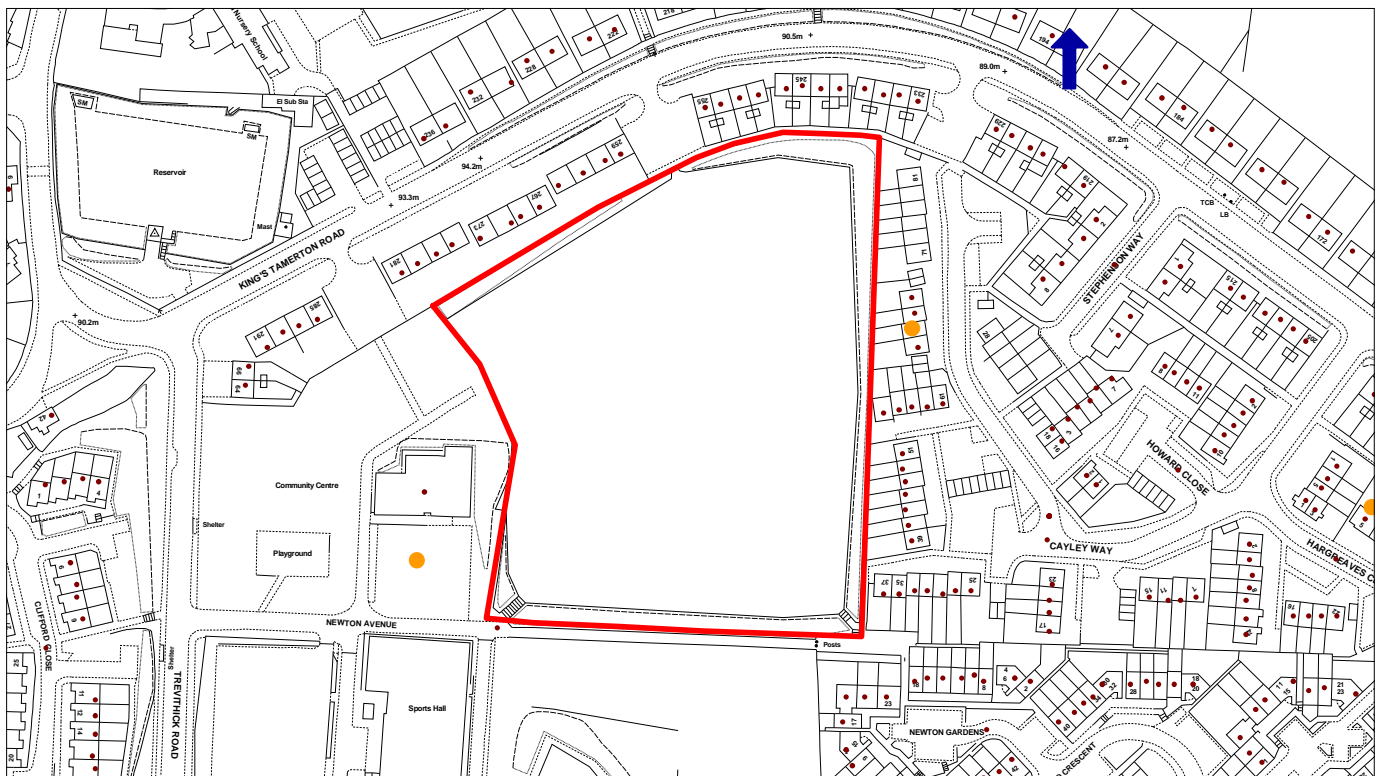


PLANNING APPLICATION REPORT



ITEM: 6.7

Application Number:	13/00819/FUL
Applicant:	Marine Academy Plymouth
Description of Application:	Substitution of two grass football pitches with one artificial multi-purpose pitch, floodlighting and fencing
Type of Application:	Full Application
Site Address:	MARINE ACADEMY PLYMOUTH, TREVITHICK ROAD PLYMOUTH
Ward:	St Budeaux
Valid Date of Application:	13/05/2013
8/13 Week Date:	12/08/2013
Decision Category:	Major - more than 5 Letters of Representation received
Case Officer :	Robert McMillan
Recommendation:	Refuse
Click for Application Documents:	www.plymouth.gov.uk



