

PLANNING APPLICATION REPORT



ITEM: 03

Application Number: 13/02082/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: 05/11/2013

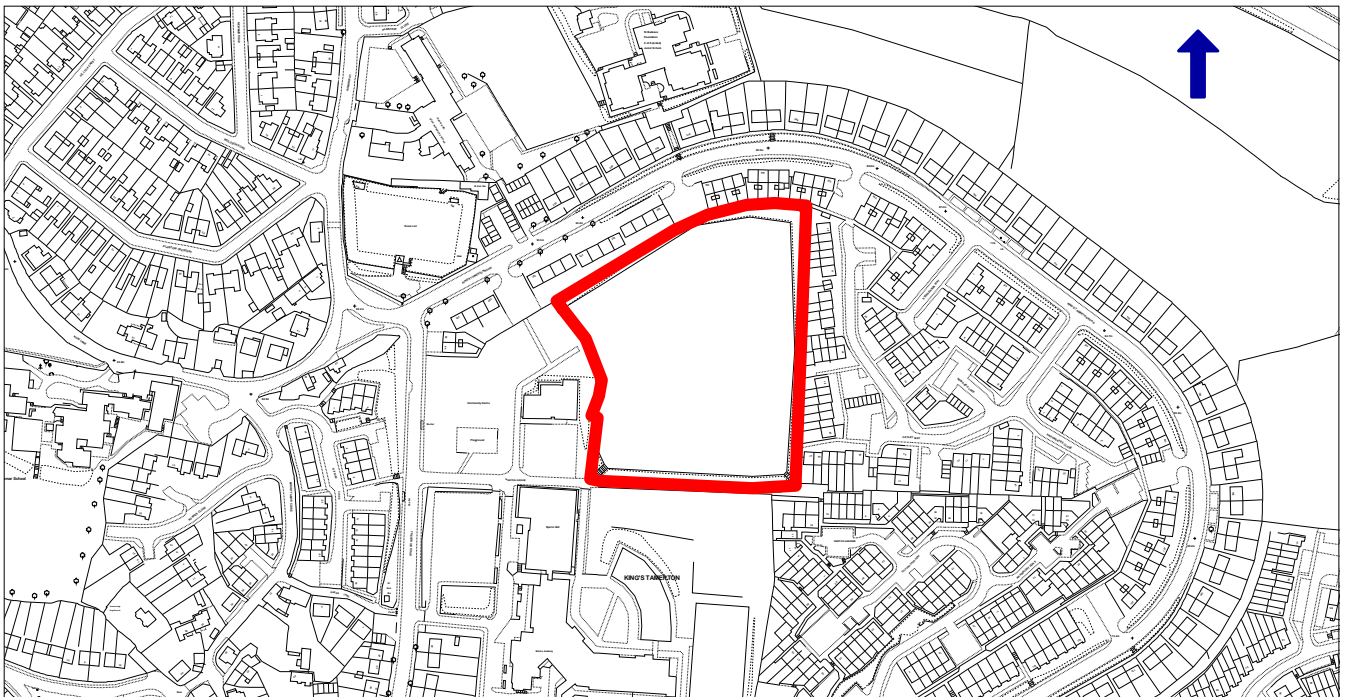
8/13 Week Date: **04/02/2014**

Decision Category: Major - more than 5 Letters of Representation received

Case Officer : Robert McMillan

Recommendation: Grant Conditionally

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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 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 100m by 68m. It would be within a fenced compound measuring 106m by 75m. 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

The applicant has a meeting with officers following the refusal of the previous application reference 13/01593. This resulted in a change to the hours of operation and the provision of noise attenuation measures

Relevant Planning History

13/01593 – FUL - Substitution of two grass football pitches with one artificial multi-purpose pitch, floodlighting and fencing – REFUSED.

13/00819/FUL - Substitution of two grass football pitches with one artificial multi-purpose pitch, floodlighting and fencing – WITHDRAWN. Following the withdrawal in July the applicant and its agents met with officers and provided more information on: the background to the proposals; the floodlighting details; and the varied the hours of use.

13/00886/FUL - Erection of two single storey buildings for use by Air Training Corps and Army Cadet Force; with associated works – GRANTED.

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 and a condition relating to a community use agreement.

Local Highway Authority - Highways

No objections as the access and parking arrangements are satisfactory.

