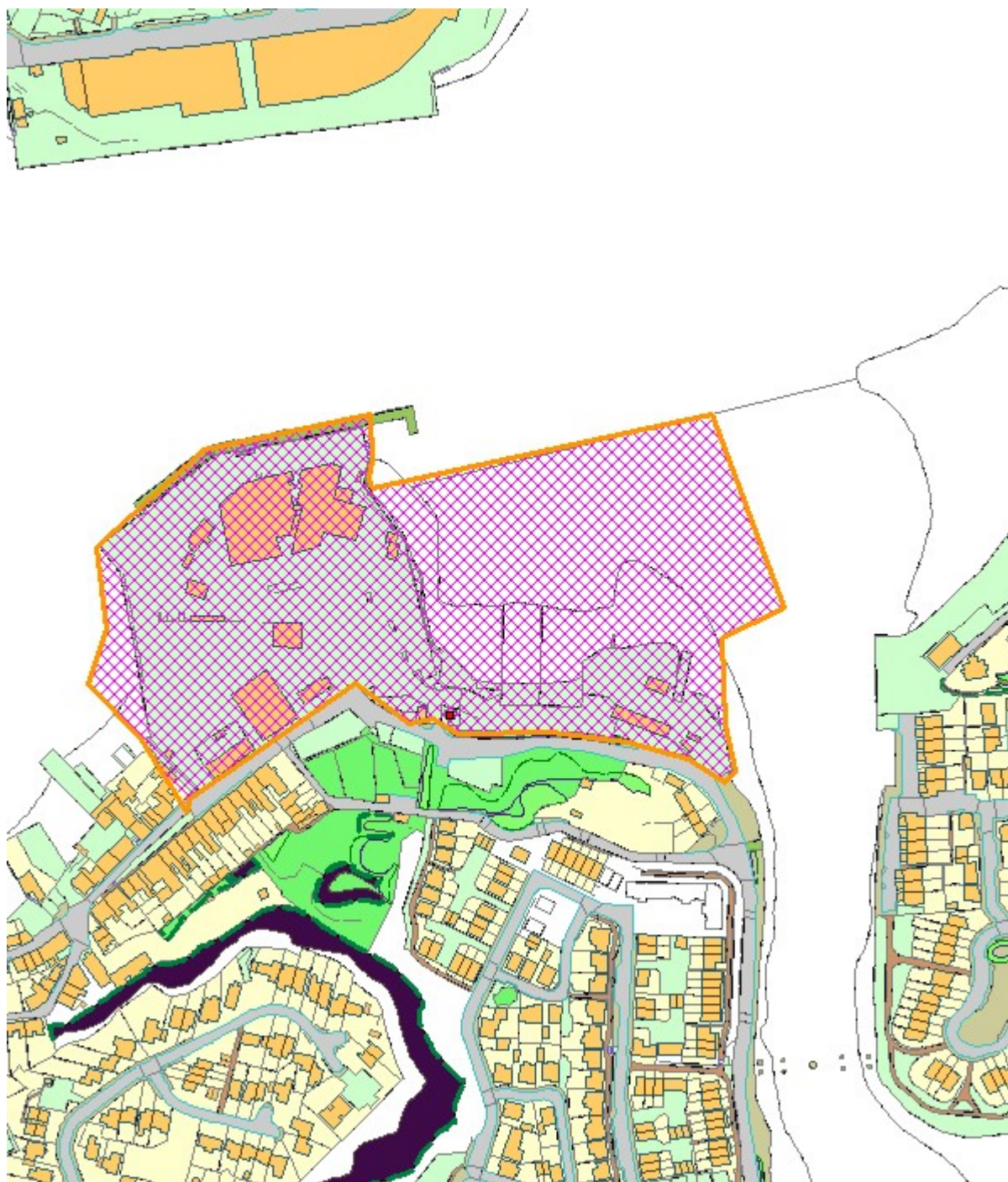


PLANNING APPLICATION OFFICERS REPORT



Application Number	19/01810/FUL	Item	03
Date Valid	20.01.2020	Ward	PLYMSTOCK RADFORD
Site Address	Turnchapel Wharf Barton Road Plymouth PL9 9RQ		
Proposal	Demolition of Unit 38 and construction of a new industrial unit		
Applicant	Mr Ryan Bonney		
Application Type	Full Application		
Target Date	16.03.2020	Committee Date	20.08.2020
Extended Target Date	27.08.2020		
Decision Category	Committee Deferral		
Case Officer	Mr Dan Thorning		
Recommendation	Grant Conditionally		



This application has been referred to Planning Committee by Councillor Watkin.

The application was presented to Planning Committee on the 18th June 2020 and the decision was:

Item deferred to enable officers to explore with the applicant opportunities to lower the ground level on the application site and an option for a flat roof rather than a pitched roof. The purpose of the amendments would be to reduce the impact of the development on the Turnchapel Conservation Area and the listed buildings on Boringdon Terrace.

Officers held subsequent meetings with the applicant on the 30th June 2020 and the 7th July 2020. The applicant has confirmed that it is unable to lower the ground level due to flood risk considerations (refer to paragraph 67).

In addition, the applicant has confirmed that it is unable to reduce the height of the roof as this would compromise the proposed use of the development (refer to paragraph 21). The applicant has provided a Gantry Crane Details Plan to justify the pitched roofs and demonstrate why a flat roof would not be suitable for the proposed use.

Officers challenged the applicant to consider alternative locations within Turnchapel Wharf. The applicant confirmed that it is unable to relocate the development as the site is constrained by underground services; and buildings, jetties and slipways need to remain accessible (refer to paragraph 22). A Site Constraints Plan and a Services Plan have been submitted to support this.

The applicant has provided further details on the construction materials including revised Rear Elevation Plans (refer to paragraphs 23-24). These plans are supported by a 3D Visualisation showing the proposed rear elevation treatment from Boringdon Road.

The Urban Design Officer and Historic Environment Officer were re-consulted on the revised Rear Elevation Plans. Both consider that the revised rear elevation treatment represents an improvement that will help to mitigate the impact on the street scene and designated heritage assets. The Historic Environment Officer considers that the revised plans reduce the level of harm from 'substantial' to 'less than substantial.'

The Ward Councillors and the Turnchapel Residents Association were notified of the new information. A further 53 representations were submitted following a social media campaign and street canvassing, all of which objecting to the proposal. Of these, 29 objections were from persons who had yet to submit a representation whilst a number of objections came from non-UK addresses. A number of objections raised concerns regarding noise and artificial light pollution from the windows on the rear elevation. These concerns are addressed in paragraphs 53-54. Otherwise no new objections were raised.

Officers recommend:

- * Adding the Proposed Rear Elevation Plan to the list of approved plans in Condition 1 (Approved Plans).
- * Removing Condition 3 (External Materials) as details of the materials to be used in construction have been submitted and are considered acceptable.
- * Adding a new Condition 12 (Windows), which requires the windows on the rear elevation to remain opaque and non-opening at all times.