Site Description

The site is the large Marine Academy Plymouth grass playing field north of Newton Avenue. There is housing to the north and east, the main Marine Academy Plymouth campus to the south and the community centre and open land to the west. It has an area of (1.76) ha and a frontage with Newton Avenue of 125m. There is 3m high chain link fence around the perimeter. It is used as two football pitches with two long jump runs and sand pits in the north east corner and three abandoned cricket net surfaces in the north west part. There is container on the western boundary. There are verges outside the fence line on the northern, eastern and southern edges which have trees and vegetation to differing degrees of density being most effective on the western part of the northern boundary and on the southern boundary. There are some trees and vegetation adjoining the western boundary.

The land falls from north to south and it is raised above Newton Avenue and many of the surrounding dwellings particularly in the north east part by up to 2.5 – 3m.

Proposal Description

The proposal is to install an all-weather artificial grass pitch on the site. It would measure 97m by 63m. It would be within a fenced compound measuring 103m by 73m. The steel mesh fencing would be 3m high on all sides except the western part rising to 4.5 behind the goal areas. The western side would be 4.5m high for its full extent. There would be floodlights on eight columns 15m tall, with four on each of the long sides. The playing area would provide one full size football pitch which could also be used as three five/six aside pitches.

The pitch and fencing would be set in from the boundaries so would not interfere with the boundary trees and vegetation.

The long jump runs and pits and cricket net bases and storage units would remain.

Pre-Application Enquiry

No proper pre-application discussions took place.

Relevant Planning History

13/00886/FUL - Erection of two single storey buildings for use by Air Training Corps and Army Cadet Force; with associated works- NOT YET DETERMINED.

13/00335 – FULL - Erection of new school building incorporating primary school, children's nursery and sixth form facility. Creation of new playground, including associated hard and soft landscaping, 50 space car park, new pedestrian access routes and external classroom. Demolition of existing music and construction buildings. GRANTED.

13/00594 – FULL - Refurbishment and partial demolition of 1980's block and replacement with new 3 storey extension (revision to planning permission 12/00330/FUL) by the increase in the height of the building by 600mm and change to the roof plant and equipment – PENDING.

12/00330 – FULL - Refurbishment and partial demolition of 1980's block and replacement with a new 3 storey extension – GRANTED.

10/00430 – FULL - Erection of 2.4 metre high security paladin fencing around playing field north of Newton Avenue – GRANTED.

10/00429 – FULL - Erection of 2.4 metre high security paladin fencing around school campus (excluding Newton Avenue playing field) – GRANTED.

09/01075 – FULL - Erection of 2.4 metre high security paladin fencing around school campus (including playing fields) – REFUSED.

02/00781 – FULL - Two storey classroom building between playing field and main school building – GRANTED.

09/00121 – FULL - Single-storey canteen extension GRANTED.

Consultation Responses

Environment Agency

No objection subject to a condition on surface water drainage.

Sport England

No objection as it meets Sport England's Exceptions policy on loss of one playing field given the benefits provided by the artificial grass pitch and subject to the Council exploring opportunities to relocate the cricket pitch.

Local Highway Authority - Highways

No objections as the access and parking arrangements are satisfactory.

Local Highway Authority – Lighting Control

The applicant has not provided enough information to prove that there would not be light pollution to the adjoining properties. The artificial surface will reflect light especially when wet. It is their opinion that adjacent properties will be affected.

Public Protection Service

No objection subject to conditions on hours of use and ground contamination. The management arrangements for the use of the facility is important to protect the amenities of the local residents. There is potential for light pollution from the floodlighting.

