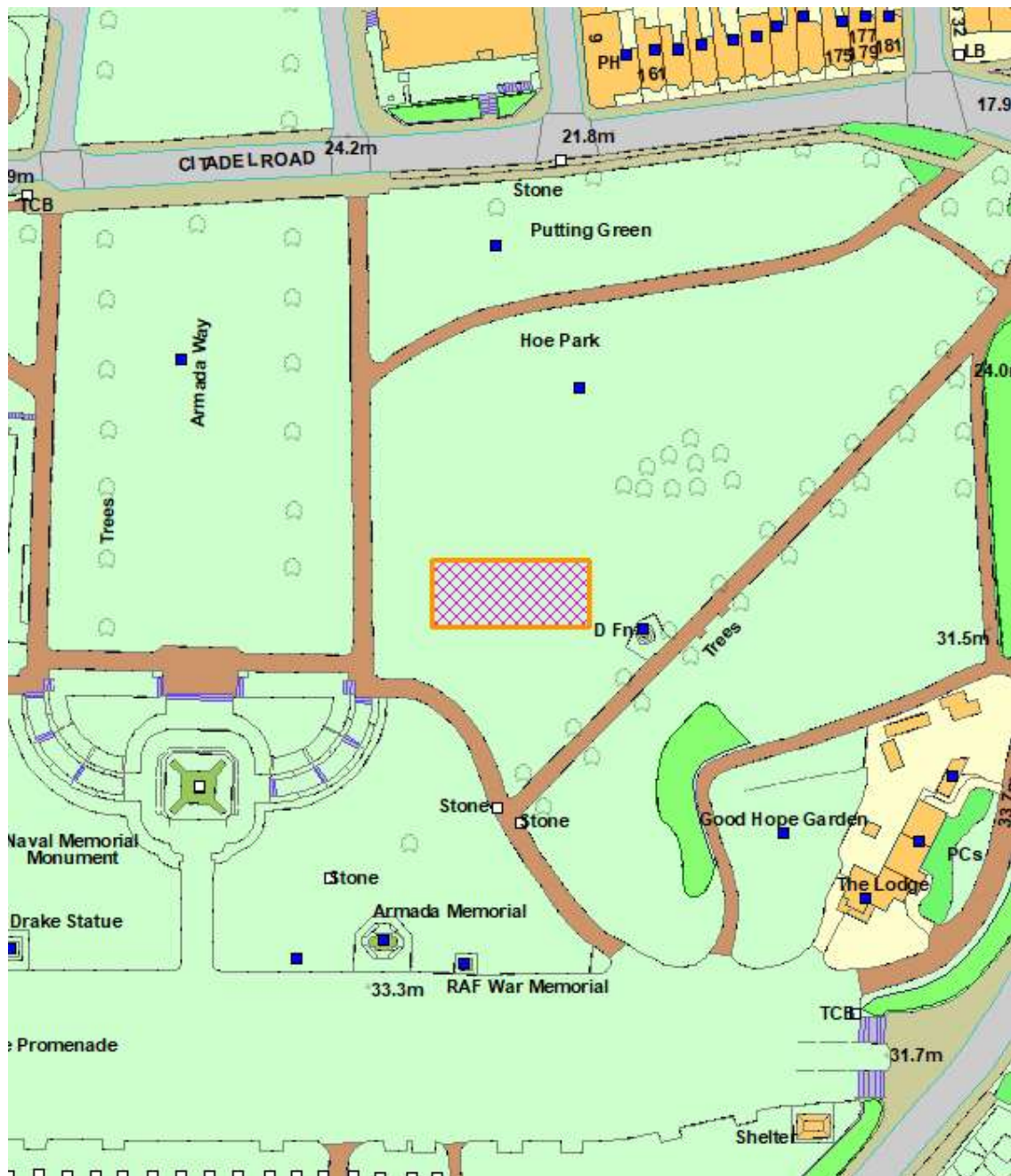


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	25/00220/FUL	<b>Item</b>	03
<b>Date Valid</b>	19.05.2025	<b>Ward</b>	ST PETER AND THE WATERFRONT
<b>Site Address</b>	Hoe Park, Armada Way The Hoe Plymouth PL1 2PA		
<b>Proposal</b>	Siting of observation wheel on an annual temporary basis		
<b>Applicant</b>	Brittany Whitelegg		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	14.07.2025	<b>Committee Date</b>	21.08.2025
<b>Extended Target Date</b>	26.08.2025		
<b>Decision Category</b>	Service Director of SPI		
<b>Case Officer</b>	Miss Emily Godwin		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to the Planning Committee by the Service Director of Strategic Planning and Infrastructure due to public interest reasons and issues of probity, (see section 10 for further details) and as the application has finely balanced policy considerations due to the site's sensitive context and impact on designated heritage assets.

### **1. Description of Site**

The site relates to a grassed area of the Hoe Park located to the east of Armada Way and north of the Promenade. The Hoe Park is a Grade II Registered Park and Garden and is situated with the Hoe Conservation Area. The site is surrounded by many listed memorials and is within the setting of The Royal Citadel Scheduled Ancient Monument. The site is also designated as city greenspace.

Officers have been advised that the wheel is currently in situ on site, and has been erected temporarily under permitted development rights as stipulated by Class B (Temporary Use of Land) of Part 4 of Schedule 2 of the (General Permitted Development) Order 2015.

## **2. Proposal Description**

The proposal is for the temporary siting of a wheel on a yearly basis for four years. The applicant has proposed that the wheel would be in place between 1st March - 30th September.

The proposed wheel would be approximately 34m in height and 33m in width. The wheel would sit on sleepers sitting on ground protection .

## **3. Pre-application Enquiry**

There was no pre-application enquiry.