For ease of reference the report below has been amended from the original report presented to Planning Committee in the following respects:

- * The Consultation and Representations sections have been updated.
- * The Relevant Policy Framework section has been updated as the Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document 2019 has been adopted since the Planning Committee meeting of the 18th June 2020.
- * The points raised in the Addendum Report dated 17th June have been incorporated into the relevant sections of the Analysis.
- * The Analysis has been amended following the submission of revised plans, a 3D Visualisation image, consultation responses and representations.
- * The Conclusion has been amended to reflect the reduced level of harm caused to designated heritage assets.
- * Conditions have been amended.

The officers' recommendation remains to grant conditionally.

1. Description of Site

Turnchapel Wharf is a waterfront business park covering approximately 6 hectares in the Plymstock Radford ward of Plymouth. The site was home to 539 Royal Marines Assault Squadron and its feeder unit, 10 Loading Craft, until these units relocated in early 2013. The site was declared surplus to military requirements and acquired by Yacht Havens in 2014. Since then, the site has undergone a major transformation into a modern, thriving business park providing offices, workshops and warehouses for a wide range of local, national and international marine businesses.

The site has one large vehicular access gate and can be accessed from the sea via the Cattewater. The site is relatively flat whilst predominantly hard surfaced. There are a mix of historic stone warehouses and modern metal industrial units within the business park and car parking is provided on site.

The site borders the Turnchapel Conservation Area, which comprises predominantly residential use, and it is immediately adjacent to grade II listed Mansion House, 1 Boringdon Terrace (list entry 1330578) and numbers 2-12 (consecutive) Boringdon Terrace (list entry 1330580).

2. Proposal Description

The application proposes to demolish Unit 38 and construct a new detached industrial unit in the south west corner of Turnchapel Wharf.

3. Pre-application Enquiry

19/01089/MOR - Pre-application for industrial unit: positive advice was provided although further information was required to enable full consideration of the impacts on residential amenity, designated heritage assets, the marine environment, protected species, flood risk and highways considerations.

4. Relevant Planning History

16/01839/FUL - Erection of 18 B1(b) (Research and Development) and B1(c) (Light Industrial) units, ancillary café, office and parking, including demolition of 3 existing buildings - Grant Conditionally

15/00606/FUL - Extension to pontoon (Please also see associated marine management organisation application MLA/2015/000157) – Grant Conditionally

14/01337/FUL - Construction of residential institution for maritime training events (Demolition of former MOD police station) - Grant Conditionally

5. Consultation Responses

Economic Development Department – strongly supports the application.

Environment Agency – no objections.

Historic England – no comment.

Historic Environment Officer – objects as the proposal neither conserves nor enhance the Conservation Area contrary to Policy DEV21 (Development affecting the historic environment). The proposal would cause less than substantial harm to the setting of designated heritage assets.

Lead Local Flood Authority – no objections subject to securing conditions.

Local Highway Authority – no objections subject to securing conditions.

Natural England – no comment (which according to Natural England’s consultation response implies that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes).

Natural Infrastructure Team – no objection subject to securing conditions.

Public Protection Service – no objection subject to securing conditions.

Urban Design Officer – objects as it is considered contrary to Policy PLY20 (Managing and enhancing Plymouth’s waterfront).

No responses were received from the Queens Harbour Master, Cattewater Harbour Commissioner and the National Amenity Societies.

6. Representations

The application was advertised for a period of 21 days from the 28th January 2020. The applicant met with residents and representatives of the Turnchapel Residents Association, a Ward Councillor and officers on the 4th March 2020 to discuss residents’ objections and seek ways to ameliorate the impacts of the development. The applicant amended the design in response to this meeting and these changes are outlined in more detail in paragraph 19. The revised plans were advertised for a period of 14 days from the 10th March 2020.

Following the Planning Committee meeting on the 18th June 2020, the Turnchapel Residents Association and Ward Councillors were alerted of the revised plans and comments were requested by the 10th August 2020.

In total, the Local Planning Authority received one letter of support and 211 letters of objections from 119 members of the public. The letter of support stated that the design is in keeping with the surrounding buildings; it would not result in loss of views; it would create jobs; and result in increased spending to support local businesses. The main reasons for the objections include:

* Impacts on designated heritage assets including the character and setting of grade II listed buildings and the Turnchapel Conservation Area. Multiple objections questioned the methodology and disputed the findings of the Heritage Statement and highlighted the absence of a Turnchapel Conservation Area Appraisal and Management Plan.

* Loss of public views from Boringdon Road, which forms part of the South West Coast Path.

* Height, scale, massing and industrial design.

* Increased traffic and car parking pressures, particularly given the absence of pavements on Barton Road. Objectors disputed the figures provided in the Transport Statement relating to historic vehicular movements during the MoD’s occupation of the site. In addition, objections stated that HGV’s towing boats are unable to manoeuvre around the mini roundabout at the junction of Reddicliff Road and Hooe Road in Hooe.

* Impacts on residential amenity including loss of light, outlook, pollution and noise with the latter exacerbated by the inability of owners to install modern windows in the grade II listed dwellings on Boringdon Terrace.

* Public protection concerns including increased pollution, noise, dust, hazardous materials and fire hazards, particularly given the proposal will fall under use class B1b business (research and development).

- * Loss of earnings to local businesses that would be affected by a reduction in the number of visitors/tourists using the South West Coast Path.
- * The height of the proposal has not been justified. Instead it appears to take its height from the adjacent building (Unit 16), which was Crown development, thus it was built without the requirement to secure planning permission. The gantry cranes do not occupy the apex space for the adjacent units.
- * Piecemeal development within Turnchapel Wharf.
- * The unit is not required as there is an available unit at Mount Batten and there will be new units available at Oceansgate Phase 2 from November 2020.
- * A nearby application (reference 09/01529/FUL) was refused on impact to the South West Coast Path.
- * There is a South West Water pipe underground.
- * Impacts on bats.
- * Archaeological impacts including potential damage to an early nineteenth century graving/dry dock that is located beneath the application site.
- * The development should be located on another part of the site.
- * Concerns regarding impacts on the setting of the stonewall that forms the boundary of the Turnchapel Conservation Area.
- * The consultation response supplied by the Economic Development Department has been challenged, specifically the number of jobs created and typical salaries in the marine and defence sectors.
- * The proposal will result in the loss of jobs at Turnchapel Wharf as there will be significantly less space available.
- * Representations challenge the accuracy of the 3D Visualisations that have been supplied by the applicant. More specifically, representations suggest that the development appears smaller than in the elevation plans, and with viewpoints that do not provide a true perspective of the massing.
- *Overdevelopment.
- * Non-material planning matters.

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019.

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.4 years at end March 2019 (the 2019 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2019 (published 26 July 2019). The methodology and five year land supply calculations in the Housing Position Statement are based on the relevant changes in the revised National Planning Policy Framework published 19 February 2019 and updates to National Planning Practice Guidance published by the Government in September 2018, subsequently amended by NPPG Housing Supply and Delivery published 22 July 2019.

