

ITEM: 03

Application Number: 09/01882/FUL

Applicant: Sutton Harbour Property & Regeneration Ltd

Description of Application: Development of mixed use residential scheme comprising 62 residential apartments (C3 use) and 4 ground floor commercial/retail units (A1, A2, A3, A4, B1a and B1 (marine related employment use)), within a 5/10 storey building, with associated car parking, services and public realm works

Type of Application: Full Application

Site Address: EAST QUAYS BOATYARD SUTTON ROAD
PLYMOUTH

Ward: Sutton & Mount Gould

Valid Date of Application: 21/12/2009

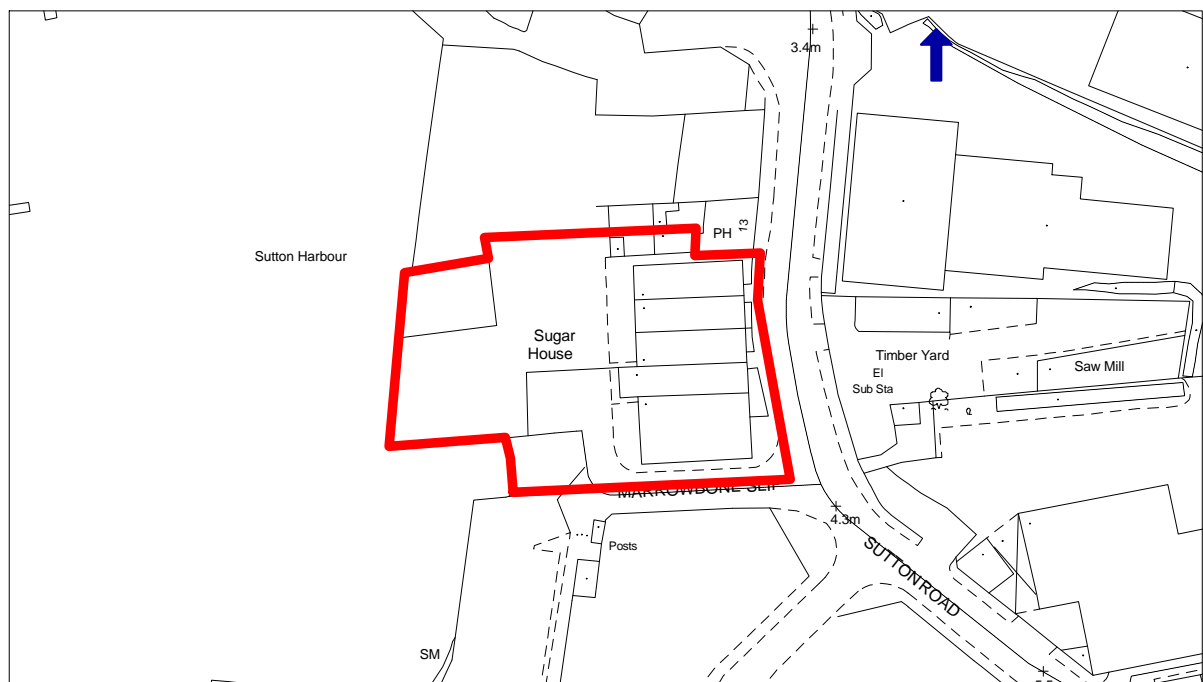
8/13 Week Date: **22/03/2010**

Decision Category: Major Application

Case Officer : Mark Evans

Recommendation: Grant conditionally subject to S106 Obligation

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OFFICERS REPORT

Site Description

The application site is approximately 0.5 Hectares in area and comprises land that has been partly reclaimed from Sutton Harbour.

The site is prominently located, fronting onto Sutton Harbour, and is open to close up and distant public vantage points from around Sutton Harbour and the Barbican and Sutton Road, from which it has direct vehicular and pedestrian access.

Marrow Bone Slip lies immediately to the south and provides public access to the water. Sutton Road lies to the east and the access lane adjoining Salt Quay House to the north.

The site is currently in temporary use as a car park.

Proposal Description

Development of mixed use residential scheme comprising 62 residential apartments (C3 use) and 4 ground floor commercial/retail units (A1, A2, A3, A4, B1a and B1 (marine related employment use)), within a 5/10 storey building, with associated carparking, services and public realm works

It is proposed to provide an 89 space multi-storey car park located internally within the main core of the building and accessed by a car lift system, together with secure, covered cycle parking.

The development includes a generous, publicly accessible waterfront strip, designed to link with the adjoining public waterfront walkway at the front of the recently constructed Salt Quay House building and Eau 2 mixed use residential scheme. This will enable improved public and pedestrian access to the waterfront of the harbour.

Living accommodation will be varied in type, size, cost and tenure, with a range of one, two, three and four bed apartments.

The external materials palette for the development includes a mix of limestone rainscreen cladding, render, metal cladding and paneling, seamless tinted glass balustrades, clear glass Juliette balconies, powder coated aluminium, and a glazed curtain walling system.