## **4. Relevant Planning History**

06/00100/FUL - Erection of giant wheel (on land south of putting green) for temporary period (Refused)

06/00311/FUL - Erection of 40m high observation wheel (on land south of putting green) for operation 29 April to 30 September 2006 (Granted Conditionally)

11/00284/FUL - Erection of temporary 53 metre high observation wheel until 30 September 2011 (Granted Conditionally)

11/001361/FUL - 53m high observation wheel on Plymouth Hoe - extension to existing permission until 31st December 2011 (Granted Conditionally)

11/02026/FUL - 53m high observation wheel on Plymouth Hoe - extension to existing permission until 31 December 2012 (Granted Conditionally)

13/00279/FUL - Retention of 53m high observation wheel, associated building and catering unit until 28th February 2014 (Granted Conditionally)

23/01795/FUL - Temporary siting of wheel on yearly basis (Refused).

## **5. Consultation Responses**

Local Highway Authority - No objections from a highway viewpoint.

Environmental Health - Recommend approval.

LPA Historic Environment - Initial Comments: Consider the scheme unacceptable at this stage. There is inadequate justification within the heritage statement or consideration of alternative locations. Visualisations provided are not sufficient to assess the impact on the setting or heritage assets. Concerns that the scheme will result in damage to the grassed area.

Re-consultation comments: Following the submission of further information maintain their concerns that the proposal is unacceptable and recommend refusal.

Urban Design - Initial comments: Raise various concerns including the length of the temporary time period, the proposed location, public realm surrounding the wheel. Request additional visualisations from pedestrian viewpoints, further information on the site options, details of public realm design and recommend alternative locations for the wheel.

Re-consultation comments: Do not considered the submitted options appraisal to overcome concerns, maintain concerns that a less sensitive location should be selected.

Economic Development - No response received.

Land and Property Team - No response received.

Natural Infrastructure - Initial comments: No in-principal objection subject to the submission of further information in order to assess the proposal's ecological and landscape impacts.

Re-consultation comments: Agree with the conclusions of the options appraisal subject to recommended conditions.

Ministry of Defence DIO safeguarding - No objection to the development proposed.

Re-consultation comments: No objection to the development proposed.

Kings Harbour Master - No response received.

South West Water - The proposed surface water disposal (ground infiltration) is considered to be acceptable. Advise that the applicant should contact South West Water if they are unable to comply with requirements relating to asset protection.

Environment Agency - No response received.

Natural England - Do not consider that the proposed development will have significant adverse impacts on statutorily protected nature conservation sites or landscapes, no objections raised.

Waste (Commercial) - No response received.

Historic England - Initial comments: Raise concerns with the proposed location of the wheel and the harm to the setting of adjacent monuments.

Re-consultation comments: Additional information submitted is minimal, and concerns remain as previously expressed.

Public Health - No response received.

Designing out Crime Officer - Note that the wheel will lead to more footfall and therefore policing demand, raise no specific concerns or issues.

The Gardens Trust - Initial comments: Raise concerns that the proposal would obstruct key views within the park which have not been adequately assessed within the submitted heritage statement.

Re-consultation comments: Maintain concerns with the proposal including the level of visual impact, and impact on designated heritage assets, the level of public benefit and ancillary structures

Hoe Neighbourhood Forum - Initial comments: Concerns with the proposed wheel location on parkland and close to monuments. Proposal could lead to further damage to the grass area, parkland and trees. Displacement of children's fair. The proposal would block an open amenity area. Propose that bonds should be increased in value and enforced when damage occurs.

Re-consultation comments: No response received.

Lead Local Flood Authority - No objection subject to consultation with South West Water due to sewer within the site.

Waterfront Partnership - State they fully support this application.

## **6. Representations**

One letter of representation has been received objecting to the proposal, raising the following concerns:

- Removal of designated public space
- Previous damage to the site from the placement of a wheel
- Impact on the views of Plymouth Hoe
- Four years is too long

The letter also raises concerns that the wheel is not viable to run during the winter, and that the financial aspect must be considered as part of this application. Officers note that the wheel is proposed to be removed by 30th September each year. Officers consider that the financial viability of the wheel is not a material planning consideration.

A councillor call-in was received outside the consultation period, the ward councillor requested this be treated as a letter of representation raising the following concerns:

- Location of the wheel
- Displacement of amenity area and change how people are able to access and use the area which plays an important role
- Concerns of damage to the ground from wheel placement - effective ground protection or repair plan is required

## **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, national development management policies, local finance and any other material considerations. Section 38(5B) of the 2004 Planning and Compensation Act sets out that the determination of any matter under the planning Acts must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise. For the purposes of decision making, as on 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).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, Plymouth City Councils Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030 and the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022. Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and South West Devon Supplementary Planning Document (2020).
- The Hoe Conservation Area Appraisal and Management Plan (2009)

## **8. Analysis**

1. This application has been considered in the context of the development plan, the adopted Joint Local Plan, the Framework and other material considerations as set out in Section 7.

### **Principle of Development**

#### **Waterfront Development and the Visitor Economy**

2. Policy PLY20 (Managing and enhancing Plymouth's waterfront) states that: "improving key waterfront destinations and opportunities, through a strategic approach which ensures that the

waterfront's potential is fulfilled, as the centrepiece of the Mayflower 400 celebrations, a regional visitor economy hub and a high quality place for the local community to enjoy".

3. The policy further states:

"2.ii Protecting and enhancing the Hoe's unique man-made and natural heritage and using development and public realm measures proactively to repair damaged environments, re-use historic buildings and enhance the overall enjoyment of the area by visitors and residents".

"3.v Protecting iconic and historic landscapes and green space 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".

"3.vi Safeguarding and further enhancing public access to and along the waterfront and water access points, providing increased opportunity for enjoyment of the marine environment for residents and visitors alike".

4. Furthermore, Policy PLY21 (Supporting the visitor economy) sets out that "support will be given for proposals which protect and deliver growth for Plymouth's visitor economy in its core tourism area. This includes the waterfront stretching from Sutton Harbour/ The Barbican to Royal William Yard, including the Hoe and Millbay as well as the City Centre". Point 3 further states that "Proposals which help enhance Plymouth as a destination for all seasons, including the effective use of the waterfront and the City Centre for events, and which support business tourism and tourist related business development, will be supported".