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning document is also material considerations in the determination of the application:

* The adopted Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document (SPD) 2019

8. Analysis

1. This application has been considered in the context of the development plan, the adopted Joint Local Plan (JLP), the Framework and other material policy documents as set out in Section 7. The application turns upon Policies SPT4 (Provision for employment floorspace), SPT11 (Strategic approach to the historic environment), SPT14 (European Sites – mitigation of recreational impacts from development), PLY1 (Enhancing Plymouth's strategic role), PLY2 (Unlocking Plymouth's regional growth potential), PLY3 (Utilising Plymouth's regional economic assets), PLY20 (Managing and enhancing Plymouth's waterfront), PLY60.6 (Site allocation for Former MoD site Turnchapel Wharves, Turnchapel), DEVI (Protecting health and amenity), DEV2 (Air, water, soil, noise, land and light), DEV14 (Maintaining a flexible mix of employment sites), DEV20 (Place shaping and the quality of the built environment), DEV21 (Development affecting the historic environment), DEV23 (Landscape Character), DEV26 (Protecting and enhancing biodiversity and geological conservation), DEV29 (Specific provisions relating to transport), DEV31 (Waste management), DEV35 (Managing flood risk and water quality impacts) and DEV36 (Coastal Change Management Areas) of the JLP.

2. The primary planning considerations for this application include the principle of development, the economy, design, impacts on designated heritage assets, amenity, highways considerations, flood risk, biodiversity and water quality.

Principle of Development and Economic Development Considerations

3. This application proposes to develop a new industrial unit for use for the research and development of marine autonomous systems (Use Class B1b). Officers understand that the unit has been designed to meet the operational requirements of Thales Group, which is a French

multinational company that serves the aerospace, space, ground transportation, digital identity and security, and defence and security sectors. Thales already occupies Units 5 (first floor), 10 and 16 on Turnchapel Wharf. Officers understand that the proposal represents an expansion of Thales' location operations, thus it is proposed by the applicant that Thales will continue to occupy Units 5, 10 and 16 if the new development completes.

4. Policy 60.6 (Site allocation for Former MoD Site, Turnchapel Wharves) of the JLP allocates the wider Turnchapel Wharves site for marine employment uses (B1b, B1c, B2 and B8), stating that wharves and slipways are to be retained for marine use purposes. The proposed use aligns with site allocation, thus the principle of development is considered acceptable.

5. The following JLP policies and objectives for economic development are considered relevant to the consideration of this application:

* Policy SPT4 (Provision for employment floorspace) seeks to provide a net increase of at least 61,100 sqm of B1/B2 industrial floorspace within the Plymouth Policy Area to drive economic growth;

* Strategic Objective SO2 seeks to consolidate Plymouth's role as major regional city by strengthening the role of the waterfront as a regional and economic driver and by growing the marine sector;

* Policy PLY2 (Unlocking Plymouth's regional growth potential) supports a co-ordinated approach to economic development, spatial planning and infrastructure planning within the growth areas;

* Policy PLY3 (Utilising Plymouth's regional economic assets) states that the City will work with the Heart of the South West Local Enterprise Partnership and the Plymouth and the Southwest Peninsula City Deal to strengthen its higher value industries including marine, advanced manufacturing and knowledge based economic sectors;

* Policy PLY20.6 (Managing and enhancing Plymouth's waterfront) safeguards port functions and key infrastructure to support the priority marine employment sector and development that requires proximity to the sea; and

* DEV14 (Maintaining a flexible mix of employment sites) requires employment sites with access to wharves and/or deep water facilities, quays and pontoons to be protected for marine related uses appropriate to the site and location.

6. Plymouth promotes itself as a global centre of excellence for marine science and technology with one of the largest clusters of expertise in Europe. Marine and defence industries provides 17,108 FTE jobs in Plymouth (2017) and create £993 million of GVA for the local economy (2017). Therefore the marine and defence sectors and their growth are economically important to Plymouth.

7. Turnchapel Wharf is a 6 hectare marine business park that is located alongside 200 metres of deep water berthing. The proposal will create an additional 567 square metres of B1b business (research and development) floorspace within the marine employment sector. The applicant has advised that it will create 7-12 permanent jobs and 20 temporary jobs and it will attract around 30 customers/clients within the first two years. At a GVA per job of approximately £60,000 per annum, the additional GVA of this proposal could be well over £1 million per annum to the local economy.

8. The Heart of the South West Local Enterprise Partnership has recently put marine autonomy as a Department of Trade high value opportunity with Plymouth at the centre of that proposition; and the City's ask is to be the national centre for marine autonomy, with Turnchapel Wharf playing a key role in that proposal.

9. The Economic Development Department strongly supports the application for the reasons outlined above. It advised that there are no other sites in the city which are currently available and that have the facilities for the particular type of high-tech investment. The application site has the combination of the flat layout and access to deep water and slipways. As an ex-military site it provides a secure location for sensitive research and development for the defence sector and it has a cluster of like-minded businesses co-located. Oceansgate Phase 2, which is due to complete in November 2020 does not provide access to the water, thus it is considered unsuitable for the proposed use, and Oceansgate Phase 3 will not be available for some time yet. Nevertheless, the Turnchapel Wharf and Oceansgate Phase 3 sites are considered complimentary. Therefore it is the view of the Economic Development Department that if planning permission is refused, the City would likely lose wider marine investment.

10. The Economic Development Department considers that the proposed units will underpin the expansion of activity through the area's Marine Business Technology Centre initiative and Plymouth as a National Centre of Excellence in marine autonomy. It also adds that Thales is a key investor in the marine autonomous test zone, Smart Sound, which is a project that has just secured £1.8 million from the Local Enterprise Partnership to help build a national testing asset for marine autonomous systems in Plymouth Sound. It believes that this space not being available could well add risk to the funding and delivery of the Smart Sound project and additional Department for Digital, Culture, Media and Sport funding that the City is bidding for to further support Smart Sound.

11. Several objections challenged the job creation figures provided by the applicant, and their contribution to the local economy. The employment figures have been supplied by the applicant on the basis that the unit is occupied by Thales. These job numbers have been corroborated by Thales. According to the Advanced Modelling of Regional Economies (AMORE) Tool (Impact, 2018), the GVA per FTE in the marine and defence sector was £58,043 per annum in 2017. The average salary in the marine and naval defence sectors was £30,500 per annum in 2019. It is important to note that GVA and typical salaries are not the same. Therefore officers cannot ensure that salaries of £58,043 will be realised by the development. The difference between the GVA and typical salaries demonstrates that the marine sector is a high value sector.

12. One objection stated that the proposal will result in the loss of jobs at Turnchapel Wharf as there will be significantly less space available. The existing unit is used for storage by a company that is located in Roborough. Officers understand that the existing storage unit does not employ any staff, and the applicant has confirmed that no jobs will be lost. Therefore officers consider that the proposal will result in an increase in the number of employment opportunities on the site.

13. Finally, a number of public objections suggested that the loss of the waterfront vistas will result in adverse impacts on tourism and spending in Turnchapel's businesses including accommodation and the local pubs/restaurants. Officers consider that the proposal is likely to enhance village economy by virtue of creating high-earning employment opportunities and clients/customers that will likely stay in local accommodation.

14. To summarise, the proposal is to demolish an underutilised storage unit and create additional marine employment floorspace within a marine business park that has been allocated in the JLP for marine employment uses. The proposal safeguards this important deep water facility for marine sector uses and it will help to promote Plymouth as a major regional, and perhaps international city, by growing the marine sector through high-tech marine autonomous systems. The proposal aligns

with Plymouth and the Local Enterprise Partnership's co-ordinated approach to economic development. Officers consider that the proposal will result in substantial public benefits in terms of high value job creation, inward investment and new technologies that would not otherwise be realised due to the lack of other suitable sites.