Relevant Planning History

09/00763/FUL - Change of use of land from boatyard to temporary carpark to accommodate 49 vehicular spaces, 4 motorcycle spaces and associated access and circulation areas and works (3 year consent) - APPROVED

08/02194/FUL - Erection of mixed use office scheme (including use classes A1, A2, A3, and B1) within a three/four storey building, with associated internal car parking and the erection of an external electricity substation building - APPROVED

06/01368/FUL - Demolition of light industrial unit/office unit, redundant public house and erection of mixed use residential scheme (including use classes A1, A2, A3, B1a and B1 Marine related employment uses) comprising 101 residential flats within a ten/eleven storey building and three storey office building, with associated parking - APPROVED

06/00394/FUL - Demolition of light industrial/office unit and erection of mixed use residential scheme (including use classes A1, A2, A3, A4, B1, B2 and B8) comprising 107 residential flats within a ten storey building and four storey office building, with associated parking, waterfront piazza and retention, extension and refurbishment of public house – WITHDRAWN

Consultation Responses

Highway Authority

Raises no objections in principle but raises concerns regarding over-provision of parking (29 spaces) associated with the adjoining Foot Anstey Office Building at Salt Quay House. This is considered to increase traffic movements associated with the adjoining Salt Quay House development in conflict with the Transport Assessment and associated Travel Plan submitted as part of that original Planning Consent. Recommends conditions.

Public Protection

No objections subject to conditions.

Environment Agency

Objection on grounds that the development has not been demonstrated to be safe with respect to flood risks over its lifetime.

Representations

5 letters of representation have been received. Comments can be summarised as:

1. No objections to application but considers that condition should be imposed to ensure adequate soundproofing to apartments on east side of Sutton Road to take account of industrial noise that emanates from long established industrial site on opposite side of road.
2. No objections to principle of development but objection to A4 use on basis such a use will only lead to problems with noise and anti social behaviour and create danger of extending the existing Barbican “Heavy Drinking Zone”.
3. Generally in favour of scheme but concern regarding design of the elevations particularly in respect of the balconies which are considered to appear as “bolted on” extras rather than an integral part of the design, As a result, it is considered that the building appears bland with little architectural merit.
4. Question whether the Barbican has reached saturation point as regards the number of flats; question whether there is already enough eating places in the area with existing ones suffering from lack of custom; Concern regarding close proximity of development to East Quay House with resultant loss of light and privacy.

5. Current site is considered to be a mess blotting this plot however it is considered that the building should be no higher than the other buildings adjacent to it; The residential building is considered to comprise an “awful” design, looking like it belongs in Benidorm rather than Plymouth. It is suggested that a little more imagination should be applied to the building design to prevent this blighting the others surrounding it.

Analysis

This proposal has been submitted under the Plymouth Market Recovery Action Plan initiative launched by the Planning Service on 22nd October 2008. The Plymouth Market Recovery Action Plan is an officer-level approach to negotiating community benefits on validly made planning applications submitted between 14th October 2008 – 31st December 2009 on selected sites to help stimulate the local economy in 2009, 2010 and 2011. The Plymouth Market Recovery Action Plan will work within the existing planning policy framework established by the Local Development Framework Core Strategy adopted in April 2007 and all subsequent Area Action Plans.

The aims of the initiative are:

1. To maintain optimism and momentum about the exciting regeneration and investment opportunities which exist in Plymouth.
2. To focus on delivery of key projects that can be completed in 2009, 2010 and 2011.
3. To maintain quality in developments but be realistic in assessing what can be delivered in the short term.
4. To explore creatively the use of public assets and joint venture models to build momentum so that Plymouth is well placed when the market does recover.
5. To work with partners (CDC, RDA, HCA) to promote Plymouth.

The Market Recovery Action Plan does NOT:

1. Propose a change in Local Development Framework policy.
2. Justify poorer quality design.
3. Apply to strategic sites crucial for Plymouth’s growth agenda.
4. Apply to previously negotiated planning applications.
5. Alter the Planning Committee's statutory role in determining each application on its merits.

Following a “call for sites” this site is one of 16 sites that were submitted by the deadline of 22nd December 2009 and which have been accepted for consideration under the initiative. In being accepted under the initiative the applicant has accepted the 5 safeguards that form part of the Plymouth Market Recovery Action Plan.

1. The developer is prepared to enter into a Planning Performance Agreement.

The proposal has met this requirement due to the early commencement of the pre-application discussions prior to the 5 safeguards being adopted and early submission of the application. It has not therefore been necessary to require the production of a Planning Performance Agreement in this instance to safeguard the City Council's position.

2. The developer is prepared to accept and pay for an open book approach to the development viability appraisal.

The proposal has met this requirement because an open book appraisal has been submitted and independently verified as part of the consideration of this application.

3. The developer can demonstrate to the satisfaction of the Planning Service Management Team that the development will be commenced within 2 years.

The proposal has met this requirement as the applicant has accepted in writing a proposed Section 106 provision which will require commencement of development within 2 years.

4. The developer is prepared to accept a limited 2 year consent and/or a personal consent.

The proposal has met this requirement as the applicant has accepted in writing a condition stipulating a two year consent.