5. The development is supported by the Waterfront Partnership, it is considered that the proposal would create a new visitor attraction within the tourist location of the Hoe and Waterfront. Officers consider it would also provide new perspectives to view many of the heritage monuments in and around the Hoe Park which in turn would contribute to the overall enjoyment of the area, encouraging visitors to spend more time on the hoe due to the improvement of the existing visitor offering.

6. As a result officers are supportive of the principle of the wheel, and consider that it would both enhance Plymouth's waterfront in a prominent location, and would support the visitor economy in compliance with Policies PLY20 and PLY21.

#### Designated Green Space

7. Letters of representation and comments from the Hoe Neighbourhood Forum have raised concerns that the scheme will lead to the removal of publicly accessible space. The application site is designated as City Green Space. As such, Policy DEV27 (Green and Play Spaces) which seeks to protect and support a diverse, multifunctional network of green space applies to the proposal. Specifically, DEV27.2 states that "existing open spaces, which also includes City Green Spaces and Neighbourhood Green Spaces, should not be built on", setting out the three tests, of which one should be met to demonstrate the safeguarding of open spaces as detailed in paragraph 7.119 of the SPD:

"Applicants bringing forward proposals will need to include an open space assessment which demonstrates that one of the following tests is satisfied:

- Test one - the open space is surplus to requirements;
  - Test two - the loss will be replaced by equivalent or better provision in a suitable location;
- or,
- Test three - the development is for alternative sports and recreation provision, the needs of which clearly outweigh the loss".

8. DEV27 goes on to state that "development will be resisted on sites where the functions and characteristics of the greenspace will be lost and mitigation is not possible".

9. The proposed development would result in the installation of a wheel for 7 months of the year for 4 years, and the site is proposed to be fully restored back to its original grassland condition. An Open Space Assessment has been submitted which states that the wheel is expected to enhance the recreational offering and complement the existing leisure activities on the Hoe.

10. Officers, in consultation with Natural Infrastructure officers consider that the wheel would be temporary and so would not result in a permanent loss of green space. It is also noted that the wheel's approximate 48 square metres footprint is minimal within 12.48ha Hoe Park.

11. Whilst the submitted information has not sufficiently demonstrated full compliance with the tests of DEV27, officers take the view that the proposal would provide a temporary attraction to bring people to enjoy the area. As a result, the greenspace will not be lost, resulting in a temporary impact. Officers have recommended conditions to secure its temporary use, and for a landscape ecological management plan to address the physical impact upon the lawn and are satisfied that this would provide appropriate mitigation.

12. To this end, officers take the on balance view that the proposal would not fundamentally conflict with DEV27.

13. Overall, officers consider the scheme to be acceptable in principle, subject to compliance with national and local policy and guidance as set out below.

#### Visual Impact and the Historic Environment

14. Policy DEV20 of the JLP outlines that development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment. DEV21 relates to development affecting the historic environment, and requires proposals to conserve and enhance the historic environment. Policy DEV23 sets out the development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality.

#### Landscape and Visual Impact

15. By virtue of its scale, location and lighting, the Wheel would be a highly visible addition to the landscape in a prominent location on Plymouth's waterfront. Reference has been made to the "Plymouth and Plymouth Urban Fringe Landscape and Seascape Assessment" as referenced in the SPD. Officers consider that the wheel would result in being a prominent feature in views from various vantage points within Character Areas CA26: Drakes Island, CA27: Cattewater and Sutton Harbour and CA29: Inner Plymouth Sound.

16. Visualisations have been provided detailing both aerial and pedestrian-level views of the wheel in its proposed locations, officers note these do not include the proposed fencing and platform however consider they provide additional context to how the massing of the wheel would be experienced in relation to the surrounding area in conjunction with a Landscape Appraisal which sets out some visual receptors of the wheel and how this impact has been mitigated through its siting and temporary nature.

17. Concerns have been raised by the Gardens Trust that the visual impact of the wheel will be increased by the potential light glare on the capsule pods and LED lighting. Officers acknowledge the visibility of the proposal. However, given the structure is generally lightweight and offers a level of visual permeability, officers raise minimal concerns with the design of the wheel itself, accepting that this design is largely fixed by the nature of the structure.

18. It is undeniable that the wheel would result in visual and landscape impact, as a result, the key considerations of this proposal rest on its impact on the wider surrounding area and the historic environment as set out below.

#### Historic Environment

19. Paragraph 207 of the National Planning Policy Framework (NPPF, 2024) requires "an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting". A heritage statement has been submitted to accompany the application, which provides limited detail on some of the relevant heritage assets that may potentially be impacted by the Wheel. Following concerns raised by the Council's Historic Environment, Historic England and the Gardens Trust; a further assessment of the impact on effected heritage assets was requested by officers. Further information on the setting of listed memorials and structures was subsequently provided however; consultees maintain their concerns and consider that a full assessment has not been undertaken by the applicant.

20. Officers note that a previous application (23/01795/FUL) for a wheel at Hoe Park was refused for reasons including insufficient information to assess visual impact and the impact on the historic environment.

21. Supporting information for this current application remains limited in its scope, and it is highly regrettable that a more comprehensive assessment of the impacted designated heritage assets and their setting has not been undertaken. However, officers consider that, further than the previous application, the heritage statement provides a general outline of the heritage assets closest to the proposed development and provides some level of commentary as to some of the impacts and mitigation measures for the wheel. In line with consultee comments, officers do not agree with the conclusions of the heritage information submitted, which concludes that there would be a "minor visual impact on the conservation area" and the wheel could avoid harm to the Registered Park and Garden and associated listed monument. However, officers consider that an adequate level of detail has been received to allow officers to undertake their assessment of the scheme.