15. Officers recommend securing a condition to restrict use to marine employment uses falling under use class B1b business (research and development) in line with the allocation and to prevent this valuable site being lost to uses not appropriate to the site nor location.

16. Officers therefore consider that the proposal aligns with Policies SPT4 (Provision for employment floorspace), PLY1 (Enhancing Plymouth's strategic role), PLY2 (Unlocking Plymouth's regional growth potential), PLY3 (Utilising Plymouth's regional economic assets), PLY20.6 (Managing and enhancing Plymouth's waterfront), PLY60.6 (Site allocation for Former MoD site Turnchapel Wharves, Turnchapel) and DEVI4 (Maintaining a flexible mix of employment sites) of the JLP.

Design and Siting

17. Turnchapel Wharf comprises a mix of nineteenth century stone buildings and modern metal warehouses. The application site is currently occupied by a metal warehouse (Unit 38) with a shallow double-pitched roof measuring approximately 5.5 metres high, 26.5 metres wide and 7.7 metres deep, and with a gross internal floor area of approximately 204 square metres. There is a significant change of levels between Turnchapel Wharf and Boringdon Road to the south/southeast. These are separated by a stone retaining wall approximately 6.2 metres in height.

18. The application proposes to demolish the existing Unit 38 and construct a new industrial warehouse unit. The proposed unit will appear as three units with three double-pitched gabled roofs separated by valleys. The initial plans proposed to orientate the building to face towards the southwest corner of the site with the three ridgelines running parallel to the dwellings on Boringdon Terrace. The ridge height was proposed to be approximately 9.6 metres with an eaves height of 6.3 metres and 6.7 metre high valleys.

19. Following a meeting between the applicant, residents and representatives of the Turnchapel Residents Association, a Ward Councillor and officers on the 4th March 2020, the applicant has re-orientated the unit by 90 degrees so that it faces towards the Cattewater, and reduced the height of the ridge by 1 metre. Therefore the unit will have a ridge height of approximately 8.6 metres, an eaves height of 6.3 metres and 6.7 metre high valleys. The unit will be 29.1 metres wide and 19.5 metres deep with a gross floor area of 567 square metres. The proposed unit will be approximately 3.1 metres higher and 2.6 metres wider than the existing unit whilst the gross floor area will be 2.8 times larger.

20. Following the Planning Committee meeting of the 18th June 2020, officers have challenged the applicant to reduce the ground levels and the height of the roof. The applicant confirmed that it is unable to excavate the concrete hardstanding to reduce ground levels due to flood risk considerations. This is discussed in more detail in the Flood Risk section of this report (paragraph 67), however officers consider that a significant reduction in ground levels would not be supportable.

21. In addition, the applicant has confirmed that it has already reduced the height by 1 metre and it is unable to make any further reductions without compromising the proposed use. The applicant has supplied plans showing details of the proposed gantry cranes, which are located in the apexes of the building. The plans indicate that a flat roof would prevent the tenant from craning equipment on to and off the vessels. The equipment illustrated in the Site Gantry Details Plan is 2 metres in height although the applicant has advised that equipment can be in excess of 2 metres.

22. Officers have challenged the applicant to consider relocating the development to another part of Turnchapel Wharf. The applicant has confirmed that it is unable to relocate the development due to the location of underground services and the need to ensure that buildings, jetties and slipways remain accessible. The applicant has provided a Site Constraints Plan to demonstrate that there is no other suitable location for the development. The plan shows that the north and western parts of the site contains jetties and cranes for lifting vessels and materials such as pontoons into and out of the water. The Site Constraints Plan and Services Plan show that there are services beneath the central and eastern parts of the wharf (beneath the car parking areas and access road). In addition, the eastern part of the site provides slipway access and delivery access for Building 4, which is occupied by Princess Yachts. Therefore officers accept that the development could not reasonably be located on another part of the site.

23. Officers have also encouraged the applicant to consider strategies to reduce the bulk of the building, particularly as experienced from Boringdon Terrace, including redesigning the top of the building to be more lightweight in appearance. The Urban Design Officer suggested that it could perhaps be opaque-glazed and/or reflective in appearance to reduce the apparent bulk of the building. The applicant has responded positively by providing revised Rear Elevation Plans and a 3D Visualisation showing the proposal in context, viewed from Boringdon Road. The revised plans propose to include triangular windows on the rear gable elevation top sections. The applicant initially proposed uPVC window frames, however these were changed to marine-grade aluminium frames (colour agnate RAL 708) following negotiations with officers. The windows are opaque black glass due to the sensitive nature of the activity taking place inside the development. The steel framed building will be clad with profiled metal sheeting panels (colour agnate grey RAL 7038) to the walls and roof with translucent roof panels providing natural lighting.

24. The Urban Design Officer was consulted on the revised plans and advised that opaque glazing gives the triangular gable sections a degree of visual interest and a more lightweight appearance that will likely introduce reflections of Boringdon Terrace and the surrounding environment. The development still largely blocks the open, attractive and far-reaching public waterfront views but the changes are considered to reduce the negative visual impact on the street scene to some extent. The Urban Design Officer did suggest consulting an independent design review panel given the sensitive context of the site. However, the applicant is not prepared to engage a design review panel and officers acknowledge this is not a requirement for considering the application.

25. Internally, the unit will be separated by three folding or sliding partitions to create three separate units, each served by roller shutter doors to the front and steel doors to the front and rear of the building. The unit will be industrial and utilitarian in appearance with the design, colour and materials closely matching those of the adjacent modern warehouses located on the southern part of the site.

26. Officers consider that the development will conflict with the architectural style of the surrounding residential dwellings within Turnchapel Village. However, the industrial foreshore forms part of the established setting and contributes to the character of the Conservation Area (as discussed in detail in the following section). Turnchapel Wharf is already in use as a marine business park and there are a number of similar metal warehouses, including on the application site. Officers consider that the applicant has demonstrated that it is unable to reduce the ground level, roof level or change the location of the development and the applicant has made reasonable attempts to mitigate the impact on the street scene since the Planning Committee meeting on the 18th June 2020. Furthermore, the site has been allocated for marine employment uses, therefore some degree of architectural contrast is to be expected. Therefore on balance, officers consider the design of the development appropriate to its location within a marine business park. As such, the proposal is not considered to conflict with Policy DEV20 (Place shaping and the quality of the built environment) of the JLP.

Heritage Impacts

27. The application site is located immediately adjacent to the boundary of the Turnchapel Conservation Area and a combined terrace of grade II listed residential dwellings known as Mansion House, 1 Boringdon Terrace and numbers 2-12 (consecutive) Boringdon Terrace. The proposal will affect the setting of designated heritage assets, therefore Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 189 to 202 of the NPPF apply. The sections/paragraphs relevant to this proposal include:

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72:

Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of any buildings or other land in a conservation area.

NPPF

Paragraph 189:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 190:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

Paragraph 192:

In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings should be exceptional.