Local Highway Authority – Lighting Control

No objection. Having reviewed the latest lighting design information officers confirm the proposed lighting is acceptable. The design complies with the Institute of Lighting Professionals (ILP) guidance. The source intensity (light which could enter windows) at the window positions is within figures outlined in the ILP document.

Public Protection Service (PPS)

The applicant has provided a noise report and there have been some improvements to the previous scheme to help to alleviate the noise concerns. The proposal for summer and winter hours is welcome. The proposed acoustic barriers at pitch-side will provide a degree of control to the location of the noise source. There will still be some impact on amenity from noise but this is reduced in comparison with the previous applications.

PPS does not object and suggests conditions on: an hours of use; details of the acoustic barrier; code of conduct; and ground contamination;

Representations

There are 50 letters of objection including 38 identical letters with 11 numbered points and six identical letters raising one point. They raise the following matters:

1. Disappointed at this re-submission following the previous unanimous decision by the Planning Committee to refuse the previous similar application;
2. Query the independence and merits of the noise report as it was taken at 7pm with children playing and the background A38 noise does not apply to their gardens;
3. The noise barriers will leave residents with a noise similar to living on a main road;
4. The noise barriers will be ineffective;
5. When the atmosphere is 'heavy' the noise would carry over the barrier;
6. The noise barrier would cut out light;
7. The noise barrier could pose a security risk;
8. The long hours of use and greater intensity of use is unacceptable and will harm the residents' living conditions;
9. The reduction in the hours of use is minimal;
10. Supporters and teams leave up to 45 minutes after the match finishes;
11. The floodlighting will invade their privacy;
12. On lighting has it been taken into account that when there is fine drizzle the droplets act as lenses refracting light in several directions?
13. It will be the closest floodlit pitch of this kind to residents;
14. Will not be able to enjoy their gardens;
15. Will not be able to open their windows;
16. Code of conduct will be ineffective;
17. Loss of an open space used by the local community;
18. The surrounding private car parks for residents are used on match days and if this continues it will cause parking problems for residents;
19. Has the bats issue been taken into account?
20. There should be an ecological survey;
21. The facility should be provided on the southern playing field;
22. Their human rights of right to family and peaceful enjoyment of their properties must be protected;
23. The determination of the application is unfair because the residents cannot afford legal representation compared with the Academy that is represented by an agent;
24. Residents close to the Plymstock AGP are not happy about the noise and floodlighting;

25. The repeated applications causes much stress to residents;
26. Possible damage to the solar panels;
27. Poor consultation exercise by MAP;
28. The letters/cards of support are from people in properties not directly affected;
29. Have been informed by concerned families that children were asked to sign the Marine Academy petition as it would be to their benefit without understanding the full implications.

There are four letters of support from properties in the local area but not directly affected by the proposal. In addition there have been three letters of support from local schools. The points raised are summarised below:

1. Children in the area deserve the best facilities;
2. Will bring a world class facility to an area of deprivation;
3. Will help the community to grow;
4. there will be opportunities for employment and training that will help the area develop
5. There have been very few complaints made by residents to a similar development at Plymstock School
6. The proposals will strengthen partnership working between the Academy and its feeder schools
7. Allow young people and students to develop coaching skills and qualifications;
8. Improve the health and well-being of all stakeholders
9. Would lead to healthier life styles and improve the life chances of local people
10. Help in creating a cohesive community and its transformation.

196 cards of support for the facility have also been submitted

Analysis

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.

The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level.

This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core Strategy

2007 which is considered to be compliant with National Planning Policy Framework guidance.

Introduction

1. This has been a controversial application that has aroused strong local objections mainly from people living in the properties adjoining the site. There has been support too but from a wider area and not from anyone in the affected homes. Members will recall that an application for this proposal was reported to this committee at its meeting on 10 October last year. Officers recommended that permission be granted subject to conditions. Members refused permission for the following reason:

“The noise and disturbance associated with the use of the all-weather sporting facility particularly 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.”

2. The applicant had a meeting with officers after the decision resulting in some amendments to the proposal, specifically the applicant suggested that noise barriers three metres high could be provided and the hours of use would be reduced in the period 1 April – 31 August to end at 7pm.

3. The applicant has included a statement of community involvement it held from February 2012 to November 2013 outlining the meetings and open evenings it arranged.