22. Paragraph 208 of the NPPF sets out that local planning authorities should also identify and assess the particular significance of any heritage asset, or the setting of which that may be affected by a proposal.

23. The Hoe Park is a unique and highly prominent area of open space within the city, it provides a high-quality setting and views and is a highly regarded area of amenity space. The site is north-east of a cluster of memorial monuments and is to the west of the Royal Citadel Scheduled Monument. The Hoe is highly sensitive in the context of the Historic Environment due to its siting within the Hoe Conservation Area, and its designation and a Grade II Registered Park and Garden. In addition, the site is within close proximity to the Naval War Memorial and Smeaton's Tower, which are both Grade I listed, and the Armada Memorial and statue of Sir Francis Drake are listed at Grade II\*, among other listed monuments, residential buildings and non-designated heritage assets including RAF and Merchant Navy memorials. As identified within the submitted visualisations, and comments from The Gardens Trust, the site will also be visible from designated heritage assets further afield including the Grade I listed Mount Edgecumbe, Grade II listed Plymouth Civic Square and the City Centre and Barbican Conservation Areas.

24. The Hoe Conservation Area Appraisal and Management Plan (CAAMP, 2008) sets out that these rich historical associations are enhancing The Hoe's "civic and symbolic focus as the city's heart, and has attracted visitors for many years. Its history has also left an extensive legacy of fine buildings, monuments, landscape, traditions and uses, which all contribute to the special character of the Hoe". The Hoe's significance is further detailed by consultees who consider that the "simple linear form [of



memorial and monuments] are set against the promenade and the open nature of the surroundings give a dignified setting to memorials and monuments".

25. Officers therefore acknowledge the paramount significance of the application site given the multiple, overlapping heritage assets which would be impacted by the proposed wheel, and that the significance of these assets is derived by their setting, in the open nature of the Hoe Park. This sensitive context is therefore key in assessing the level of harm of the proposed development and as such the scheme is finely balanced.

26. Historic England and the Council's Historic Environment officer generally support the principle of a temporary observation wheel within Hoe Park, and define the level of harm to designated heritage assets as less than substantial. The proposed location of the wheel would primarily affect the setting of the Grade I listed Naval war memorial, which given the asset's exceptional significance, harm should be wholly exceptional. As outlined by Historic England, and the CAAMP, the memorial is designed to be viewed axially, and the position of The Hoe at the heart of the city has been created through the central axis and vista of Armada Way, focused to the Naval War Memorial. Historic England are concerned that by virtue of its height and siting, the wheel would detract from this symmetrical street layout which acts as the termination of views along Armada Way, the primacy of which would be challenged by the wheel. The Gardens Trust additionally consider that wheel would be a circular addition to the area, contrasting the distinctive vertical aspect of the structures.

27. Furthermore, the LPA Historic Environment officer questions the appropriateness of a modern recreational attraction within the setting of the dignified and symbolic commemorative monuments surrounding proposed site and the impact of a competing tall recreational object within their setting, as well as the physical impacts on the grass, eroding the lawns and soils of the Registered Park and Gardens. The Historic Environment officer therefore suggests that there may be more appropriate locations for a wheel within the Hoe Park further, recommending that alternative options were considered for the siting of the proposed wheel, away from key monuments and memorials.

28. Officers are especially mindful of Historic Environment's concerns that the wheel may diminish the solemnity and dignity of the memorials and monuments which characterise Hoe Park.

29. The Urban Design officer suggested that a wheel may be more appropriately sited on the west end of the Promenade, West Hoe Park or the Former Quality Hotel Site.

#### Options Appraisal

30. An options appraisal has been submitted which assesses eight potential sites within Hoe Park, including the site brought forward as part of this proposal. Whilst it is regrettable that not all of the options suggested by UD have been appraised, the appraisal sets out that other sites, despite in some cases being located further away from listed structures within Hoe Park are not feasible for various reasons, including the steep topography of green spaces below the promenade, proximity to trees, the relationship with designated heritage assets, vulnerability to high winds, the impact on residential properties and conflict with the wider operation of The Hoe as a tourist attraction.

31. Historic Environment, Historic England and UD consider that the information provided remains insufficient on heritage grounds and fails to overcome the concerns raised. They maintain that the wheel would result in a competing vertical feature which would compromise the memorial's intentional dominance within the Hoe Park.

32. Officers have carefully considered the concerns raised and are mindful that the constraints impacting on Hoe Park are multifaceted, as demonstrated by the options appraisal. Officers agree with the conclusions of the appraisal that some areas of the Hoe Park would be further inappropriate for the siting of the wheel. In particular some options have the potential to block

direct and key views as identified within figure 3 of the CAAMP, and of the most significant heritage assets such as the Grade I listed Naval War Memorial and Smeatons Tower. It is further appreciated that there are other considerations which play into the balance of finding an acceptable location.

33. UD maintain their recommendation to site the wheel in West Hoe Park (WHP). It is regrettable that WHP was not included within the options appraisal. In considering its potential, officers concur that WHP is set away from many of the most sensitive designated heritage assets, and that West Hoe Park is generally characterised by more permanent recreational offerings such as the Gus Honeybun Train and Treasure Island Adventure Golf Course. However, WHP is located within closer proximity to residential properties and comprises one of the key panoramic views as identified within figure 3 of the CAAMP.

34. Further correspondence from the agent was received which highlighted that the West Hoe Park is enclosed by high cliffs which may limit the views available from the wheel, in turn limiting the advantages its siting in the Hoe Park itself.

Previous wheel siting and temporary use

35. The submitted heritage statement places emphasis on the planning history for Hoe Park, highlighting that the proposal aligns with the history of the Hoe Park as a site for public enjoyment and attractions.

36. An observation wheel has been sited within this location previously on a temporary basis. Initially, a 40m high wheel was in situ for six months in 2006. Following this, consent was granted in 2011 for a six month consent for a 53m high observation wheel. This consent was extended multiple times, resulting in the wheel being in situ over a 4 year period. The longest consented time period under any application was 12 months.

