

PLANNING APPLICATION REPORT



Application Number	15/01595/FUL	Item	02
Date Valid	11/09/2015	Ward	Peverell

Site Address	LOVES FIELD, CENTRAL PARK PLYMOUTH		
Proposal	Use of field for 32 car boot sales per annum on a permanent basis		
Applicant	Mr Kevin Notman on behalf of Green Taverners		
Application Type	Full Application		
Target Date	06/11/2015	Committee Date	Planning Committee: 19 November 2015
Decision Category	Member/PCC Employee		
Case Officer	Mike Stone		
Recommendation	Refuse		

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1. Description of site

The site is large field in north west corner of Central Park. It is bounded to the north by the council Parks Depot, to the west by the Park and Ride site and to the south by Home Park stadium. Along the west and south boundaries is a screen of trees that form part of Mayflower Drive, an avenue of Horse Chestnut trees running east to west through the park that is covered by Tree Preservation Order 381. The site is in the Beacon Park neighbourhood and the Central Park Action Plan.

2. Proposal description

Use of field for 32 car boot sales per annum on a permanent basis. The site would be used as an overspill area for car boot sales held on Sunday mornings between April and October on the roadway that runs around the nearby Home Park stadium.

3. Pre-application enquiry

There was no pre-application enquiry for this proposal.

4. Relevant planning history

There is no relevant planning history.

5. Consultation responses

Local Highway Authority - Concerns have been raised regarding the impact this proposal could have on the ability to run a Sunday park and ride service from Milehouse at some point in the future – if approval were granted it should only be a temporary consent.

Public Protection Service – recommend approval subject to a condition on hours of operation and an informative on land quality.

Public Health – no objections, well managed car boots sales can contribute to social cohesion.

Sport England – object on the grounds of loss of playing fields. The established use of the land is as a playing field, the emerging Plymouth Plan for Playing Pitches identifies a current and predicted future shortfall playing pitches. This site could be brought back into active use as a playing pitch to help meet these deficiencies.

6. Representations

Sixteen letters of objection have been received. The letters raise concerns that the development would be out of keeping, would result in damage to the field, would lead to an increase in litter in the park, would lead to road safety problems, prevent access to nearby residential properties and lead to the loss of greenspace.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). In the case of this application it also comprises the Central Park Area Action Plan.

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

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

- Development Guidelines Supplementary Planning Document.

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

Is the development acceptable in principle?

2. The site is covered by policy CP04 of the Central Park Area Action Plan. This policy deals with improvements to the park and states that it will aim to “deliver a comprehensive range of environmental improvements to Central Park in accordance with a Masterplan that will be prepared in consultation with local communities and users of the park.” The Central Park Masterplan identifies Loves Field as a Junior (Under 13 -Under 14s) football pitch. Sport England has stated that the site “is a playing field with aerial imagery confirming a playing pitch marked on the site in 2007 for ... The current established land use is playing fields.”
3. The Plymouth Playing Pitch Strategy 2007 – 2016 identified a current city-wide shortfall of 19 junior football pitches, rising to 34 by 2016. LDF Core Strategy Policy CS 30 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. Despite the limited period of operation, the proposed use would have the potential to have an adverse impact on the quality of the field resulting in the possible loss of a playing pitch site. This would be contrary to policy CS 30 and for this reason it is recommended for refusal.
5. Additionally the Masterplan identifies the pedestrian entrance to the park adjacent to Loves Field as an entrance to be developed in the future. Along the southern boundary of the field at this point are the protected trees of the Mayflower Drive.
6. These protected trees are large with rooting areas that will be extensive and spread deep into the field. If vehicles and stalls are placed here on a regular basis through the Spring and Summer it is likely that a significant amount of compaction could take place. It may be possible to condition an exclusion zone around the root protection area, but this would be difficult to enforce, given the nature of the proposed use. Given the potential for damage to important protected trees the proposal is considered to be contrary to policy CS 18 and is recommended for refusal.

9. Human Rights

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

10. Local Finance Considerations

Under the present Community Infrastructure Levy charging schedule no CIL contribution is required for this development.

11. Planning Obligations

None

12. Equalities and Diversities

There are no equalities and diversities issues.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal does not accord with policy and national guidance and specifically LDF Core Strategy Policies CS18 (Plymouth's Green Space), CS30 (Sport, Recreation and Children's Play Facilities) and paragraph 74 of the NPPF.

13. Recommendation

In respect of the application dated **11/09/2015** and the submitted drawings ,it is recommended to:
Refuse

14. Reasons

LOSS OF PLAYING PITCH

(1)The Development would lead to the loss of all or part of a playing field, which would prejudice its use and therefore should not be permitted because it would permanently reduce the opportunities for participation in sporting activities. The proposal is therefore contrary to 'A Sporting Future for the Playing Fields of England' and National Planning Policy Framework (NPPF) (in particular par 74) and policy CS30 (sport recreation and children play facilities)

IMPACT ON PROTECTED TREES

(2) The proposed application has the potential for damage to important protected trees the proposal is considered to be contrary to policy CS 18.

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:

INFORMATIVE: (NOT CIL LIABLE) 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).

REFUSAL (NO NEGOTIATION)

(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 works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This includes the offer of pre-application discussions to resolve issues of concern to the Council prior to formal submission of a planning application. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.