Paragraph 195:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be

demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 196:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

28. The applicant has submitted a Heritage Statement in support of the application. The Historic Environment Officer considers that the Heritage Statement is proportionate and in accordance to paragraph 189 of the NPPF. However, a number of public representations disputed the methodology and findings of the Heritage Statement, and the Turnchapel Residents Association has commissioned its own Assessment of Character and Special History in support of its representation. Therefore officers have taken both the applicant's and the Residents Association's heritage reports into account in consideration of this application.

29. According to a conservation study commissioned by the Council in around 1990, Turnchapel was designated a Conservation Area because of its historical associations and its attractive grouping of predominantly residential dwellings against the natural setting of the waterside and the steep limestone quarry face that provides a backdrop to the village. The character of Turnchapel derives principally from its layout and built form comprising predominantly nineteenth century buildings and interesting architectural features including limestone boundary walls, iron railings and pavements of limestone, granite and yellow brick. The development pattern of the village is terraced properties orientated toward views of the Cattewater on either side of St John's Road and Boringdon Road.

30. The formal grade II listed Boringdon Terrace is the key architectural group within the village and it comprises 12 consecutive terraced dwellings that were built in the earliest phase of village development in the early nineteenth century. These are two storeys with an attic and dormer to a steep slate roof. Their formality and architectural quality give a grander appearance than the otherwise traditional smaller terraced cottages and they have architectural features including incised stucco render, tripartite windows, door architraves and steep slate roofs with a dormer. These dwellings are painted different colours to give the village a distinctive character that can be found in some coastal settlements.

31. Numbers 1-7 Boringdon Terrace benefit from an open outlook across Turnchapel Wharf and the Cattewater towards Cattedown. There are also distant views towards Queen Anne Battery, the Barbican and the eastern part of the Hoe, although these views are obscured by passing vessels and boat masts from the Clovelly Bay Marina.

32. Views towards Boringdon Terrace and the Conservation Area can be experienced from Turnchapel Wharf and Cattedown Wharves, including from the South West Coast Path. Beyond that, views of the site appear limited, with the colourful Boringdon Terrace just about visible from Queen Anne Battery, Madeira Road, Tinside Lido and Smeaton's Tower.

33. The Heritage Statement assesses the significance of the Conservation Area and the listed buildings including the contribution made by the setting of these heritage assets. It states that the established setting of the listed buildings comes from its consistency of architectural group and its group value, and that it can be appreciated from within the village. The Conservation Area significance comes from the appreciation of the raised formal terrace in contrast to the street enclosure and smaller cottage style homes elsewhere in the village.

34. In addition, the Heritage Statement and the Assessment of Character and Special Interest commissioned by the Turnchapel Residents Association state that publically accessible views to and from Boringdon Terrace contribute towards the special interest of the Conservation Area. Looking towards the Conservation Area, Boringdon Terrace appears as a formal planned terrace with a good level of architectural consistency. The steep slate roofs with dormers provide a consistent ridgeline and the palette of colours provide a striking vertical emphasis to the individual dwellings, which are set against a backdrop of limestone quarry walls and industrial and maritime operations in the foreground.

35. At present, these views towards Boringdon Terrace are uninterrupted but for passing vessels and boat masts as the existing Unit 38 ridgeline is below the stonewall on Boringdon Road. The original plans proposed a 9.6 metre high warehouse with a ridgeline running parallel to Boringdon Terrace. This development would have projected over the stonewall by approximately 3.4 metres substantially blocking views to and from Boringdon Terrace. Despite this, the Heritage Statement concluded that the significance, setting and character of the heritage assets would undergo some less than substantial harm that would be outweighed by the public benefits of providing increasing commercial floor space and employment opportunities.

36. Officers have since negotiated with the applicant following significant public objection to the proposal and the development has been rotated clockwise 90 degrees so that gabled front elevation is orientated towards the Cattewater, and the height of the apexes have been reduced by 1 metre. Officers and members of the Planning Committee have challenged the applicant but officers understand that it is unable to reduce the building height any further as it would be unable to accommodate the gantry cranes required to enable work on vessels. Therefore the ridgelines and valleys will project approximately 2.4 metres and 0.5 metres above the stonewall on Boringdon Road, respectively.

37. The applicant has provided a Google Earth model to enable 3D visualisations of the proposal from various eye-level viewpoints, including from on the water. A number of objections challenge the accuracy of the 3D Visualisations, stating that the development appears smaller than in the plans. Officers consider that the 3D Visualisations are not scaled drawings, but visual representations of how the development may appear from various viewpoints. The 3D Visualisations have therefore been used to complement, not replace the scaled plans.

38. Officers consider that views towards Boringdon Terrace and the Conservation Area will be relatively unaffected by the proposal as the principal viewpoints are elevated above the application site and the valleys allow glimpses of Boringdon Terrace. As such, Boringdon Terrace will continue to be perceived as a formal terrace with a continuous roof line and vertical bands of colour set against the backdrop of the limestone quarry walls, and with the maritime business park in the foreground.

39. However, officers consider that the proposal will impact on the quality of the street scene and townscape as it will limit the open, attractive and far-reaching waterfront views. The Rear Elevations Plans and 3D Visualisations reveal that glimpses of distant views may be possible through the valley sections but these are limited in comparison to the existing open vista, which contributes to the street's character. In addition to the street's open vista being lost, it is considered that the scheme, by virtue of its height, would have a negative impact on the character and appearance of the street scene and the character of the Conservation Area.

40. A substantial number of representations objected to the application, stating that the proposal would result in irreparable damage to the grade II listed Boringdon Terrace (including Mansion House and 2-12 Boringdon Terrace), the Conservation Area and the character of Turnchapel Village.

41. The Urban Design Officer was consulted on the application and objected, stating that it is considered contrary to Policy PLY20, which seeks to protect iconic and historic landscapes and sites that enable a visual and physical connection to the water environment, and seascapes and views that define the city, whilst enhancing the relationship between Plymouth and the surrounding landscapes that provide its enviable setting. The proposal is also considered to conflict with JLP Policy DEV23 (Landscape character), which protects townscape character and visual quality.

42. In addition, the Historic Environment Officer has objected, advising that the proposal will neither conserve nor enhance the Conservation Area contrary to Policy DEV21 (Development affecting the historic environment) of the JLP. The Historic Environment Officer advised that the initial proposal would result in 'substantial harm' to the designated heritage assets including the Turnchapel Conservation Area and listed buildings. However, the Historic Environment Officer has advised that the revised rear elevation treatment will go some way towards mitigating the harm caused to the heritage assets. Therefore the level of harm has been reduced to 'less than substantial harm' in line with the applicant's Heritage Impact Assessment.

43. Officers have taken account of the available evidence and any necessary expertise and representations in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 190 of the NPPF and Policies DEV31 (Development affecting the historic environment) and SPT11 (Strategic approach to the historic environment) of the JLP. As substantial harm to designated heritage assets had initially been identified, the proposal was required to provide a clear and convincing justification with substantial public benefits outweighing the substantial harm (paragraphs 194 and 195 of the NPPF). In addition, to override the substantial harm there must have been particularly strong countervailing factors and the development must be deemed necessary to the location (*Barnwell Manor Wind Energy v East Northamptonshire DC (2014)* and *Whitby v Secretary of State for Transport (2015)*).