37. The proposed wheel is proposed to be approximately 34m in height, and so whilst still of significant height, is reduced compared to previously consented installations at the site.

38. The wheel is proposed to be in situ for seven months of the year, between 1st March - 30th September for four consecutive years. The heritage statement outlines that "as a non-permanent feature, it will not result in the long term alteration or loss of heritage fabric". However, the Historic Environment and Urban Design officers do raise concerns that the time period for operation proposed would result in the level of harm caused to be intermittent over this period, and would be experienced as a semi-permanent feature of Hoe Park, raising a higher level of concern compared to previous one-off arrangements that have previously been approved at the site. Urban Design raise further concerns that this would set a precedent for further consents, however officers are only able to assess the scheme which has been brought forward, any amendments to the proposed time period would require consideration by the Local Planning Authority.

39. Officers acknowledge that the previous wheel did, by virtue of the total time period it was sited, comprise a more permanent feature of Hoe Park, and appreciate that the wheel is now proposed to be in situ for more than half of the year at a time.

40. The temporary nature of the wheel and its planning history is a finely balanced consideration for officers. Officers find that there is a tipping point, at which the transient nature of the wheel would be lost. In this case, Officers are satisfied with the proposed temporary nature, and find that a continuous five-month period in which the wheel would not be in place provides level of transience that would result in intermittent harm to designated heritage assets. Officers also place considerable weight on the fact that following its final year, the wheel would be removed entirely.

41. Taking this into consideration, officers are confident that the impact of the wheel would be both temporary and reversible. Placing significant weight on this fact, officers take the view that the wheel's siting would be at the lower end of less than substantial harm.

Impact on grassland/ lawn re-instatement

42. Public representations and the Hoe Neighbourhood Forum raise that previously the wheel caused damage to the site. Historic Environment also have concerns that the proposal will impact on the lawns of the Registered Park and Garden (RPG); expecting that any damage to the grass should be managed by a re-instatement plan to maintain the significance of this area of the RPG.

43. Some previous planning applications for the wheel have included the submission of a method statement which included limited details on the re-instatement of the grass following the dismantling of the wheel.

44. In this case of the current application, a Landscaping Scheme Statement has been submitted which sets out the intentions to restore the land to its original condition after the wheel is removed. Officers are supportive of the intention to restore the lawns impacted by the siting of the wheel, however are mindful of the concerns raised regarding previous damage. In line with recommendations from the Natural Infrastructure team, Officers have recommended a condition for the submission of a Landscape Ecological Management Plan (LEMP) to set out how the lawns will be re-instated both between periods of siting and following the removal of the wheel to ensure that an impact of the proposed development can be appropriately managed. The recommended condition includes monitoring and remedial measures should it become clear that the aims and objectives of the LEMP are not being met. As such, officers are satisfied that, subject to this condition, any impact on the grassland will be temporary and reversible.

Public Benefit

45. Where a proposed development will lead to less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposal, in line with paragraph 215 of the NPPF.

46. A level of public benefit has been set by the applicant, consider that the wheel would enhance the enjoyment and visitor experience for visitors to established tourist area, encouraging visitors to stay longer and engage more with the Hoe Park.

47. Both Historic England and Historic Environment officer consider that the wheel could provide a good attraction for Plymouth, defining the public benefits as providing additional recreational opportunities within the park. However, Historic Environment and The Gardens Trust do not find that the identified less than substantial harm would be outweighed by the identified level of public benefit.

48. Overall, officers are mindful that the proposal would result in less than substantial harm to the designated heritage assets, some of which are of the highest significance, and consider that as defined in paragraph 213(b), any harm should be wholly exceptional. The proposal as such, is considered to be very finely balanced. However, a key consideration in this case is the temporary nature of the permission, which has been afforded significant weight.

49. The Gardens Trust raise that no quantitative analysis of the economic or social impact of the wheel has been provided to justify the public benefit.

50. The Hoe CAAMP sets out that the "greater part of the Hoe Park and Waterfront is given over to informal recreation [...] the park and waterfront is one of the most visited and well used parts of the city, especially when crowds are drawn to the area by events or celebrations" whilst

acknowledging that "It has also served for centuries as one of the prime foci of the city's identity [...] reflected too in the number of memorials that have accumulated over the years".

51. In consequence there is a clearly established interaction between the uses and value of the Hoe Park which is present through the Hoe Park's historical significance, in addition to regularly hosted fairs, events and other attractions which contribute to the value of the Hoe as an asset of the city.

52. Officers acknowledge that given the nature of the wheel, it is challenging to quantify specific visitor numbers or the anticipated generated footfall. However, officers consider that the proposed scheme would result in various public benefits including providing new opportunities to interact with and interpret the historic environment. The wheel would also lead to the creation of 2 FTE jobs and providing a new visitor attraction within this established tourist location, improving the visitors offering at Hoe Park and encouraging visitors to spend more time in the area.

### Conclusion

53. In summary, officers have carefully considered the application in light of the submitted information and consultee comments received. By its nature, the Hoe Park is a highly sensitive site, home to some of the City's most highly significant heritage assets and fundamental to Plymouth's identity and so to site the wheel, in any location requires careful consideration of its visual impact and impact on heritage assets. As such, the proposal is finely balanced.

54. Officers are minded that the commentary provided sets out that alternative locations in Hoe Park are unlikely to be feasible and subject to various constraints. Whilst it is undeniable that the proposed location for the wheel would result in less than substantial harm to identified heritage assets, a level of public benefit has been identified. Although consultees do not consider this benefit to outweigh the level of harm, officers give considerable weight to its temporary and reversible nature, defining this at the lowest end of less than substantial harm and lessening its visual and landscape impact, in this case tipping the balance in favour of officers supporting this proposal.

55. To this end, officers take the finely balanced view that by virtue of its temporary nature and the identified level of public benefit, the impact of the proposal on the visual and scenic quality of Hoe Park and its impact on heritage assets and their setting does not conflict with DEV20, DEV21 and DEV23 of the JLP or the NPPF.