This has influenced applicant in the reduction in the hours of use, the provision of noise barriers, the need for more landscaping and the agreement with condition 8 for a community forum.

4. These changes and measures have had little effect on the occupiers of the adjoining properties who continue to maintain their objections.

Principle of development

5. Core Strategy Policy CS14 supports well designed educational development that is easily accessible by sustainable transport and includes where appropriate provision for community use. Paragraph 72 of the NPPF gives great weight to the need to create, expand or alter schools. It also states that local planning authorities should work with the school promoters to identify and resolve the key planning issues before applications are made. The principle of the improved sporting facility for the school and wider community use is supported by local and national policy provided that the living conditions of occupiers of the adjoining properties are not harmed unacceptably. This is the key consideration with the proposal.

Need

6. The Plymouth Sports Facility Strategy identifies a current shortfall of five full size synthetic turf pitches (STP) which include artificial grass pitches in the city with none in the north west area north of the A38(T). The facility provides guaranteed use and is not subject to the vagaries of the weather and encourages participation in football for children and adults for the MAP, Plymouth University, partner schools, local clubs and the community. The applicant has been successful in attracting funding package of £724,000. .

Loss of a natural grass football pitch

7. 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.

8. 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.”

9. The provision of an all-weather multi-purpose pitch compensates for the loss of the 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

10. 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 1.7ha. The proposed enclosed artificial grass pitch (AGP) would be about 0.8ha leaving a balance of about 0.9ha. 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

11. 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 restricts late afternoon and evening use especially during the period October – February.

12. The applicant originally proposed longer hours in the previous application of 9.00am to 10.00pm Monday to Friday and 9.00am to 8.00pm at weekends: a total of 91 hours. Officers sought a reduction in hours of use to finish at 8.00pm Mondays to Fridays, till 7.00pm on Saturdays and 10.00am to 6.00pm on Sundays: a total of 72 hours. The applicant could not agree to such a reduction. This is in part due to the funders requiring 85 hours of use a week with 35 hours of use by the community. The compromise is as stated above in paragraph 11. This is not what the residents want or your officers' preferred option. However it is officers' opinion that this is a reasonable compromise.

13. The applicant has provided a noise impact assessment taking noise findings from the site. They took readings in September when three simultaneous football training sessions took place. There were about 50 children and 10-20 spectators present.

14. The report in 5.1 gives the assessment for the winter stating that:

“Sound transmission calculations have been carried out ... It is anticipated that worst-case noise levels from the proposed development will create levels of internal noise no higher than 26dBA within properties with closed windows. Noise levels that low are typically inaudible in day-to-day life and fall well below typical criteria for internal noise.

It is predicted that a general level of 54dBA will occur in each garden, which falls within the 'good' and 'acceptable' guideline values set out for outside noise by the World Health Organisation (WHO).

In regards to internal noise, it is considered that for a property with all windows closed, both criteria given by WHO and BS 8233 (Sound insulation and noise reduction for buildings. Code of practice) are met comfortably by sound transfer into the building.

However, if a property is to have at least one window open, the level of noise is predicted to be approximately 37dBA. This falls within the 'good' and 'acceptable' criteria for BS 8233 but exceeds WHO criteria by 2dB.

From these calculations, it is seen that sound transmission into buildings from the proposed development will have a minimal effect on the local residents.”

15. For the summer assessment the report states in 5.2 that:

“Spot measurements at position 4 (on the eastern part of the site) indicate that the typical noise level from activity on the pitch is 57dBLAeq at the edge of the field boundary. At 18:00 it is seen that the background noise level is 52dBLA90 at the properties, showing that the sports noise is 5dB above background noise. At 19:00, background noise levels are predicted to drop by 2dB to 50dBLA90, in which activity noise will be 7dB above background noise.

To put this change in noise level in relative terms, a noise source that is increased by 10dB will be perceived as twice as loud, while an increase of 1-3dB is not noticeable. Therefore, the activity noise from the existing playing fields is seen as audible above background noise and acceptable, however an increase of +2dB during the extended hours will not be a noticeable change in loudness and the impact from this not be significant.”

16. Part 6 of the report deals with mitigation by the provision of a noise barrier around the compound. It predicts for a 2m high noise barrier there would be a reduction of 3dB and for one 3m high a reduction of 5dB.