44. Following revisions to the rear elevation treatment, officers consider that the level of harm has been reduced from substantial to less than substantial, yet the public benefits remain substantial, particularly as the City seeks to recover from the prevailing economic downturn following the COVID-19 pandemic. In this case, the clear, convincing and substantial public benefits include skilled employment opportunities and GVA to the local economy as detailed in paragraph 7, the promoting of Plymouth as a national centre for marine autonomy, and inward investment.

45. Furthermore, officers consider that there are a number exceptional circumstances relevant in considering whether the location of the development is necessary:

- * The site is located within a marine business park that has been allocated in the JLP as a marine employment site, therefore some intensification of use is to be expected.
- * The proposed use must be located adjacent to a deep water facility and officers consider there are no other suitable locations available at present. Oceansgate Phase 2 does not provide access to the water and Phase 3 will not be available for some time. Officers consider that upon completion, the two developments will be complimentary in terms of growing Plymouth's marine sector.
- * The proposal is considered suitable to its locations and it will help to safeguard key infrastructure and public assets including a deep water berthing for marine sector use.
- * The maritime/industrial foreground is considered to contribute towards the character and setting of the Conservation Area.

46. Officers have demonstrated reasonable efforts to mitigate the extent of the harm and the applicant has reduced the harm as far as is reasonable to allow a marine employment use to be realised. Given the exceptional circumstances, officers consider that less than substantial harm is necessary in this location to achieve development that accords with the JLP and to safeguard key

infrastructure to support the priority marine employment sector and development that requires proximity to the sea.

47. There is a risk that Thales does not occupy the development and that public benefits are not realised. However, Thales has assured officers that it is committed to expanding its maritime operations at Turnchapel Wharf regardless of the prevailing economic downturn. On the balance of probability, officers consider that the building will likely be used by Thales for the research and development of new marine sector technologies. Nevertheless, officers recommend securing a condition to restrict use to B1b business (research and development) use in the marine sector to ensure that the development is safeguarded for uses that are appropriate and necessary for the location, and that continue to outweigh substantial harm to the historic environment.

48. Objections raised concerns regarding the potential to damage the remains of a historic graving/dock that is situated beneath the application site. The development will be bolted to the concrete hardstanding, thus there will be no foundations, and groundworks are considered minimal. However, the applicant may be required to divert an underground combined sewer if South West Water does not permit development to take place over its sewer. Officers therefore propose to include a condition to ensure that no part of the development shall commence until a construction methodology and schedule of works has been submitted to the Local Planning Authority for consideration. If intrusive groundworks are required, for example to divert the combined sewer, then development should take place in accordance to a written scheme of investigation that has been approved by the Local Planning Authority.

49. In addition, objections raised concerns regarding impacts on the setting of the stonewall that forms the boundary of the Turnchapel Conservation Area. Officers consider the stone wall and iron railings a feature that contributes towards the special interest of the Conservation Area and these have been taken into consideration. Another objector stated that planning regulations prevent new buildings from being higher than 5 metres if within 10 metres of the curtilage boundary. This planning regulation refers to permitted development rights for warehouses and industrial buildings. Permitted development rights are not considered relevant to this full planning application.

50. To summarise, the substantial public benefits of the development are considered, on balance, to outweigh the less than substantial harm to designated heritage assets, thus the application is considered to comply with Policy DEV21 (Developing affecting the historic environment) of the JLP and paragraphs 189-202 of the NPPF.

Amenity

51. Officers consider that the development will have a negative impact on the outlook of the residential dwellings on Boringdon Terrace and on public views from the South West Coast Path. The rear elevation of the development will be approximately 10.3 metres from the front of the dwellings on Boringdon Terrace with the roof apex projecting approximately 2.4 metres above the stonewall. Paragraphs 13.28-13.29 of Appendix 1 of the SPD states there should normally be a minimum of 12 metres of separation between a habitable room window and a blank wall, with an extra 3 metres of separation provided for every 2 metres increase in height. However, the site is located approximately 6.2 metres below the stonewall on Boringdon Road and the valleys will reduce the massing to allow restricted views.

52. The outlook from Boringdon Terrace is north/northwest facing and officers consider that the proposal is unlikely to result in a significant loss of daylight or sunlight to habitable rooms. In addition, the proposal is unlikely to result in overlooking or loss of privacy impacts to existing residents or visitors to the South West Coast Path. Whilst public views from the South West Coast Path will undergo harm, other waterfront views are available from Turnchapel's slipways and from St John's Road.

53. A number of objections referred to noise concerns as occupiers of the grade II listed dwellings on Boringdon Terrace are unable to install modern double glazed windows. Representations also raised concerns that the windows on the rear elevation may increase noise and light pollution to adjacent dwellings. The Construction Environmental Management Plan, which should be conditioned, states that construction hours will be limited to 08:00 till 17:00 on Mondays to Friday and 08:00 till 13:00 on Saturdays (unless otherwise agreed by the Public Protection Service).

54. The Noise Impact Assessment that was submitted with the application states that whilst the exact noise levels are not yet known, the development is expected to afford sufficient attenuation to ensure that external noise levels should not exceed existing levels. Given the exact noise levels are not known, officers recommend securing a condition to ensure that noise levels from the development do not exceed 5 decibels above the background level at the façade of the nearest residential dwelling. The information supplied by the acoustic consultant suggests that this will be met but the condition is required to ensure future operations remain as quiet as predicted. Officers also recommend securing a condition that ensures the windows on the rear elevation remain non-opening and opaque to prevent noise and light pollution from the development adversely impacting upon adjacent dwellings.

55. There was no requirement for a Contaminated Land Assessment as the applicant proposes to bolt the development to the existing reinforced concrete hardstanding, thus there will be minimal disturbance to the underlying ground. However, officers recommend securing an unexpected contamination condition requiring the developer to report any contamination to the Local Planning Authority and provide a remediation scheme where necessary.

56. A number of objections raised concerns regarding fire hazards and health and safety. The site is not considered a major hazard site, a licensed explosive site or a nuclear installation. Separate health and safety laws are in place that require businesses to have policies for managing health and safety. Therefore health and safety concerns shall be managed under this health and safety legislation.

57. On balance, officers consider that the proposal accords with Policy DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the JLP.

Highways Considerations

58. The application proposes to provide 6 car parking spaces in addition to the 110 spaces that are already provided on the Turnchapel Wharf site. The applicant has provided a Transport Statement which includes information on the number of vehicular trips along Barton Road during the Royal Marine's occupation of the site, as identified by the Defence Infrastructure Organisation (DIO). The Statement indicates that there were 40-60 HGV movements per day consisting of predominantly 6-8 tonne trucks. There would typically have been 100 cars parked on site per day, which would have generated around 200 two-way trips, with significantly more around ten times a year during military operations. These figures are significantly more than the 16-20 two-way car movements per day and one two-way HGV movement per month suggested by the applicant for this proposal.

59. The Local Highways Authority was consulted on the application and raised no objections, subject to securing conditions to provide car parking and cycle provision prior to occupation of the unit. The Local Highways Authority advised that the SPD indicates that for a B1 business use, one space per 30 square metres of gross floor-space is required. Therefore there is an expectation that the development would provide 19 car parking spaces. However, the Transport Statement suggests that the 6 car parking spaces added to the 110 existing spaces would be sufficient, with additional space available should there be a demand. Disabled car parking is also proposed in line with policy and space for bicycles inside the individual business units. The Local Highways Authority therefore

considers that the overall car parking provision across the Turnchapel Wharf site accords with the minimum car parking standards for BI business use.

