suitable location for the storage of soil due to the excavation and re-grading works taking place at the site. The sites proposed for spoil storage in this application are considered by the applicants to be the most convenient and

sustainable, as they will remove the necessity to transfer the material from the site and import new material for future landscaping works.

It is considered therefore that the main issues raised by this planning application are those of use, visual impact, and highways issues.

### **Proposed Use**

The proposed use is temporary and for the duration of the Life Centre construction process, the subsequent demolition of the Mayflower Centre and Central Parks Pools buildings and the return of these sites to parkland following demolition.

Inevitably there will be some disruption to the park during the construction process of such a large and significant building with ancillary roads, parking and landscaping. However, considering the scale of the development the construction period is relatively short and the programme for the completion of the entire project is March 2012 (following opening of the Life Centre in November 2011).

The Plymouth Argyle car park site is private and for the majority of the time (other than match days) is under used. Visually, it is not an attractive site and contains a number of temporary buildings housing the club shop and offices. The surfacing in this area is poor and there are many potholes on the site. The area is not parkland and is not publicly accessible. It is considered that the use of this area for the storage of spoil for a temporary period is acceptable and would not be detrimental to the surrounding area and parkland.

The area to the side and rear of the existing public bowling greens and to the south of Cottage Field is located within Central Park and is significantly larger than the Plymouth Argyle car park site. A temporary haul road is proposed from the northern boundary of the site (just behind the bowling greens site) and in terms of access for vehicles, links the site to the main park avenue that runs from east to west in this part of the park. The haul road runs from the northern boundary into the site and up hill (behind the existing bowling greens) to an area to the south east of the bowling greens which is proposed for the spoil heaps storage (this area is the flattest part of the site and most suitable for spoil storage). The whole site (and haulage road) is proposed to be enclosed by a 1.8 metre high heras fence and all trees will also be protected by fencing.

In terms of use, this area does not appear to be as well used as others near to it in the park. Cottage Field (to the north) is well used and during certain times of the year is marked out and used as a football pitch and the areas to the south of the site are flatter and also used as sports pitches at certain times of the year (Tipsite 1, 2 and 3). It is considered that whilst it is unfortunate that this small area of the park will be unavailable to the public for a temporary period, this area is not a part of the park that is particularly highly used and is also not used for formal sports events or games, thus its loss for a temporary period for spoil storage is considered acceptable.

### **Visual Amenity**

The proposed spoil heaps will have a maximum height of 6 metres and will follow the natural contours of the ground at both sites. As described in the section above, the Plymouth Argyle car park site is characterised by temporary buildings and uneven surfacing. Visually it is not an attractive site or part of the park and its use for a temporary period for the storage of spoil would not be significantly harmful to local visual amenity. The site would be enclosed by heras fencing that would ensure the majority of spoil is not viewable from outside of the site from ground level, particularly as land levels within the site fall to the east, away from the publicly accessible areas around the site.

With regards to the site to the side and rear of the bowling greens, this particular field is not prominent (it is hidden by the bowling greens and boundary planting) and as already stated is not well used in comparison to some of the nearby fields that are part of Central Park. A 1.8 metre high heras fence is proposed to enclose the spoil heaps and haul road, which together with the existing boundary planting and bowls pavilion provides adequate screening at ground level from the site. Although it is likely that the top of the spoil heaps will be visible over the fence when the soil is stacked to a maximum height of 6 metres, the set back distance, fence and existing natural screening ensure that the spoil will not be dominating to users of the park. The application thus accords with policy CS34 of the City of Plymouth Local Development Framework Core Strategy (2007).

### **Highways Issues**

The main highways issues that the application raises are those of access. The spoil within the Plymouth Argyle car park site can be accessed via Pellows Field by crossing Gilberts Lane, a journey of some 20 metres. This is acceptable and does not raise any highway safety issues.