Representations

There are 39 letters of representation including 17 identical letters raising 5 main points and 13 identical letters raising 6 main points. The letters raised the following points:

1. The pitches are too close to adjoining homes;
2. Light pollution until 10.00pm; the similar facility on Outland Road which is not close to houses is very bright;
3. Noise disturbance until 10.00pm;
4. A noise impact survey should be provided;

5. Greater intensity of use by other teams not associated with the Marine Academy Plymouth;
6. Will prevent residents from using their gardens when the pitches are in use;
7. Will exacerbate on-street parking;
8. The car parks off Kings Tamerton Road are used on match days;
9. The new fencing should not interfere with the trees and vegetation around the site;
10. Can't the pitches be sited closer to the school?
11. The bungalows are allocated to elderly people many of whom go to bed early;
12. Loss of open space for informal use;
13. The land may have village green status;
14. Concern that the site will not be drained adequately;
15. Who would manage the facility continuously from 9.00am to 10.00pm?
16. Too few site notices were displayed;
17. Did not receive a notification letter;
18. Bats fly across the field;
19. The lighting will affect wildlife;
20. Breaches the Human Rights Act of the right to enjoy one's property and respect for private and family life;
21. The adjoining bungalows should be compensated by the provision of conservatories;
22. Doesn't object in principle but the hours of use are too long.

Analysis

(1)The main issues with this application are: the principle of the development; the effect of the greater intensity of use; the impact of the floodlighting on living conditions; and traffic and parking. The main policy considerations are: adopted Core Strategy strategic objectives and policies: SO3 Delivering Sustainable Linked Communities, Policy CS01 Development of Sustainable Linked Communities, SO9 Delivering Educational Improvements, CS14 New Education Facilities, SO11 Delivering a Sustainable Environment, CS18 Plymouth's Green Space, CS19 Wildlife, CS21 Flood Risk, CS22 Pollution, SO14 Delivering Sustainable Transport, Policy CS28 Local Transport Considerations, SO15 Delivering Community Well-being, CS30 Sport, Recreation and Children's Play Facilities and CS34 Planning Application Considerations; National Planning Policy Framework (NPPF); and adopted Supplementary Planning Guidance Development Guidelines.

Principle of development

Loss of a natural grass football pitch

(2)The site is part of the campus of the Marine Academy Plymouth (MAP) on the north side of Newton Avenue. There will be the provision of one full sized senior all weather pitch that could also be used as three 5 or 6 a side pitches. This results in the loss of one grass football pitch and the grass cricket pitch.

(3)Part of policy CS30 states that: "There will be a presumption against any development that involves the loss of a sport recreation or play facility except where it can be demonstrated that there is currently an excess of provision or where

alternative facilities of equal or better quality will be provided as part of the development.”

(4)The provision of an all-weather multi-purpose pitch compensates for the loss of the

(5)natural grass football pitch given its potential for a greater intensity of use. It will enhance the sporting facilities for the Academy and local community to comply with parts of Core Strategy policies CS01 and CS30. Sport England has been consulted and it does not object as the proposal complies with Sport England’s exceptions policy E.5 of its guidance “Policy on planning applications for development on playing fields, 2013”. It recommends that the Local Planning Authority (LPA) explore the possibility of re-provision of cricket on site. There is a similar statement in paragraph 74 of the NPPF. The principle of the loss of the natural grass football pitch and provision of the all-weather facility complies with paragraphs b and c of the third paragraph and last paragraph of Core Strategy policy CS30 and NPPF paragraph 74.

Green Space

(6)The land forms part of Greenscape area 23 together with land to the south and west. It performs the three functions of informal recreation, sport and formal recreation and separation/buffer. The first and third functions have neighbourhood importance and the second has district significance. The site measures about 1.76 ha. The proposed enclosed artificial grass pitch (AGP) would be 0.803ha leaving a balance of 0.897ha. The fencing and lighting columns and floodlighting would create a more urban setting but the land would remain essentially open and improve the sport and formal recreation facility. The land is accessible informally to the public outside of school hours which is likely to remain for the natural grass area that will be un-enclosed. The character of the land would change but the three greenscape functions would remain to comply with policy CS18.

Increased intensity in the use of the land

(7)The proposed development would enable the pitch to be used throughout the year in all conditions and at times of darkness as the applicant is proposing hours of use from 9.00am to 10.00pm during the week and until 8.00pm at weekends. During the week until 5.00pm it will mainly be used by MAP and partner schools. During the evenings and at weekends it will be used by community teams and clubs and Plymouth University. There are 56 dwellings backing on to the site with the distance from the rear walls to the pitch varying from 27m to 59m. There would be more noise and disturbance from such an increase in use. Officers understand residents’ concerns as there will be a greater intensity of use. The authorised use of the land is as a school’s playing field and a degree of disturbance from sport and recreation use is to be expected. Currently the land can be used during daylight hours which restrict late afternoon and evening use especially during the period October – February.