60. The local planning authority received a substantial number of public objections relating to highway safety concerns along Barton Road, which has no pavements, and additional car parking pressures that would be created in Turnchapel village. In addition, a number of representations disputed the DIO vehicular movement figures provided in the Transport Statement.

61. The Local Highways Authority acknowledged that the application does not provide a baseline for the current level of vehicle trips; nor does it consider the overall site wide cumulative increase. In addition, approximately 184 homes have been built at nearby Hooe Lake, which shares the same access road, since the MOD discontinued use of the application site. Notwithstanding the above, the Local Highway Authority considers that the application site has an established and unrestricted BI business use along with its associated vehicle movements and traffic attraction, which will permit and allow for significant daily traffic fluctuations and unrestricted increases associated with its permitted use. It considers that the traffic increase associated with this proposal will be modest and it is unlikely to give rise to any significant impacts in capacity or cause highway safety concerns. As such, the development does not satisfy the three tests for requiring planning obligations as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations (2010) and paragraph 56 of the National Planning Policy Framework (2019).

62. The Local Highway Authority did however advise that a business use the size of Turnchapel Wharf should have a site wide Travel Plan, or at least a site-wide framework travel plan in operation, depending on the current level of activity on the site. Therefore the applicant should be advised that a Travel Plan should be provided in support of any further planning applications for Turnchapel Wharf.

63. Objections raised concerns that HGV's towing boats are unable to manoeuvre around the mini roundabout at the junction of Reddicliff Road and Hooe Road in Hooe. The Street Services Department was consulted and has no knowledge of any specific issues or problems with HGV's in Hooe.

64. The proposal is therefore considered to comply with Policy DEV29 (Specific provision relating to transport) of the JLP.

Flood Risk

65. The application site is located in Flood Zone 1 and at low risk of fluvial or tidal flooding. A Flood Risk Assessment has been submitted in support of the application. This states that the finished floor level for the proposed unit will be 4.4 metres AOD (above ordnance datum). The surface water drainage is proposed to connect to the existing drainage for the adjacent unit, which is collected by ACO drains surrounding the unit. Surface water discharges directly into the Cattewater.

66. The Environment Agency and Lead Local Flood Authority were consulted on the application and raised no objections. The Lead Local Flood Authority advised that the Plymouth Local Flood Risk Management Strategy requires that entrances to the property should have a threshold level above 4.81 metres AOD or be able to provide protection to this level. Officers consider that this level of protection can be achieved by making the development flood resilient through the use of waterproof walls and floors and by locating power and communication connections above this level. Notwithstanding this, the applicant should be required to demonstrate how it meets these requirements through conditions.

67. Following the Planning Committee meeting of the 18th June 2020, officers challenged the applicant to explore excavating the concrete hardstanding to reduce the ground levels. The applicant confirmed that a reduction in ground level would not be possible as it would prevent the development from meeting the level of flood protection required by the Plymouth Local Flood Risk Management Strategy. Officers consider that ground levels would need to be reduced in the order of 2.4 metres to ensure the ridgelines are level with the stonewall. However, the Lead Local Flood Authority advised that it would be difficult to support reducing the floor level lower than the existing ground levels.

68. Officers recommend securing a condition that requires a scheme for the provision of surface water management to be submitted to and approved by the Local Planning Authority prior to commencement of development. This should include a flood plan that details emergency exits in the event of a flood warning, details of the surface water drainage system and how the development will provide flood protection to the levels set out in the Plymouth Local Flood Risk Management Strategy. The proposal is therefore considered compliant with Policy DEV35 (Managing flood risk and water quality impacts) of the JLP.

Biodiversity and Water Quality

69. The applicant has supplied an Ecological Enhancement and Mitigation Strategy, which states that the existing building is considered to have negligible suitability for roosting bats and there is no evidence of breeding birds. This report recommends providing two bat boxes to provide roosting provisions for bats and to provide a biodiversity net gain in line with paragraphs 170 and 175 of the NPPF and Policy DEV26 (Protecting and enhancing biodiversity and geological conservation) of the JLP.

70. In addition, a Construction Environmental Management Plan that defines the general approach by which the works will be undertaken, has been submitted to reduce the risk of adverse impacts of construction works on sensitive environments and to minimise disturbance to local residents and users of the estuary. This document includes provisions for minimising impacts on water quality to ensure the Cattewater is kept free of construction debris and pollution, and to minimise disturbances to habitats, flora and fauna. Officers recommend securing conditions to ensure the development is implemented in accordance to the Construction Environmental Management Plan and the Ecological Mitigation and Enhancement Strategy.

71. The Natural Infrastructure Team undertook a Habitats Regulations Assessment and concluded that the proposal can be eliminated from further assessment because it cannot have a conceivable effect on a European site. Furthermore, Natural England did not wish to comment on the application as it considers that the proposal is unlikely to result in significant impacts on statutory designated nature conservation sites or landscapes. Officers therefore considered that the proposal is unlikely to have an effect on statutory and non-statutory designated sites including local Sites of Special Scientific Interest (SSSIs) and the Plymouth Sound and Estuaries Special Areas of Conservation.

72. The Natural Infrastructure Team and the Lead Local Flood Authority have advised that the application does not identify potential pollution risks and demonstrate how the development will control water pollution during operation. Therefore officers recommend securing a condition that requires the applicant to identify pollution risks and demonstrate how the water environment will be protected from pollution during use. The application is therefore considered to comply with Policies DEV26 (Protecting and enhancing biodiversity and geological conservation) and DEV35 (Managing flood risk and water quality impacts) of the JLP, subject to agreeing conditions.

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

There are no local finance considerations.

11. Planning Obligations

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

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

12. Equalities and Diversities

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

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and assessed the application against the JLP policies and the recommendation is for conditional approval.

The application proposes to create additional B1b business (research and development) floorspace in the marine sector within an existing marine business park on a site that has been allocated for marine employment uses. The proposal safeguards an important deep water facility and supports growth of the marine sector in Plymouth through high value job creation, new technologies and attracting inward investment. The principle of development is therefore considered acceptable and the public benefits are deemed substantial.

The development is immediately adjacent to, and will impact upon the setting and significance of the Turnchapel Conservation Area and a terrace of grade II listed buildings, known as Mansion House (number 1) and numbers 2-12 (consecutive) Boringdon Terrace. Officers have taken account of the available evidence and the necessary expertise and representations in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 190 of the NPPF and Policy DEV31 (Development affecting the historic environment) of the JLP. Officers consider that the development will result in less than substantial harm to the setting and significance of the designated heritage assets by virtue of the development's impact on the streetscene, particularly the loss of an attractive vista.

Where less than substantial harm to a heritage asset is identified, that harm must be outweighed by the public benefits of the development. Officers consider that the applicant has reduced the harm as far as is reasonable to still allow a marine sector use to be realised. The development is considered necessary for the location and the public benefits are considered substantial. On balance, officers consider that the substantial public benefits outweigh the less than substantial harm to the Turnchapel Conservation Area and the grade II listed dwellings on Boringdon Terrace.