5. The developer is prepared to accept and pay for a post scheme development appraisal and support other monitoring arrangements in order for Planning Services to review the impact of the Market Response Action Plan.

The proposal has met this requirement as the applicant has accepted in writing to fund a post scheme appraisal.

Plymouth must respond to the current market difficulties in a proactive and positive way because of the sheer enormity of the city's growth agenda. Whilst trying to balance long term objectives with short term market responses officers have sought to take a considered view of the risks in a manner that protects member discretions and the primacy of the Planning Committee's duty to consider each application on its merits. In this case the proposal meets the requirements of the initiative and is therefore presented to Planning Committee for consideration on that basis.

Key Issues

The key issues of this development proposal are:

1. The impact of the development on the appearance and character of the area;
2. The impact of the development upon neighbouring properties;

3. The impact of the development upon the highway network.
4. The impact of the development on the appearance, character and setting of the adjoining listed building (China House).

Policy Context:

The application should be assessed primarily against adopted Core Strategy Policies CS01 (Sustainable Linked Communities); CS02 (Design); CS03 (Historic Environment); Strategic Objective 5 (Delivering Regeneration) and Area Vision 5 (Sutton Harbour); AV03 (Plymouth City Centre); CS04 (Future Employment Provision); CS05 (Development of Existing Sites); CS12 (Cultural / Leisure Development Considerations); CS13 (Evening/Night Time Economy Uses); CS15 (Housing Provision); CS18 (Plymouth's Green Space); CS19 (Wildlife); CS20 (Resource Use); CS21 (Flood Risk); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); CS33 (Community Benefits/Planning Obligations); CS34 (Planning Application Considerations).

The proposed development should also be assessed against the adopted Sutton Harbour Area Action Plan (AAP). This sets out 6 strategic objectives which provide a touchstone against which development proposals for the area should be considered. Policies SH6 and SH7 are of particular relevance. The objectives include:

1. To promote the positive mixed-use regeneration of disused or under-used land and buildings, including where appropriate, tall buildings;
2. To conserve and enhance the special historic character of the Barbican, Bretonside and Coxside for future generations – capitalising on historic assets while respecting the character of existing communities, uses, buildings and structures that make the area distinctive;
3. To create a safe, high quality environment, that capitalises on the waterfront setting. This should include a linked network of attractive public spaces including a vibrant, publicly and visually accessible waterfront – enlivened with entertainment, leisure and cultural uses;
4. To provide enhanced local centres for the Barbican, Bretonside and Coxside with services, activities and amenities that meet the needs of local people, employees, businesses, visitors and the wider community;
5. To create a high-quality integrated mixed-use development to the east and west of Sutton Road, Coxside – including a mixture of housing types and tenures, and opportunities to live, work, shop and socialise locally;
6. To ensure the area is easy to walk and cycle to and through – connecting effectively to surrounding neighbourhoods and the city centre, with excellent access to public transport.

Preferred Option 9 (Sites East and West of Sutton Road) seeks to raise the area's profile through the creation of new landmarks in key strategic locations to widely announce the area's presence and to create a positive sense of arrival. The Vision for Plymouth document was the first to suggest the

opportunity for high quality tall buildings here relating to a major new waterfront public square and acting as positive, widely visible, memorable landmarks for the Sutton Harbour East Area, Coxside. The subsequent Tall Buildings Strategy has identified the site as part of an area “where there may be opportunity for landmark buildings or individual towers”.

Government guidance contained within PPS1, PPS3, PPS4, PPS5, PPS9, PPG13, PPG16, PPS22, PPS23, PPS24 and PPS25 together with the adopted Design Supplementary Planning Document, emerging Development Guidelines Supplementary Planning Document, CABE Tall Building Guidance, City of Plymouth Draft Tall Building Strategy and the Vision for Plymouth Interim Planning Statement is also of relevance.

Planning Policy Statement 1 (PPS1) sets out the overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces *Planning Policy Guidance (PPG) Note 1, General Policies and Principles*, published in February 1997. PPS1 establishes the Government’s firm commitment to creating sustainable communities. It emphasises that good planning is critical to realising this commitment through delivering this objective. Guidance on quality of design is clear: *Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning’ (para 33)*

Good design should contribute positively to making places better for people (para 34) Thus planning authorities should plan positively to secure high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted: *High quality design ensures usable, durable and adaptable places and is a key element in achieving sustainable development..Good design is not just about the architecture of individual buildings, but also about the functionality and impact of the development on the overall character, quality and sustainability of an area including resources efficiency (for example energy consumption) There should be no acceptance of ill-conceived designs which do not contribute positively to making places better for people.*

CABE guidance advises that applicants seeking planning permission for tall buildings should ensure that the “*relationship to context, including natural topography, scale, height, urban grain, streetscape and built form, and the effect on the skyline*” are fully addressed. “*Tall buildings should have a positive relationship with relevant topographical features and other tall buildings; the virtue of clusters when perceived from all directions should be considered in this light.*”

In addition, developers are advised to consider the “*contribution made to the permeability of the site and the wider area; opportunities to offer improved*

linkages on foot, and where appropriate, the opening up, or effective closure, of views to improve the legibility of the city and the wider townscape”.