### Ancillary Structures, Public Realm and Landscaping

56. The Natural Infrastructure and Urban Design officers note that at present, no details have been provided for any ancillary works including a ticket booth, crowd control measures or boundary treatments for the wheel, including how it would be secured at night. Verbal confirmation has been received from the agent that no other structures are proposed as part of the scheme, and tickets would be sold from the platform of the wheel proposed. Urban Design Officers have requested that a planning condition is put in place to ensure no additional structures or boundary treatments are put in place. Officers consider that any ancillary structures are likely to require planning permission and so would be subject to assessment from the Local Planning Authority, however have recommended a condition restricting permitted development rights to install any further boundary treatment without consent from the LPA.

### Amenity

57. Policy DEV1 highlights that development proposals will be required to safeguard the health and amenity of local communities. Policy DEV2 relates to air, water, soil, noise, land and light, protecting human health and the natural environment.

58. The closest residential properties to the wheel are located approximately 95m to the north along Citadel Road and 150m to the west on Osborne Place. Whilst the wheel would be visible from

these properties, officers consider that by virtue of their proximity from the application site, the wheel would not result in a harmful loss of daylight or outlook. Furthermore, officers do not envisage that the wheel would provide clear overlooking opportunities to these neighbouring properties.

59. A noise statement has been submitted alongside the application which outlines that the wheel is powered by electric motors and therefore provides minimal noise disturbance. The statement sets out that previous wheels have produced noise level of less than 60 dB within 5 metres of the wheel, with reduced levels to around 50dB 10-15 metres away from the wheel and no reported increase in noise levels beyond 50m, concluding that the wheel would not result in noise disturbances for nearby properties.

60. Lighting details have also been provided, the wheel would feature LED lighting around its perimeter, as well as LED lights along the wheel spokes, within the gondola hoods and at the loading and unloading areas of the platform. Structural spotlights are also proposed to illuminate the main structure. It is stated that the wheel would be operated almost entirely during daylight hours.

61. The wheels operating hours are proposed to be 08:00 - 21:00 Monday to Saturday and 09:00 - 21:00 on Sundays and Bank Holidays. Officers do not raise concerns with the lighting in relation to the hours of operation, considering that the wheel will largely be used during the lighter, summer months. Officers expect that light pollution will be more apparent towards the beginning and the end of the proposed period where evenings would be darker, however, taking account of the proximity from residential properties, officers do not consider that levels of glare would be significant.

62. Furthermore, Environmental Health have not objected to the use within the proposed opening hours. As such, cessation of operation at 21:00 hours is considered to be acceptable.

63. Officers therefore do not raise concerns with the amenity impact of the property wheel. The Council's Environmental Health have been consulted on the application and raise no concerns with the proposal.

#### Highway Impact

64. The Local Highway Authority were consulted on the scheme and raised no objections.

65. Given the central tourist location of the site, and the nature of the proposal, no off-road parking would be available for users of the wheel. Customers would need to make use of on-street parking and public car parks. Officers also note that the site is accessible by sustainable modes of transport with bus services linking the site to Royal Parade, West Hoe and the Barbican.

66. The proposed use of the site would not be considered to generate any significant additional traffic movements and as such is considered to accord with DEV29 of the Joint Local Plan.

#### Ecology

67. DEV26 requires development to support the protection, conservation and enhancement and restoration of biodiversity and geodiversity across the plan area. The application is accompanied by an Ecological Impact Assessment (EclA) prepared by Western Ecology which highlights that the site has the potential to support protected species including bats, birds and hedgehogs. The report concluded that no further surveys were required and sets out the requirements to mitigate potential ecological impacts.

68. The Council's Natural Infrastructure (NI) officers were consulted on the application and raise no in-principle objections subject to a condition requiring the submission of a Construction Environmental Management Plan (CEMP) and Operational Environmental Management Plan (OEMP),

to incorporate protections for sensitive ecological features during construction and operation, in line with the recommendations of the EclA. Officers have secured an overarching Environmental Management Plan including details during construction, operation and de-construction via condition to ensure that the proposal would comply with DEV26.

69. The applicant is advised that any activities affecting potential nesting habitats adjacent to the red line boundary must be completed outside of bird nesting season. An informative has been included detailing this further.

70. NI officers have raised concerns with the level of information relating to the proposed lighting of the wheel, including how light pollution on nearby trees will be mitigated. As such, further details are recommended to be secured via condition.

71. Overall, officers consider that subject to conditions, the proposed development would not cause direct harm to protected species, and is therefore in compliance with DEV26.

#### Trees

72. Trees are located within close proximity to the proposed wheel. As these trees are located within the Hoe Conservation Area, they have protected status. The proposal has been assessed against DEV28 of the JLP which seeks to avoid the loss or deterioration of trees, woodlands and hedgerows. Officers note that concerns have been raised by the Hoe Neighbourhood Forum that the proposal may result in damage to trees.

73. The submitted tree survey report sets out that no trees would require management works or removal for site access or operation, and all surveyed trees will be retained. A Tree Protection Plan has also been submitted which sets out how trees will be protected during construction, through the creation of a construction exclusion zone and identified access routes for pedestrians and contractors. Officers, and Natural Infrastructure officers are satisfied that the subject to conditions for the implementation of protective measures as outlined in the Tree Survey Report and Tree Protection Plan, the scheme would not impact upon the trees surrounding the proposed site. As such, the scheme is considered to comply with DEV28 of the JLP.

#### Habitats Regulations Assessment

74. The project has been considered in light of the assessment regulations of Regulation 63(1) of the Habitat Regulations 2017. NI officers note that the Plymouth Sound and Estuaries Special Area of Conservation (SAC) is approximately 275m away.