(8)Officers sought a reduction in hours of use but the applicant could only agree to a slight change to 8.00pm at weekends as it is concerned that funding could be withdrawn if the pitch is not effectively used. If the applicant could have agreed to hours of use of 9.00am to 8.00pm during the week, 10.00am to 7.00pm on Saturdays and 10.00am to 6.00pm on Sundays, bank holidays and public holidays and no use on Christmas Day and Easter Sunday, officers believe this would be a satisfactory

compromise. This would have been subject to conditions requiring a robust management agreement on the operation of the facility and the creation of a residents' forum to meet with the operator regularly to deal with issues and concerns arising from the use of the facility. However the applicant could not agree to such a restriction and the increased activity associated sporting and recreational activities with an all-weather facility, particularly in the evenings, would harm the living conditions of adjoining properties contrary to paragraph a of the third paragraph of Core Strategy policy CS30 and Core Strategy policy CS22.

Impact of the floodlighting

(9)The most contentious aspect of the application is the erection of the eight floodlights on columns 15m tall. The distance from the floodlights to the back walls of the adjoining dwellings varies from 20m to 59m. The applicant states in the Design and Access Statement that it believes that the lighting is designed to avoid overspill. The lights will be directed downwards at an angle of 66 degrees. There would be a horizontal cut off restricting the light intensity projecting outside of the site, while the upward waste light factor would be zero. The area for lighting purposes is Environmental Zone E2 and that the proposal would not cause light pollution to the adjoining dwellings. (The Environmental Zones are a hierarchy of lighting with E1 being the darkest and E4 the brightest. E2 comprises areas of low ambient brightness such as outer urban or rural residential areas.)

(10)The Transport and Highways lighting engineers have a different opinion and initially thought that the light trespass to adjoining properties is likely to be more than depicted as reflectance from the artificial grass would be high especially when wet. Officers communicated with the applicant whose lighting consultants disagreed with the LPA. However officers believe there would be a problem with light trespass on to adjacent properties. The isolux lines overlaid upon the coloured plan clearly show 5 – 10 lux upon the roof of the houses. (Lux is a measure of illuminance and the isolux lines show areas of light at any given point, similar to contour lines with height.) The relevant drawing is in two dimensions and assumes the ground is at one level, obviously the roofs and windows are not, it would be necessary to see vertical illuminance levels i.e. what light is falling upon the building frontage and subsequently entering the windows to alleviate concerns that there would be nuisance from light pollution.

(11)As stated above the applicant requires extensive evening use of the facility. The applicant has not provided sufficient evidence to convince the LPA that there would not be harm to the living conditions of the residents in the adjoining properties by reason of light pollution. As such the proposal is contrary to Core Strategy policies: paragraph a of the second paragraph of Core Strategy policy CS30 and Core Strategy policy CS22.

Transport and parking

(12)The traffic generation from the proposal outside school hours would be minimal as compared with the traffic generation associated with the day to day school use and is acceptable.

(13)Residents have raised concerns that clubs using the facility in the evenings and at weekends would use the car parks off Kings Tamerton Road, as currently occurs on

weekend match days. The Local Highway Authority (LHA) does not object to the proposal. The facilities will be ancillary to the Academy. Outside of school hours the existing Academy car park of 68 spaces and proposed new primary school car park for 50 spaces (permitted under planning permission 13/00335/FUL) would be available for use. If permission were to be granted a term could be included in the management agreement instructing users of the facility outside school hours to use the Academy and primary school car parks.

(14) For these reasons the transport and parking matters are acceptable and comply with Core Strategy policies CS28 and CS34.

Other matters

(15) The Environment Agency is satisfied that adequate surface water drainage can be achieved subject to a condition to comply with Core Strategy policy CS21.