Design

The locally distinctive building form of Sutton Harbour is the variety of building styles rather than the repetition of one style or design. Specific care and attention has been given to ensuring that the design and form of the proposed development maintains this variety and also that it remains in keeping with the appearance and character of the locality. As a result the development is considered to contribute positively to the existing high quality waterfront design and is in keeping with the variety of building styles that give Sutton Harbour and the Barbican its locally distinctive character. Such development is supported by adopted Core Strategy policies CS01, CS02, CS03, CS34, adopted Sutton Harbour Area Action Plan policy SH06, CABE guidance and relevant Central Government guidance.

The proposed design, scale and massing of the proposed development by virtue of how the proposed volumes are arranged across the site, maintains the townscape/skyline continuity with respect to the adjoining Eau 1 and Eau2 (East Quay House) buildings. Taking into account the City Centre location where higher building densities are a typical character of the locality, the siting, design and massing of the development is considered to have an acceptable relationship to the neighbouring development at East Quays House. A material planning consideration is the previous grant of planning consent for a comparable mixed use residential development in comparable proximity to East Quay House. Due to the fact that the development is located to the North of this building, is not considered to have an adverse impact on existing neighbouring residential units in terms of overshadowing or loss of light. Such development is therefore in accordance with adopted Core Strategy Policies CS01, CS02, CS03, CS34, adopted Sutton Harbour Area Action Plan policy SH06 and relevant Central Government advice.

The proposed development, by virtue of its siting, design, massing and use of active ground floor facades, is considered to have a positive relationship with Sutton Road, creating a high quality street environment and in addition is considered to create a satisfactory relationship with the quayside. The proposed development is considered to create a vibrant, attractive waterfront with respect to the Sutton Harbour basin as it takes the opportunity to maximise active ground floor uses onto the waterfront by aligning with the harbour wall.

A condition is recommended to ensure that the use of the majority of key ground floor commercial/retail units are predominantly retail or café/restaurant uses to maximise the vibrancy of the development's key frontages rather than a less “active” office use in accordance with the provisions of policies CS12, CS13 and Area Action Plan policy SH06.

The third party representations regarding the principle of A4 use on the site are noted. A condition is recommended to ensure that no more than one A4 use is permitted on the ground floor to prevent the cumulative impact of such

uses in close proximity having a significant detrimental impact upon residential amenity of the proposed development or locality in accordance with the provisions of policy CS13.

A condition is also recommended in accordance with the provisions of policy CS22 to ensure adequate soundproofing to apartments to meet the "Good Criteria" for noise during day time and night time, as outlined under BS8233:1999 : Sound Insulation and Noise Reduction for Buildings, particularly applicable to those on the east side of Sutton Road, which will be subject to traffic noise and noise generated by the existing industrial use on the adjoining site.

The development is therefore supported by adopted Sutton Harbour Area Action Plan objectives and policies SH06 and SH07. Such development is supported by adopted Core Strategy policies CS01, CS02, CS03, CS13, CS22 and CS34 and relevant Central Government Guidance contained within PPS1.

Car Parking and Vehicular Access/Service

The Highway Authority does not object to the proposed car parking and access arrangements associated with the development and on this basis the development is considered to be acceptable and accord with adopted policies CS28, CS34 and relevant Central Government advice contained in PPG13.

Concerns have been raised by the Highway Authority regarding the proposal to allocate 29 of the car parking spaces located within the development to the adjoining Foot Anstey Solicitor's offices on the basis that this an over-provision of parking spaces associated with the adjoining Foot Anstey Office Building at Salt Quay House. This is considered by the Highway Authority to increase traffic movements associated with the adjoining Salt Quay House development in conflict with the Transport Assessment and associated Travel Plan which were submitted and approved as part of that original Planning Consent.

Whilst these concerns are noted, the impact of 29 car parking spaces being associated with Salt Quay House offices is not considered to have a significant adverse impact upon the highway network and not so significant to warrant refusal of the planning application.

Flood Risk Mitigation Measures

The objection of the Environment Agency is noted. Negotiations are taking place with the Environment Agency to address this matter, with a view to producing an appropriate level of flood risk mitigating measures in line with PPS25 guidance. A material planning consideration is the previous grant of planning consent for a comparable mixed use residential development on the site. An update on progress on this matter will be reported as an addendum.

Impact on the adjoining Listed Building (The China House)

Policy CS03 covers the setting of listed buildings. By virtue of the distance of the site from the China House and the proposed high quality building design

and massing, the proposed development is not considered to have any significant adverse impact upon the nearby listed China House, and is considered to contribute to the enhancement of its setting.

Community Benefits

(a) Affordable Housing

Core Strategy Policy CS15 promotes the delivery of affordable housing and advises that on developments of 15 dwellings or more, 30% of the total number of dwellings proposed should be affordable homes (subject to viability). It advises that “Off-site provision or commuted payments for affordable housing will be acceptable provided it is robustly justified and contributes to the creation of balanced, mixed and sustainable communities”.