75. Following a detailed Likely Significant Effects (LSE) Screening Assessment that considers the nature, scale, timing, duration and location of the project, it was concluded that it be eliminated from further assessment because it cannot have a conceivable effect on a European Site due to its proximity and that it would not result in additional pressures to the SAC. NI officers consider that in conjunction with the mitigation measures to be secured through the recommended Environmental Management Plan and that Natural England have raised no objections with the application, it is reasonable to conclude that there will be no LSEs on the European Sites.

#### Biodiversity Net Gain

76. Due to the nature of the work proposed, the mandatory BNG condition is considered to apply. Whilst the works proposed would include the re-instatement of impacted grassland, as the scheme would result in habitat degradation, the de-minimis exemption is not considered to apply, therefore a 10% net gain is required. The submitted Biodiversity Net Gain strategy sets out that this net gain will not be achieved and as such off-site compensation in the form of biodiversity credits will be required.

77. Consultation with Natural Infrastructure officers has raised concerns regarding wider degradation of modified grassland surrounding the site due to increased recreational use and footfall, stating that this should be accounted for within this application. The application site is defined by the red line boundary, which is fixed by the dimensions of the proposed wheel, officers note that no development is proposed outside of this red line boundary. The BNG legislation sets out that net gain is required on habitats within the red line boundary. Officers further consider that the area surrounding the site is currently publicly accessible green space, which by its nature is impacted by footfall and recreational activities taking place. Whilst this may increase if a wheel were sited in Hoe Park, as it falls outside the red line boundary, officers consider that the habitat surrounding the wheel is not subject to the mandatory BNG condition.

78. BNG is a post-permission matter, officers are confident that a 10% net gain is possible to be achieved off-site via the purchase of biodiversity credits, and have included an informative which outlines the required information to be submitted to the Local Planning Authority to discharge the Biodiversity Gain Condition.

#### Drainage

79. The site is located within Flood Zone 1 and is considered to be at low risk from fluvial and tidal flooding. Surface water flood risk mapping indicates that the site is at low risk from a 1 in 100 year return period event.

80. The site is located in a critical drainage area where the Environment Agency considers the existing drainage system to be at or close to capacity.

81. A drainage strategy has been submitted alongside the application. The Lead Local Flood Authority (LLFA) have provided comments, stating that they have no in-principle objections with the proposed works which would occupy a relatively small footprint where the surrounding grassland and topsoil are permeable and capable of efficiently absorbing rainwater with no significant increase in impermeable area.

82. The LLFA note that a South West Water (SWW) foul sewer is located within the proposed site, and recommend that SWW are consulted for consent to build over or near the sewer.

83. SWW have provided comments on the application, and advise that they will need to be notified of any works within 3m of the sewer as permission from SWW will be required to proceed, an informative has been included which details this further.

#### Climate Emergency

84. Officers have reviewed the submitted Climate Emergency Compliance Form and sustainability statement and raise no concerns. Whilst officers welcome the general ambitions to ensure that the wheel minimises carbon emissions, officers consider that given the nature of the proposal, to request additional climate mitigation would be disproportionate in this case.

85. As such, the scheme is considered to accord with DEV32 and the CEPS (2022).

#### Other matters

86. Concerns have been raised by the neighbourhood forum that other fairs and attractions are usually sited in the location of the wheel which would be displaced by the proposal, impacting further on amenity greenspace, grass and trees.

87. This application relates solely to the siting of the wheel within the red line boundary, no further attractions have been brought forward as part of this proposal, and so have not been taken into consideration.

### Planning Balance

88. The proposal is considered to be very finely balanced, officers acknowledge that the wheel would result in visual impact, less than substantial harm to designated heritage assets and would be sited on designated city greenspace. However, a key consideration in this case is the temporary nature of the proposal, which has been afforded significant weight. The proposed scheme would deliver identified public benefits and would result in securing maintenance and management of the lawns both between periods of the wheel's siting and following its final removal. It is therefore considered that when weighing up the planning balance, the proposed development would be reversible and this tips the balance in favour of supporting the proposal.

### **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**

The proposed scheme would result in financial gain for Plymouth City Council through tourist income as a result of the wheel being sited on the Council's land. The Service Director has considered that this is a probity issue and is therefore in the public interest to be determined by the Planning Committee.

### **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 are not sought 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 concluded that when weighing up the level of harm to designated heritage assets against the identified public benefits and in considering the temporary nature of the proposal, it is clear that the scheme is finely balanced, but in this case, the planning decision is tipped in the officers view in favour of conditional approval.

### **14. Recommendation**

In respect of the application dated 19.05.2025 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 Site Plans and Perspectives 2501/02   received 07/02/25

Proposed Plans and Elevations 2501/03   received 07/02/25

Observation Wheel Site 01   received 15/05/25

Tree Constraints Plan TCP   received 15/05/25

Tree Protection Plan TPPVI   received 15/05/25

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: TEMPORARY USE/REINSTATEMENT**

The observation wheel hereby permitted shall be in situ and operate only between 1 March - 30 September each year, for a period of 4 years from the date of first installation.

Prior to the final removal of the wheel, a scheme of work to restore the land to its former condition shall be submitted and approved in writing by the Local Planning Authority. After 4 years from the date of first installation, the wheel shall be removed by the 30th September and the land restored in accordance with these approved details.