The access to the second spoil site adjacent and to the rear of the existing bowling greens includes the construction of a new haul road across the field behind the existing bowling greens. Details of the haul road have been provided within the application and are considered acceptable. However, in order to gain access onto the haul road traffic will have to travel along the footpath network within the park itself. This route is well used by pedestrians and cyclists and a management plan is therefore required by condition to ensure that routes, times of use and methods of ensuring public safety are secured. This information is already in the process of being put together and details are required to be formally submitted under the Code of Practice during construction condition that is attached to this report.

Details of methods of repair or re-instatement of the route will also be required by condition as the footpaths within the park will not have been designed to withstand heavy loads and construction traffic. The proposed haul road will also need to be removed and returned to parkland following completion of works and this can also be secured by condition.

### **Letters of Representation**

The 2 letters of representation received are summarised above in the representations section of this report. With regards to the points raised; the temporary status will not be allowed to become permanent and this will be controlled and secured by planning condition to ensure the land is restored to its former condition following completion of works at the site. The proposed vehicle access to the site will be strictly controlled by details required by planning condition to ensure that routes, times of use and methods of ensuring public safety are secured and that conflict with pedestrians and park users will not arise. Lastly, details have been submitted showing the location and height of the proposed spoil heaps and these are considered acceptable.

### **Equalities & Diversities issues**

No relevant equalities or diversities issues raised.

### **Section 106 Obligations**

None required.

### **Conclusions**

This application proposes to use 2 areas of land within Central Park for the storage of soil during the construction phase of the Life Centre development, so that land excavated at the site can be re-used to landscape the Mayflower Centre and Central Parks Pools buildings sites upon demolition of the buildings.

As explained in this report, subject to conditions, the application is considered acceptable and ensures that existing excavated soil is re-used within the park. The application is thus recommended for approval subject to conditions.

### **Recommendation**

In respect of the application dated **01/03/2010** and the submitted drawings, **(90)050, (90)051, D130475/600, (90)102, (90)101 and accompanying Design and Access Statement**, it is recommended to: **Grant Conditionally**

### **Conditions**

#### **TEMPORARY USE**

(1) The use of the sites hereby permitted for the temporary storage of spoil heaps shall be discontinued by 31 October 2012 and the land at both sites shall be returned to its former condition by 31 October 2013, in accordance with details of a scheme of work to be submitted and agreed in writing by the Local Planning Authority, unless a further permission has been granted for the use to continue.

Reason:

To ensure that this temporary application does not become permanent, in accordance with Policy CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

#### CODE OF PRACTICE

(2) Prior to the commencement of the development hereby approved, a detailed management plan for the works involved in forming and removing the spoil heaps shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the general amenity of the area from any harmfully polluting effects during works and avoid conflict with policy CS22 of the Plymouth Local Development Framework Core Strategy (2007).

#### TREE PROTECTION DURING WORKS

(3) The existing trees and hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to 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 an excavation be made, without the written consent of the local planning authority.

Reason:

To ensure that any trees or hedgerows to be retained are protected during works in accordance with Policies CS18 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2007).

#### PUBLIC FOOTPATH REPAIR

(4) Any damage caused to the public footpath network during the works shall be repaired and reinstated, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To ensure that any damage caused to the public footpath is repaired, in the interests of public safety, convenience and amenity and in accordance with Policy CS28 of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

#### CONTAMINATION RISK ASSESSMENT

(5) Prior to movement of any soil, a specific contamination risk assessment and method statement for the removal and storage of material shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that contaminants in the soil do not pose a risk to health or the environment, in accordance with Policy CS22 of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

**INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION**

(1) The management plan required by condition 2 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any problems, and site security information;
- b. Works traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and works traffic parking; and
- c. Hours of site operation, dust suppression measures, noise limitation measures.

**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: the impact of the proposal on the park and public safety, transport aspects and contamination aspects, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS22 - Pollution
- CS12 - Cultural / Leisure Development Consideration