The S106 Obligation, previously required under the last grant of planning permission on the site (Planning reference) 06/1368, equated to 20 units of affordable housing on site, a capital sum equivalent to 10 off-site residential units, and a financial contribution of £349,407 to off-set the impact of the development upon community infrastructure. It has been demonstrated that in the current economic climate, this previous development proposal is not economically viable.

In order to set the proposed development in the context of the current economic climate, it is important to note that the Council has formally agreed the adoption of a series of phased-in temporary concessions to be granted for developments in relation to the Plymouth Development Tariff. It has been agreed that as part of these measures, for residential development of 15 homes or more, a reduced affordable housing requirement of up to 50% of the full requirement may be considered if the case is proven through an open book viability appraisal that the development is unviable at the higher level. Similarly 50% of the tariff will be charged for the development of previously developed brown-field land.

On this basis, if the application were to be considered outside of the umbrella of the Market Recovery Action Plan, but within the reduced Development Tariff, on the basis of the independently verified viability assessment submitted with the application, the development would be required to deliver 15% affordable housing on-site (9 units), or an equivalent off-site contribution towards affordable housing delivery, (in this case a financial contribution of approximately £1,526,846 Million would apply), together with a financial contribution of £282,544 towards the Plymouth Development Tariff.

The current scheme is brought forward under the structured approach of the Market Recovery Plan. If approved, it would guarantee that this significant development will start on site within the next two years within what is still likely to still be a restricted financial climate. This early start is one of the requirements of the recommended S106 Obligation.

It is clear from the submitted viability assessment (that has been independently verified by the Council) that the S106 Obligation required in line with policy, even taking into account the reductions agreed by Cabinet,

(including 15% of the residential units to be developed as affordable housing), is not deliverable.

Although the proposed off-site affordable housing financial contribution of £760,000 is less than the £1,526,846 off-site affordable housing contribution required by Council policy, it will be payable upon commencement of development. It will be targeted to the provision of either assisting in addressing the significant shortfall of affordable housing in the city, or to support the delivery of key strategic housing projects. This approach is supported by adopted Core Strategy Policy CS15.

Under the parameters of the Market Recovery Action Plan, the impact of one site failing to fully deliver the 15% affordable housing level required by Council policy, when set against the context of delivering the wider housing target over the plan period as set out in the Core Strategy, is considered to be insignificant.

Area Vision 5 of the Core Strategy Local Development Framework seeks to consolidate and develop the Sutton Harbour area as an attractive and sustainable mixed use city quarter creating a unique, high quality environment that will attract investment and new residents. The proposed development will accord with this vision.

(b) Other Community Infrastructure.

It is clear from the viability assessment submitted with the application that the development cannot afford to make a contribution towards the Plymouth Development Tariff.

On this basis the development fails to make adequate provision to mitigate the adverse community infrastructure impacts of the development as required by adopted Core Strategy policy CS01, nor can it be argued that it supports the development of a sustainable linked community in every aspect.

In accordance with policy CS01 however, the development will improve the sustainability of the individual communities and neighbourhoods in the locality by delivering development of an appropriate type, form, scale, mix and density in relation to its location; Contributing to the promotion of a positive sense of place and identity and contributing to the creation of a well connected, accessible and safe community.

Core Strategy Policy CS05 states that development of sites with existing employments uses for alternative purpose will be permitted where there are clear environmental regeneration and sustainable community benefits from the proposal. In accordance with this policy, the development will deliver a high quality development on this high profile, strategically important waterfront site, and contribute to the further enhancement of the Sutton Harbour's visitor/tourist offer in its own right. This will continue the impetus of the regeneration of the Sutton Harbour waterfront, which in turn is anticipated to act as a catalyst for the further regeneration of the less prosperous areas and environs to the east of the harbour.

It is recommended that a “clawback” clause be incorporated within the S106 Obligation in order to ensure, should the final development profit exceed that predicted within the submitted viability assessment, that this additional profit is paid back to the Council to increase the development contribution towards the delivery of additional off-site affordable housing and/or the delivery of community infrastructure.

(c) Community Benefits – Conclusions

The weaknesses in the scheme’s deliverable community benefits (described above) should be balanced against the wider benefits of achieving the delivery of this multi million pound, high quality development on this high profile, strategically important waterfront site. This will continue the impetus of the regeneration of the Sutton Harbour waterfront and environs in accordance with adopted Sutton Harbour Area Action Plan policy, despite the current severity of the economic climate, under the parameters of the Market Recovery Action Plan. The development is therefore considered to be acceptable. Such development will in turn send out positive messages to potential investors, which could have a knock-on effect in attracting future investment and developers to the city.

Sustainable Resource Use

Adopted policy CS20 requires that the development incorporates on-site renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016.

In accordance with this, a condition is recommended to ensure that appropriate on-site renewable energy systems are integrated into the development and to ensure that the development fully accords with the requirements of Policy CS20 and Government advice contained within PPS22.