17. The report was prepared by a suitably trained and qualified consultant and Public Protection Officers are satisfied with the detail that it supplied. The proposal will increase the intensity of use in comparison to the existing facility and therefore there is still likely to be some impact on amenity due to noise but this is reduced in comparison to the previous applications.

18. Officers suggest two important conditions in relation to the hours of use. These are first that there must be a robust management code of conduct agreement setting out the standards of behaviour that all users of the facility must adhere to with a named contact person residents could contact if problems arose. The applicant states in the design and access statement that it will do this. Second there should be a community forum to deal with issues and concerns arising from the use of the facility. It is suggested that it would comprise representatives for the local residents, local ward member/s, MAP, Plymouth University and the other users of the pitches. Ideally it should meet every two to three months during the first year of operation and then at times to be agreed by the forum.

19. Officers fully understand the strength of feeling of the local residents and accept that there will be a greater disturbance for the occupiers in the surrounding properties. But with the conditions suggested it is the officers' opinion that the living conditions would not be harmed to such an extent to warrant a reason for refusal and that on this matter the application complies with paragraph a of the third paragraph of Core Strategy policy CS30 and Core Strategy policy CS22 and part 17 of the NPPF.

Impact of the floodlighting

20. The other 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 21m 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 E3 that is for small town centres and suburban locations. (The Environmental Zones are used by the Institute of Lighting Professionals and are a hierarchy of lighting with E1 being the darkest and E4 the brightest.) For this location the maximum vertical illuminance on the windows of neighbouring properties is 10 lux with a maximum source intensity of 10,000 candelas. (Lux is a standard unit of illuminance and candela is a standard unit of luminous intensity.)

21. The applicant's lighting engineers have designed the system to comply with the stricter standards for Environmental Zone E2. The maximum illumination measured at the windows of adjoining dwellings will not exceed 5 lux with a light source intensity of less than 7,500 candelas. The scheme has been designed to prevent glare going above the horizontal level of the lights directly to the sky. The reflectance from the artificial pitch surface would fall within 5-8%.

22. The Council's lighting engineers have been closely involved with the application and, with the additional information, are now satisfied that the floodlighting would not cause undue harm to the living conditions of the occupiers in the adjoining properties. This is subject to the proviso that the lighting system must be set up strictly in accordance with submitted design criteria. If when tested further control were to be required the floodlights could be fitted with additional louvre/baffle blades to further restrict and control the light spill intensity.

23. The applicant has now provided sufficient evidence to satisfy officers that the living conditions of the residents in the adjoining properties would not be harmed from light pollution. As such the proposal complies with paragraph a of the second paragraph of Core Strategy policy CS30 and Core Strategy policy CS22.

Transport and parking

24. 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.

25. 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.

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

Site selection

27. At the meeting last October the debate considered the site location in comparison with the playing field south of the Academy, west of the new primary school north of Flamsteed Crescent. Officers asked the applicant to consider the southern area. The applicant has discounted the southern site for operational reasons as users would have to move through the school and is the preferred amenity space for pupils to use. If the southern area were selected pupils would have to use the application site during breaks and lunchtimes: the application site is separate from the Academy and has implications for security and staff management. The applicant states that there would need to be substantial groundworks. The site is also close to neighbouring properties with no intervening vegetation. For these reasons the applicant discounted the southern site and is continuing with the current application site.

Other matters

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

29. The verges around the site are landscaped with trees and vegetation in differing degrees of intensity with parts sparse especially on the eastern part of the northern boundary. These need to be reinforced with appropriate evergreen and deciduous species to provide greater screening and to soften the impact of the proposal. The applicant was invited to submit a landscape masterplan but declined as the matter can be dealt with by the pre-commencement condition 12.

30. 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.

31. Residents claimed 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 3 September.

32. Officers put up 12 sites notices on in the streets surrounding the site where the affected properties are located.

33. 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 – Protection of property and Article 8 – Right to respect for private and family life 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.”

Local financial considerations

Section 106 Obligations

None required

Community Infrastructure Levy

Not required

New Homes Bonus

Not applicable.

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. It is considered that the development plan, the NPPF and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

Equalities & Diversities issues

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

Conclusions

This is the third recent application for this proposal that has understandably aroused strong objections from the occupiers of the adjoining properties. There are also letters and cards of support but these are from people, apart from one, who, in the main, do not live close the site. Officers fully appreciate the concerns people have from the likely increase in noise and disturbance arising from the greater intensity of use of the proposed artificial grass pitch and the possibility of light pollution from the proposed floodlighting. Against these concerns are the benefits of the proposal of the improved sporting facility for the Academy providing a modern synthetic turf pitch for which there is a need particularly in this part of the city. This will benefit the Academy, Plymouth University, partner schools, sports clubs and the local community in improving the health, well-being and self-esteem with the increased participation in sport.