Reason:

In the opinion of the Local Planning Authority the temporary use to which this permission relates will by the said date have fulfilled its required purpose. This condition is imposed to comply with Policy DEV20, DEV21 and DEV27 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

### **4      CONDITION: LANDSCAPE ECOLOGICAL MANAGEMENT PLAN**

#### **PRE-COMMENCEMENT**

A Landscape Ecological Management Plan (LEMP) shall be submitted to approved in writing by the Local Planning Authority prior to commencement of the development. The content of the LEMP shall include the following:

- i. Description and evaluation of features to be managed, including the extent of the proposed works shown on appropriate scaled plans. This should include as a minimum the strategy for repair/reinstatement of the grass in the intervening periods between the siting of the wheel which

- shall include the measures to deal with compaction, seeding mixtures, mowing schedules for re-seeded lawn and/or details of turf removal, storage and reinstatement.
- ii. Ecological trends and constraints on site that might influence management
  - iii. Aims and objectives of management of both landscape elements and biodiversity features
  - iv. Set out maintenance operations for the periods between the siting of the wheel and following the final year of the wheel's operation, for a further 4 years following to achieve aims and objectives. This should include commitment to replace dead or defective stock.
  - v. Preparation of a work schedule to include mowing, seeding and watering.
  - vi. Body or organisation responsible for implementation of the plan
  - vii. Monitoring and remedial measures which should liaise with long-term maintenance activities.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:**

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, and the quality of the Registered Park and Garden and to ensure that satisfactory remediation works are carried out, in accordance with Joint Local Plan Policies DEV26 and DEV21 and the NPPF.

**Justification:**

Necessary to mitigate the impact of the wheel on the grassland of the Hoe Registered Park and Garden.

## **5      CONDITION: ENVIRONMENTAL MANAGEMENT PLAN**

### **PRE-COMMENCEMENT**

No development shall take place until an Environment Management Plan and Operational Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall include the following:

- i. Risk assessment of potentially damaging construction and de-construction activities;
- ii. Identification of "biodiversity protection zones"
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction and de-construction (may be provided as a set of method statements)
- iv. The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs. Any protective fences shall provide sufficient gaps for the movement of hedgehogs.
- v. The times during construction and de-construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP and the actions that will be undertaken
- vi. Responsible persons and lines of communication. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person

The Operational Management Plan shall include the following:

- i. Risk assessment of potentially damaging operational activities;
- ii. Identification of "biodiversity protection zones"
- iii. Details of Rigid control of worksite boundaries

- iv. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during operation (may be provided as a set of method statements). To include measures for crowd control, waste management, and pollution prevention.
- v. An identified area for the storage of materials and waste.
- vi. Responsible persons and lines of communication. Statement of the role and responsibilities of personnel on site.

The approved Environmental and Operational Management Plans shall be adhered to and implemented throughout the construction, de-construction and operational periods strictly in accordance with the approved details and the mitigation measures as set out within Chapter 6 of the Ecological Impact Assessment prepared by Western Ecology (dated 15.05.2025) unless otherwise agreed in writing by the local planning authority.

**Reason:**

In the interests of the retention, protection and enhancement of wildlife and features of biological interest during construction work in accordance with Joint Local Plan Policies SPT12 and DEV28 and Government advice contained in the National Planning Policy Framework.

**Justification:**

Necessary to ensure the development does not harm the environment or wildlife during construction, de-construction or operation.

## **6      CONDITION: LIGHTING STRATEGY**

### **PRE-INSTALLATION**

Prior to the installation of any lighting for the development hereby approved, an update to the lighting scheme must be submitted to and approved in writing by the Local Planning Authority. Details of the lighting scheme shall include the lighting operational hours and plans detailing how light pollution on nearby trees will be mitigated including the provision of appropriate technical specifications and methods to control lighting.

All lighting shall be installed in accordance with the specifications and locations outlined in the aforementioned strategy and should be maintained thereafter in adherence with the strategy.

**Reason:**

In the interests of the retention, protection and enhancement of wildlife and biological features in accordance with Policies DEV2 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and the National Planning Policy Framework.

**Justification:**

There is potential for protected species on site that are sensitive to light pollution.

## **7      CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT**

Notwithstanding the provisions of Article 3 of Class A of Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no boundary treatments, including temporary fencing, aside from those hereby approved shall be erected without prior consent from the Local Planning Authority.

**Reason:**

To ensure that any boundary treatments are in-keeping with the character of the area in line with policies DEV20 and DEV21 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

## **8      CONDITION: HOURS OF OPERATION**

Hours of operation are restricted to the following times; Monday to Saturday 08:00-21:00hrs Sunday and Bank Holidays 09:00-21:00hrs.

Reason:

To protect the residential and general amenity of the area from noise emanating from the general operation of the wheel and to avoid conflict with Policy DEV2 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

## **9      CONDITION: TREE PROTECTION**

The works hereby approved shall be carried out in accordance with the details within the submitted "Tree Survey Report and Preliminary Constraints Analysis" (received 15.05.2025) and "Tree Protection Plan" (drawing no. TPPV1) (received 15.05.2025) and shall be undertaken in accordance with Section 6.1 of BS: 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. The measures contained in the plan shall be fully implemented at all periods of construction and de-construction at the site.

Reason:

To ensure that trees on site are protected during construction work in accordance with Policy DEV28 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework

## **10     CONDITION: NOISE ASSESSMENT**

The development hereby approved shall play music only in accordance with the noise details as submitted within the Noise Assessment (received 15 May 2025) and shall not exceed the levels set out at all times, unless a change is otherwise agreed in writing by the Local Planning Authority.

Reason:

To limit amenity impacts of noise on nearby residents and the surrounding area in line with policies DEV1 and DEV2 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

## **INFORMATIVES**

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

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).

### **2      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, the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

### **3 INFORMATIVE: BIODIVERSITY GAIN PLAN REQUIRED**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the Local Planning Authority; and
- (b) The Local Planning Authority has approved the plan.

The Local Planning Authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required, in respect of this permission would be Plymouth City Council.

Based on the information available this permission is considered to be one which will require the approval of a Biodiversity Gain Plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

### **4 INFORMATIVE: BATS AND BIRDS**

Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2000, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the trees should be undertaken prior to the commencement of works to determine if any bats or birds reside in the trees. No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 601 4523 or email [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk). Further advice on bats is available from The Bat Conservation Trust 0845 1300 228.

### **5 INFORMATIVE: COUNCIL CODE OF PRACTICE**

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):  
<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>

### **6 INFORMATIVE: SOUTH WEST WATER**

The applicant is advised to liaise with South West Water to ensure that the development complies with requirements relating to asset protection.