Human Rights Act

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.

The third party representation querying the need for the proposed additional residential and commercial units in the locality is not an overriding material planning consideration.

Equalities & Diversities issues

The redevelopment of this prominent waterfront site which will further contribute to the regeneration of the area will provide residential accommodation to young and old people.

The key equality groups particularly benefiting from the development are older people and those with disabilities as 20% of residential units will be built to Lifetime Homes standards.

The benefits to all groups will be positive as it will provide accessible residential accommodation in the city centre together with significant areas of waterfront public realm.

No negative impact on any of the equality groups is anticipated.

Pedestrian access will be improved by the creation of a new publicly accessible waterfront public realm, continuing the pedestrian walkway and Sutton Harbour Trail around the Sutton Harbour basin.

Section 106 Obligations

Under the parameter of the Market Recovery Plan, a S106 Obligation is required to ensure the development will deliver the following:

1. £495,000 off-site financial contribution to support the delivery of key strategic housing projects in the city, payable upon commencement of development;
2. £265,000 off-site financial contribution to support the delivery of key strategic housing projects in the city, payable upon completion of the development at a payment trigger to be agreed.
3. Development to commence within 2 years, (precise parameters that define “commencement” to be stipulated);
4. Developer to commission a post scheme development appraisal to be submitted to the Local Planning Authority, and support other monitoring arrangements in order for Planning Services to review the impact of the Market Response Action Plan.
5. A “clawback” clause be incorporated within the S106 Obligation to ensure, should the above post development appraisal identify that the final development profit has exceeded 15%, that 100% of this additional profit is paid back to the Council to increase the development contribution towards the delivery of additional off-site affordable housing and/or the delivery of community infrastructure in line with adopted planning policy (up to the maximum amount that would have otherwise been required under the full Plymouth Development Tariff. In this case £3,618,780). The precise mechanism of this clawback clause is currently being negotiated.

The outcome of the negotiations regarding the S106 Obligation will be reported as an addendum to the planning officer’s report.

Conclusions

The weaknesses in the scheme's deliverable community benefits (described above) should be balanced against the wider benefits of achieving the redevelopment of this prominent waterfront site which will further contribute to the regeneration of the area as a whole.

The siting, design, materials and finish of the development are considered to be acceptable and will be in keeping with the appearance and character of the site and locality. It is therefore recommended to approve the application subject to the following conditions and satisfactory completion of the S106 Obligation.

Recommendation

In respect of the application dated **21/12/2009** and the submitted drawings, **Design and Access Statement, Transport Statement, Archaeology Statement, Flood Risk Assessment, Sustainability Statement, Geo-technical & Interpretive Reports, 1413 (PL) 001 Rev A, 1413 (PL) 002 Rev A, 1413 (PL) 002 Rev A, 1413 (PL) 003 Rev A, 1413 (PL) 004 Rev A, 1413 (PL) 005 Rev A, 1413 (PL) 006 Rev A, 1413 (PL) 007 Rev A, 1413 (PL) 008 Rev A, 1413 (PL) 009 Rev A, 1413 (PL) 010 Rev A, 1413 (PL) 011 Rev A, 1413 (PL) 012 Rev A, 1413 (PL) 013 Rev A, 1413 (PL) 014 Rev A, 1413 (PL) 015 Rev A, 1413 (PL) 016 Rev A, 1413 (PL) 017 Rev A, 1413 (PL) 018 Rev A, Three Dimensional Images (Revised - For Illustration Only)** , it is recommended to: **Grant conditionally subject to S106 Obligation**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

(1)The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

CODE OF PRACTICE DURING CONSTRUCTION

(2) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ARCHAEOLOGY

(3) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or his successors in title) has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or other such details as may subsequently be agreed in writing by the Planning Authority.

Reason

In accordance with Core Strategy Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FLOOD MITIGATION MEASURES

(4) Notwithstanding the submitted details, the development hereby permitted shall not commence until a detailed scheme of flood risk mitigation measures and management, including the use of flood boards and flood resilient building techniques to be used in the construction of the development have been submitted to and agreed in writing by the Local Planning Authority. Development shall accord strictly with the approved details and shall thereafter be so maintained and retained. The development shall not be occupied until the agreed flood mitigation measures are implemented on site.

Reason

In order to enable the LPA to consider the details of proposed flood mitigation measures which shall be used in the development, in order to provide a reasonable level of flood protection in accordance with adopted Planning Policy CS21 and relevant Central Government advice contained within PPS25.

LAND QUALITY

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

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

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. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason

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

ACCESS

(6) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STREET DETAILS

(7) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS

(8) Notwithstanding the submitted details, unless otherwise agreed previously in writing with the Local Planning Authority, no work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:-

1. Details of the proposed design, materials and finish of the curtain walling and cladding systems;
2. Details of the design, materials and finish of the proposed balconies including all balustrades, partitions and privacy screens;
3. Details of the design of any external building lighting proposed;
4. Details of the proposed design, materials and finishes to the external doors; garage/car lift doors; window system, windows/shopfronts to the ground floor commercial units;
5. Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes or other accretions to the roof or elevations. Unless otherwise agreed in writing with the Local Planning Authority, before any roof plant and/or machinery is used on the premises, it shall be enclosed with sound insulating material and mounted in such a way which will minimise the transmission of structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority;

The approved works shall conform to the approved details.