Ideally the affected residents and officers would have preferred a location further away from people's homes. However the night time and weekend hours have been reduced from the first and second applications. The applicant has provided a noise impact assessment and will provide noise barriers to mitigate the noise from the more intensive use of the site. Officers are satisfied with the methodology and findings in the report. There would be a management code of conduct agreement to ensure that the users of the facility would adopt an appropriate standard of behaviour and a community forum would be formed so that residents, MAP and the other users could deal with issues as they arose, especially when the pitch is first used when there could be teething problems. Members may feel that the differences from the previous application are not sufficient to change their previous decision to refuse permission. Officers however consider that the likely increase in disturbance, given the safeguarding measures and conditions, would not be of sufficient weight to justify recommending a reason for refusal.

Officers are satisfied that, with the additional lighting information provided by the applicant, the floodlighting system would be designed so as not to cause undue light pollution.

It is considered that the application complies with Core Strategy policies CS01, CS18, CS22, and CS30 and the NPPF and for these reasons the application is recommended for approval.

Recommendation

In respect of the application dated **05/11/2013** and the submitted drawings 31619P(0-)201 Rev E, 31619_LP(90)011 Rev F, 31619_LP(90)010 Rev A, 5940/SITE/01 Rev A, 5940/ELE/01, 5940/GA/01 Rev B, Zaun Fencing Bay General Arrangement, Zaun Duo Sports Specification, Planning, Design and Access Statement, Flood Risk Assessment, Land Quality Phase I Desk Study Report, Lighting details and Champion Set details, Noise Impact Assessment, and statement of community involvement, it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) 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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 31619P(0-)201 Rev E, 31619_LP(90)011 Rev F, 31619_LP(90)010 Rev A, 5940/SITE/01 Rev A, 5940/ELE/01, 5940/GA/01 Rev B, Zaun Fencing Bay General Arrangement, Zaun Duo Sports Specification,

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

SURFACE WATER DRAINAGE

(3) Before the development hereby approved is commenced, details of a scheme for the management of the site's surface water shall be submitted to an approved in writing by the Local Planning Authority. The details shall include as a minimum:
Details of the final drainage scheme, including pathways and flow routes for excess surface water during extreme weather;
A construction quality control procedure; and
A plan for the future maintenance of the system and of any overland flow routes.

Prior to the occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that the scheme is completed in accordance with the agreed details. The scheme shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development to comply with policy CS21 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and paragraphs 103 - 104 of the National Planning Policy Framework 2012.

CONTAMINATED LAND

(4) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraphs 121 - 122 of the National Planning Policy Framework 2012.

CODE OF PRACTICE DURING CONSTRUCTION

(5) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development 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 residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraphs 17 and 123 of the National Planning Policy Framework 2012.

HOURS OF USE

(6) The development hereby permitted shall not be used outside the hours of 08.00 to 21.00 Mondays to Fridays from 1 September to 31 March, 08.00 to 19.00 from 1 April to 31 August, 09.00 to 19.00 on Saturdays and 10.00 to 18.00 on Sundays, Bank holidays and public holidays and it shall not be used at any times on Christmas Day and Easter Sunday.

Reason:

To protect the living conditions of the occupiers of the adjoining properties to comply with policies CS30 and CS22 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and paragraphs 17 and 123 of the National Planning Policy Framework 2012.

MANAGEMENT AGREEMENT AND CODE OF CONDUCT

(7) The applicant /developer shall submit details of a management agreement for the operation of the development and code of conduct for the users of the facility to be approved in writing by the local planning authority prior to the commencement of the use of the development hereby permitted. The development at all times shall be operated in accordance with the agreed management agreement and code of conduct.

Reason:

To ensure that the facility is managed in an appropriate manner to avoid harm to the living conditions of adjoining properties to comply with policies CS30 and CS22 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and paragraphs 17 and 123 of the National Planning Policy Framework 2012.