(16) The new fencing will not affect the boundary trees and vegetation as it will be set in to the field away from them. A bat survey was not deemed necessary because floodlighting will be used at lighting-up hours. This means that in summer, use of pitches will be possible without artificial lighting until at least 9pm whilst in winter, bats will be hibernating and hence unaffected by early lighting-up at approximately 4pm. In addition, the area is currently used as playing pitches and therefore has very little ecological value for foraging bats. The pitches are surrounded by urban development including housing, the community centre, the school and roads and associated street lights where there is a general level of lighting.

(17) Residents are claiming that they have “rights” to use the land and that it should be a “village green” under the Commons Act 2006. The matter of public rights of access to the land was examined in the 2010 application to fence the field 10/00/430/FUL. At that time there was no evidence that such rights existed: no fresh evidence has been supplied to suggest that there are such rights. The Act has been amended by the Growth and Infrastructure Act 2013. This introduces “trigger events” which exclude the right to apply to register land as a green. This applies in this case as one of the trigger events is the publication of the planning application which occurred on 21 May.

Local financial considerations

(18) There are no local financial considerations with this application.

(19) 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. In the House of Commons Library Document Human Rights and Planning SN/SC/1295, 2010 it states that:

“Courts seem to feel that the whole process of planning decisions should not be overturned just because of the effects of particular decisions on

householders who already have rights to make representations to a democratic body within the planning system.”

Section 106 Obligations

(20)None required.

Equalities & Diversities issues

(21)The facility could be used by all minority groups and officers believe that this includes people with disabilities.

Conclusions

(22)The proposal would improve the sporting and recreational facilities for the Academy, partner schools, Plymouth University and local sports clubs and community to comply with parts of Core Strategy policies CS01 and CS30. As it is an all-weather pitch with floodlighting it would allow for a greater intensity of use as compared with the existing situation. Therein lies the rub as the site is surrounded on two sides by dwellings. The applicant requires full usage up till 10.00pm on weekdays. Officers believe that this is likely to lead to unacceptable noise and disturbance to local residents so late in the evenings. The applicant had not submitted sufficient evidence to convince officers that there would not be harm from light pollution associated with the floodlights. Consequently it is likely that there would be an unacceptable level of light pollution. On the basis of the evidence submitted the proposal is likely to harm the living conditions of the occupiers in the surrounding dwellings by reason noise and disturbance and light pollution contrary to part of Core Strategy policy CS30 and Core Strategy policy CS22. For these reasons the application as submitted is recommended for refusal.

Recommendation

(23)In respect of the application dated **13/05/2013** and the submitted drawings 31619 P(0-)201 Rev E, 31619_LP(90)010 Rev A, 31619_LP(90)011 Rev B, 5940/SITE/01, 5940/GA/01 Rev A, 5940/ELE/01, Fencing detail drawing, Floodlighting column detail drawing, Floodlighting lighting detail drawing, CLa12/1212978/1, Design and access statement, Flood risk assessment, Phase I desk study, Initial site investigation report, and Transport appraisal,it is recommended to: **Refuse**

Reasons for Refusal

HARM TO LIVING CONDITIONS FROM LIGHT POLLUTION

(1) The applicant has not submitted sufficient evidence to establish that the proposal would not cause light pollution. It is likely that the proposed development would harm the living conditions of the residents in the dwellings adjoining the application site by reason of light pollution associated with the floodlighting contrary to part a of the third paragraph of policy CS30 and policy CS22 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

HARM TO LIVING CONDITIONS FROM NOISE AND DISTURBANCE

(2) The noise and disturbance associated with the use of the all-weather sporting facility particularly late in the evening would harm the living conditions of the residents in the dwellings adjoining the application site contrary to part a of the third

paragraph of policy CS30 and policy CS22 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

REFUSAL (WITH ATTEMPTED NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

Relevant Policies

The following (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 (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS14 - New Education Facilities
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS21 - Flood Risk
- CS01 - Sustainable Linked Communities
- SO11 - Delivering a sustainable environment
- CS30 - Sport, Recreation and Children's Play Facilities
- SO3 - Delivering Sustainable Linked Communities
- SO9 - Delivering Educational Improvements
- SO14 - Delivering Sustainable Transport Targets
- SO15 - Delivering Community Well-being Targets
- SPDI - Development Guidelines First Review
- NPPF - National Planning Policy Framework March 2012