REASON:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with adopted policies CS01, CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and relevant Central Government advice.

EXTERNAL MATERIALS

(9) Unless otherwise agreed previously in writing with the Local Planning Authority, no development shall take place until samples of the materials to be used in the construction of all external surfaces of the development hereby permitted, including that of the proposed design and method of construction, materials and finish of the roofing and cladding systems including details of the flying roof soffit, metal infill panels, together with details of the type and method of application of the render, the movement joints for the render and the type, fixing, coursing and pointing of any stonework, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

To ensure that the materials used are in keeping with the character of the area in accordance with Policies CS01, CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and relevant Central Government advice.

SURFACING MATERIALS

(10) No development shall take place until details/samples of all surfacing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION

(11) The development shall not be occupied until space has been laid out within the site in accordance with details to be previously submitted to and agreed in writing with the Local Planning Authority for a maximum of 89 cars to be parked including a minimum of 15 disabled car parking spaces, and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. Unless otherwise previously agreed in writing with the Local Planning Authority, a minimum of 62 car parking spaces shall be allocated to the proposed residential units and thereafter so maintained and retained.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LOADING AND UNLOADING PROVISION

(12) Before the development hereby permitted is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

USE OF LOADING AREAS

(13) The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- a. damage to amenity; b. prejudice to public safety and convenience, and c. interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMMERCIAL DELIVERIES RESTRICTION

(14) Unless otherwise agreed previously in writing with the Local Planning Authority, all commercial deliveries to the ground floor commercial/retail units shall be made within the following hours Monday - Sunday 8am-6pm.

Reason: To protect existing and proposed residents from potentially noisy activity outside reasonable hours in accordance with policy CS13, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

AMENDMENTS TO TRAFFIC REGULATION ORDERS

(15) No occupation of the ground floor retail units that front onto Sutton Road shall take place until the applicant has sought to amend any existing Traffic Regulation Orders (TRO) in order to provide a loading/unloading bay on Sutton Road in the location of the existing limited waiting parking spaces. The mechanism to secure the amendment to the TRO shall have been previously submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure that adequate loading/unloading facilities are provided for the ground floor retail units that front onto Sutton Road in the interests of highway safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

PEDESTRIAN/CYCLE ACCESS

(16)The building shall not be occupied until a means of access for pedestrians and cycles has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007

CYCLE PROVISION

(17)Unless otherwise previously agreed in writing with the Local Planning Authority, no dwelling shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 42 bicycles to be parked. (for the avoidance of doubt, 31 shall be within a secure and covered area).

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(18) Unless otherwise previously agreed in writing with the Local Planning Authority, the commercial units shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 6 bicycles to be parked.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

CYCLE STORAGE

(19)The secure area for storing cycles shown on the approved plan 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.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building, in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STAFF TRAVEL PLAN

(20) The commercial/retail uses hereby permitted shall not commence until a Staff Travel Plan (STP) has been submitted to and approved in writing by the Local Planning Authority. The said STP shall seek to encourage staff to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the STP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of the commencement of the use the occupier shall operate the approved STP.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

GABION WALL

(21) Notwithstanding the submitted details, no work shall commence until details of the refurbishment of the quayside gabion wall have been submitted to and agreed in writing with the LPA. Unless otherwise agreed previously in writing, the agreed details shall be strictly adhered to during the course of development, completed prior to occupation of the building and thereafter so maintained and retained. Unless otherwise agreed previously in writing with the Local Planning Authority, the temporary slipway gabion walls abutting the quayside along Marrowbone Slipway shall be removed prior to occupation of the development.

Reason

To enable the LPA to consider the details of the refurbishment of the gabion wall in the interests of the appearance and character of the development and locality in accordance with Policies CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and relevant Central Government advice.

LANDSCAPE DESIGN PROPOSALS

(22) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; proposed landscaped roof over the car parking area and for the fifth floor roof of the building fronting onto Sutton Road; hard surfacing materials; minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units,

signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant].

Reason:

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

SOFT LANDSCAPE WORKS

(23) Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; the implementation programme].

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MAINTENANCE SCHEDULE

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

Reason:

To ensure that satisfactory landscaping works carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF TREE PLANTING

(25) The plans and particulars of the landscaping works submitted in accordance with condition 22 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TREE REPLACEMENT

(26) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size

shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are subsequently properly maintained, if necessary by replacement.

LIFETIME HOMES

(27) Notwithstanding the submitted drawings, unless otherwise previously agreed in writing with the Local Planning Authority, at least 20% of the residential units hereby permitted shall be first constructed and subsequently maintained to Lifetime Homes standards in accordance with details (including details of the precise siting of the specific units) which shall have been previously submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed previously in writing with the Local Planning Authority, the approved details shall be fully implemented prior to completion of the development or occupation of the 20th residential unit (whichever is the sooner) and thereafter so maintained and retained.