COMMUNITY FORUM

(8) The applicant /developer shall submit details of a community forum to be approved in writing by the local planning authority prior to the commencement of the use of the development hereby permitted. The details shall include: the terms of reference; its composition including representatives for the local residents, ward member/s, Marine Academy Plymouth and other stakeholders; and the frequency of meetings.

Reason:

To ensure that the facility is managed in an appropriate manner to avoid harm to the living conditions of adjoining properties to comply with policies CS30 and CS22 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and paragraph 17 of the National Planning Policy Framework 2012.

ACOUSTIC BARRIER

(9) A suitable acoustic barrier shall be erected on the perimeter of the playing area/spectator as recommended within the applicant's noise impact assessment. The barrier shall be 3m high. Prior to commencement of development details of the barrier, including its density and construction, shall be submitted to and approved in writing by the local planning authority. The acoustic barrier shall be installed in accordance with the approved details before the development hereby permitted is used and retained permanently.

Reason:

To protect the amenity of the local area in relation to both noise and lighting as per CS22 & CS34 of the adopted City of Plymouth Core Strategy development plan document 2007 and paragraphs 17 and 123 of the National Planning Policy Framework 2012.

FLOODLIGHTING

(10) The floodlighting system shall be installed in strict accordance with the submitted lighting details, Champion Set details and design and access statement. Before the use of the development hereby permitted is commenced the applicant shall carry out pre-use testing to ensure that the floodlighting system complies with the approved details and submit details of the test results to be approved in writing by the local planning authority. The development shall be operated at all times in accordance with the approved and tested floodlighting system.

Reason:

To ensure that the living conditions of adjoining properties are not harmed by undue light pollution to comply with policies CS30 and CS22 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and paragraph 17 of the National Planning Policy Framework 2012.

EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

(11) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, 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.

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(ca) The erection of barriers and ground protection for any retained tree or hedgerow 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 in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are protected during construction work and thereafter are properly maintained, if necessary by replacement and paragraph 17 of the National Planning Policy Framework 2012.

LANDSCAPING

(12) Details of the landscaping and re-inforcement planting of the verges surrounding the site shall be submitted to and approved in writing by the local planning authority before development is commenced. These details shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraphs 17 and 58 of the National Planning Policy Framework 2012.

LANDSCAPE WORKS IMPLEMENTATION

(13) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012 and paragraphs 17 and 58 of the National Planning Policy Framework 2012.

MAINTENANCE SCHEDULE

(14) No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

To ensure that satisfactory landscaping works carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012 and paragraphs 17 and 58 of the National Planning Policy Framework 2012.

CHANGING FACILITIES

(15) Details of the changing arrangements shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is brought first used.

Reason:

To ensure that there are satisfactory changing facilities for the users of the development and that users do not change in surrounding streets and private parking areas to comply with policies CS30 and CS34 of the adopted City of Plymouth Core Strategy development plan document 2007 and paragraphs 17 and 73 - 74 of the National Planning Policy Framework 2012.

COMMUNITY USE AGREEMENT

(16) Prior to the commencement of the use a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Agreement shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The development shall not be used at any other time than in strict compliance with the approved agreement.

Reason:

To secure well managed safe community access to the sports facility and to ensure sufficient benefit to the development of sport and to accord with policies CS14 and CS30 of the adopted City of Plymouth Core Strategy development plan document 2007 and paragraphs 73 and 74 of the National Planning Policy Framework 2012.

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

(1) 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).

INFORMATIVE: CONDITIONAL APPROVAL

(2) 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 negotiated amendments to the application to enable the grant of planning permission.

INFORMATIVE: CODE OF PRACTICE

(3) The management plan 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 construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.

INFORMATIVE: RELOCATION OF THE CRICKET PITCH

(4) The applicant is advised to give strong consideration to relocating the cricket pitch to the applicant's playing fields on the southern part of the site

INFORMATIVE: SURFACE WATER DRAINAGE

(5) This site is located within the Plymouth Critical Drainage Area. The information provided with the application indicates how an appropriate surface water drainage scheme could be achieved on site using infiltration drainage. To discharge the recommended condition the Environment Agency will be seeking details of the drainage during the construction stage as well as the final scheme. To ensure the scheme is constructed in accordance with the submitted details a construction quality control procedure should be followed which demonstrates the works have been built to an appropriate standard.

INFORMATIVE: COMMUNITY USE AGREEMENT

(6) Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org