A range of supporting information has been supplied in order to demonstrate that the impact on residential amenity, the highways network, biodiversity, flooding and water quality will be acceptable.

Suitable conditions are recommended to control and request further details of different aspects of the development.

14. Recommendation

In respect of the application dated 20.01.2020 it is recommended to Grant Conditionally.

15. Conditions / Reasons

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

14. Recommendation

In respect of the application dated 20.01.2020 it is recommended to Grant Conditionally.

15. Conditions / Reasons

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

1 CONDITION: APPROVED PLANS

Proposed Floor Plan Layout 06032020 Rev A - received 05/03/20
Site Location Plan 26007/100 - received 12/11/19
Existing Elevations 21112019 - received 19/11/19
Existing Floor Plan Layout 21112019 - received 19/11/19
Proposed Rear Elevations 30072020 Rev C - received 29/07/20
Proposed Front Elevations 15042020 Rev B - received 15/04/20
Existing Refuse Compound with Proposed Additional Refuse Unit 20012020 - received 20/01/20
Proposed Elevations 06032020 - received 05/03/20
Block Plan 06032020 - received 05/03/20

Reason:

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

2 CONDITION: COMMENCE WITHIN 3 YEARS

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

Reason:

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

3 CONDITION: SCHEME FOR THE PROVISION OF SURFACE WATER MANAGEMENT

PRE-COMMENCEMENT

No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) A flood plan is required for any development at risk from flooding that details actions to be taken in the event of a flood warning, including safe access and egress of occupants. Emergency exits should not direct occupants towards the source of flooding, in this case, the Cattewater. In the event of a flood, occupants should be directed to higher ground.
- b) Public sewer records indicate a SWW combined sewer within the site. SWW should be consulted for consent to build over or near the sewer.
- c) Details of the existing surface water drainage system should be submitted, and opportunities should be explored to enable the development to meet the Local Flood Risk Management Strategy requirement for a 1 in 100 year return period (1% AEP) design standard with a 40% allowance for climate change, and reduce surface water discharge rates to 1 in 10 year greenfield run off rates. Calculations and modelling data should be produced in support of any drainage design showing that the defences and drainage system are designed to the required standard, taking into account the elevation of the outfall and the impact of potential tide-locking during extreme tide levels.
- d) The Plymouth Local Flood Risk Management Strategy requires that entrances to the property should have a threshold level above 4.81mAOD, or be able to provide protection to this level with approved flood boards or flood-proof doors. It is recommended that the ground floor is made flood resilient with the use of waterproof walls and floors and power and communications connections located above this level.
- e) Details should be provided that confirm that the water environment is protected from pollution during use. Information should include
- o Identification of pollution risks
 - o Pollution prevention measures included to address pollution risks. Such measures could include; silt traps, bunded areas, oil separator, or the incorporate a shut of valve to stop any discharge into the sea, and any maintenance regimes associated.
 - o Operational emergency pollution response plan.
- Reference should be made to the pollution risk matrix and mitigation indices in the CIRIA SUDS Manual to minimise pollution during use.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To reduce the risk of flooding to and from the development, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory surface water management and disposal during and after development. The drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure in accordance with policy DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and the National Planning Policy Framework 2019.

Justification:

Necessary because of the essential need to ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure and water environment.

4 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

The building shall not be occupied until space has been identified within the building for bicycles to be securely parked. The secure area for storing bicycles shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority. The cycle parking shall align with site Travel Plan details.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014-2034.

5 CONDITION: PROVISION OF PARKING AREA

PRE-OCCUPATION

Each parking space shown on the approved plans shall be marked-out and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles associated with the subject commercial unit.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014-2034.

6 CONDITION: MARINE SECTOR USE

Use of the development hereby permitted shall be restricted to B1b business use within the marine sector.

Reason:

To safeguard and protect employment sites with access to wharves and/or deep water facilities, quays and pontoons for marine related uses appropriate to the site and location in accordance with Policies PLY20, PLY60.6 and DEV14 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014-2034.

7 CONDITION: 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 must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where further remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

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 development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors, in accordance to Policy DEV2 of the Plymouth and Southwest Joint Local Plan 2014-2034 and the National Planning Policy Framework 2019.

8 CONDITION: ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy [TE0382/EMES/A].

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance to Policies SPT12 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and the National Planning Policy Framework 2019.

9 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) for the site [I5936/RI].

Reason:

In the interests of the retention and protection of the marine environment, including the European Marine Site features, in accordance with Policies SPT12, SPT13, SPT14 and DEV26 of the Plymouth and Southwest Devon Joint Local Plan 2014 -2034 and the National Planning Policy Framework 2019.

10 CONDITION: NOISE

The noise level from the development shall not exceed 5dB above the background level at the façade of the nearest residential dwelling.

Reason:

To protect the residential and general amenity of the area from noise emanating from delivery and waste collection activities and avoid conflict with Policies Policy DEV1 and DEV2 of the Plymouth and South West Devon Joint Plan 2014-2034 and the National Planning Policy Framework 2019.

11 CONDITION: ARCHAEOLOGY

PRE-COMMENCEMENT

No part of the development shall be commenced until a construction methodology and schedule of works has been submitted to the Local Planning Authority for consideration. Should the construction methodology and schedule of works deem it necessary to conduct subsurface investigations, alterations or the addition of services not currently identified as part of the planning application, then a programme of archaeological work should be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The development shall be carried out at all times in strict accordance with the approved scheme

Reason:

The site is considered likely to contain archaeological deposits that warrant appropriate investigation and/or recording in accordance with Policy DEV21 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and the National Planning Policy Framework 2019.

Justification:

To safeguarded likely archaeological deposits should intrusive groundworks, including the relocation of services, be necessary to implement the planning permission.

12 **CONDITION: WINDOWS**

The windows on the rear/south elevation of the development shall at all times be opaque glazed so that they are impenetrable to light, and non-opening.

Reason:

In order to protect the amenity of the adjacent dwellings in accordance with Policy DEV2 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and the National Planning Policy Framework 2019.

INFORMATIVES

1 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

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

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

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

[https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructur
elevy](https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructur/elevy)

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

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5

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

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

3 INFORMATIVE: SITE WIDE TRAVEL PLAN

Turnchapel Wharf should implement a site wide Travel Plan, or at least have a framework travel plan in operation, depending on the current level of activity at the application site. Which would need to form part of any future planning applications. In order to encourage sustainable means of travel including cycling in accordance with current planning policy initiatives.

4 INFORMATIVE: PROTECTED SPECIES INFORMATIVE

The proposed works may take place on a building with suitability for bats or breeding birds. Under the Wildlife and Countryside Act (1981), bats and breeding birds are legally protected against disturbance, injury or killing and bat roosts are protected against obstruction, damage or destruction. If bats or a bat roost is present in the building, a licence to carry out the works from Natural England may be required. In practice, if any protected species are found on site (such as nesting birds, bats or reptiles) works must cease immediately, and a suitably qualified Ecologist consulted. For further information please contact Plymouth City Council's Natural Infrastructure Officers.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Policies SPT12 and DEV26 of the Plymouth and Southwest Devon Joint Local Plan 2014 - 2033 and the National Planning Policy Guidance.