Reason:

In order to meet the needs of disabled people so that they may live as part of the community in accordance with adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 Objective 10, Policy CS15, and relevant Central Government advice.

SUSTAINABILITY

(28) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a report for approval identifying how for the period up to 2010, a minimum of 10% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods, rising to 15% for the period 2010-2016. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

SOUND INSULATION

(29) Unless otherwise agreed previously in writing with the Local Planning Authority, all residential units shall be constructed so as to meet the "Good Criteria" for noise during Daytime and Nighttime, as outlined under BS8233:1999 : Sound Insulation and Noise Reduction for Buildings. Details of the proposed glazing and acoustic ventilation for the residential apartments shall be submitted to and agreed in writing by the LPA, and subsequently installed on site in accordance with the agreed details prior to any residential use commencing.

Reason

To enable the LPA to consider the details of the proposed glazing and acoustic ventilation in the interests of the residential amenity of occupiers of the new development and in accordance with adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government advice.

USE OF UNITS

(30) Prior to the commercial or retail use of any of the ground floor units commencing, the specific use class proposed for each unit shall have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise previously agreed in writing with the Local Planning Authority, the approved use class for that unit shall thereafter be so maintained. For the avoidance of doubt, unless otherwise previously agreed in writing with the Local Planning Authority, a maximum of one A4 use and one B1 use will be permitted within the development.

REASON:

The Local Planning Authority wishes to control the type of use class proposed for the ground floor units in order to maintain a vibrant and active ground floor frontage and to ensure a positive, interactive relationship with the surrounding public realm is maintained in accordance with the provisions of Area Vision 5 and policies CS01, CS02, CS04, CS12, CS13 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, adopted Sutton Harbour Area Action Plan policy SH06 and relevant Central Government guidance.

COMMERCIAL/RETAIL WINDOW DISPLAYS

(31) Unless otherwise previously agreed in writing with the Local Planning Authority, at least 75% of the ground floor commercial unit display windows shall be constructed so as to permit open views into the commercial unit. For the avoidance of doubt, no more than 25% of the total display window area shall be obscured in whole or in part by walling, screening, obscure glazing or other such similar fixed or applied screening..

Reason

In order to maximise the extent of visibly active ground floor uses in the interests of the appearance and character of the building and locality and in accordance with adopted Core Strategy policies CS01, CS02, CS34 and relevant Government advice contained in PPS1 and PPG6.

OPENING HOURS

(32) Notwithstanding the submitted information, unless otherwise agreed previously in writing with the Local Planning Authority, the commercial/retail uses hereby permitted shall not be open to customers outside the following times: 07.00 - 23.00 hours Mondays to Saturdays inclusive and 0800 to 2200 hours on Sundays and Bank or Public Holidays.

Reason: To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

AMPLIFIED MUSIC

(33) No amplified or other music shall be played in the premises outside the following times: 11.00 - 18.00 hours Monday to Sunday.

Reason: To protect the residential and general amenity of the area from any harmfully polluting effects, such as noise and vibration, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NO TAKE AWAY HOT FOOD

(34) Notwithstanding the permitted use falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the premises shall not be used, on an ancillary basis, for the sale of hot food for consumption off the premises. For the avoidance of doubt, ancillary takeaway use to any A3 Use is not permitted by this grant of planning consent.

Reason:

The ancillary use of the commercial A3 premises for such a purpose would be likely to harm local residential amenity due to increased noise and disturbance caused by the frequent arrival and departure of customers, and/or traffic and parking problems outside the premises and in adjacent streets contrary to Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - CODE OF CONSTRUCTION

(1) The management plan required in connection with the "Code of Practice During Construction" Condition should be based upon the Council's Code of

Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.
- b. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking.
- c. Hours of site operation, dust suppression measures, and noise limitation measures.
- d. details of an area to be created within the site for the parking of contractor's equipment and materials.

INFORMATIVE - EXCLUSION FROM CONTROLLED PARKING ZONE

(2) The applicant's attention is drawn to the fact that the development will be excluded from obtaining business or residential permits for the Controlled Parking Zone that is in operation within the area.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: The impact of the development on the appearance and character of the area; The impact of the development upon neighbouring properties; The impact of the development on the City Centre; The impact of the development upon the highway network, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport
PPG16 - Archaeology and Planning
PPG24 - Planning and Noise
PPS3 - Housing
PPS9 - Biodiversity and geological conservation
PPS1 - Delivering Sustainable Development
PPS22 - Renewable Energy
PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration

CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS13 - Evening/Night-time Economy Uses
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS22 - Pollution
CS05 - Development of Existing Sites
CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design
CS04 - Future Employment Provision
CS15 - Housing Provision
CS12 - Cultural / Leisure Development Considerations
PPS25 - Development and Flood Risk
DSPD - Design Supplementary Planning Document
PPS4 - Economic Growth
PPS5 - Planning for the Historic Environment