

**ITEM: 04**

**Application Number:** 10/00135/FUL

**Applicant:** LV = Asset Management Ltd

**Description of Application:** Demolition of buildings and redevelopment of site to include 16/21/23 storey building for a mixed use development comprising arts and culture centre, retail, food and drink uses, financial and professional services, (Use Classes D1, A1, A2, A3, A4 and A5), 608 student rooms, highways improvements including new pedestrian link between New George Street and Cornwall Street and associated landscaping and cycle parking

**Type of Application:** Full Application

**Site Address:** 66 TO 68 NEW GEORGE STREET PLYMOUTH

**Ward:** St Peter & The Waterfront

**Valid Date of Application:** 01/02/2010

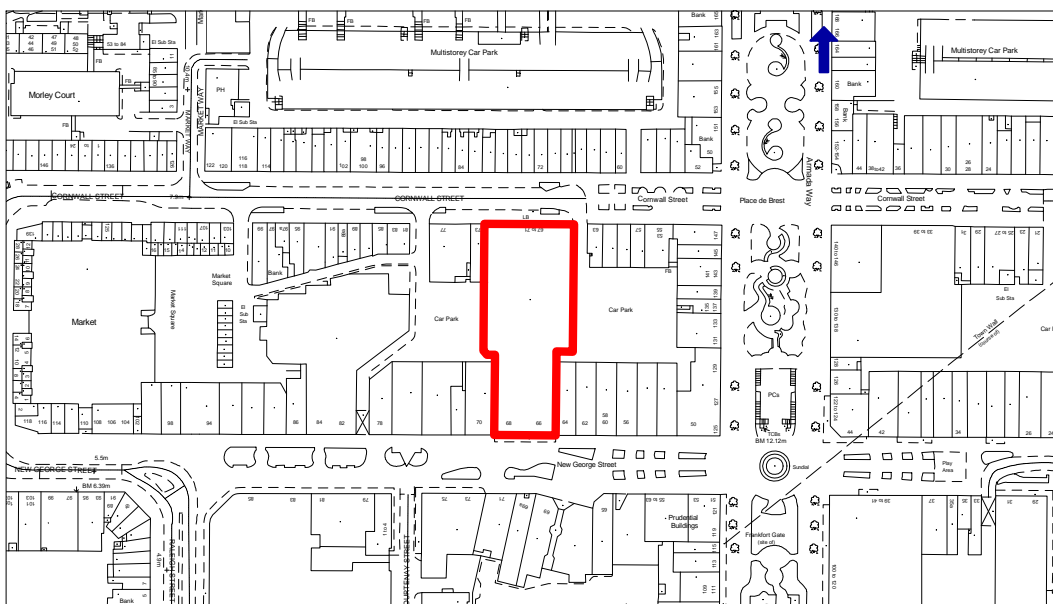
**8/13 Week Date:** 03/05/2010

**Decision Category:** Major Application

**Case Officer :** Mark Evans

**Recommendation:** Grant conditionally subject to the satisfactory completion of the S106 Obligation. Delegated authority to refuse the application should the S106 Obligation not be signed by the 3rd May 2010.

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## OFFICERS REPORT

### Site Description

The site forms part of the post-war city centre precinct, and was for many years (until 2009), occupied but left vacant by the national retailer “Woolworths”.

The application site is located in the West End of the city centre with a plot running north-south between New George Street and Cornwall Street which run in an east-west direction across the city centre.

The current vacant building on the site is predominantly three stories in height with a set back fourth storey.

### Proposal Description

Demolition of buildings and redevelopment of site to include a 16/21/23 storey building for a mixed use development comprising arts and culture centre, retail, food and drink uses, financial and professional services, (Use Classes D1, A1, A2, A3, A4 and A5), 608 student rooms, highways improvements including new pedestrian link between New George Street and Cornwall Street and associated landscaping and cycle parking.

The proposed uses comprise 1,702 sqm of retail and commercial floorspace (Use classes A1, A2, A3, A4 and A5), 2,038sqm of Exhibition/Café space (Class D1), 608 units of student accommodation. A highly glazed, double height student lounge bar is also proposed on the top 14<sup>th</sup> and 15<sup>th</sup> floors of the building which will incorporate an external feature lighting scheme.

The building comprises a three storey podium with three sides designed to present a public face to the retail/commercial areas and building entrance and over which will be constructed the main residential accommodation. The main body of the residential accommodation is arranged in a strong north/south alignment and in order to break up the mass of the building, the development has been designed as two main building sections (16 and 21 stories high – approximately 58m and 68m above respective street ground level) and comprising a roofline which steps down from the north, linked by a higher central vertical core (23 stories high – approximately 75m high). The central core also highlights the entrance location at the base of the podium.

Key proposals of the scheme include the provision of a new cultural facility in the form of the café/exhibition floor space; improvements to pedestrian circulation by providing a new north-south pedestrian link between New George Street and Cornwall Street and the introduction of a significant element of residential development to inject activity throughout the day and outside business hours through the provision of 608 units of student accommodation.

The proposed materials include: Anodised metal cladding systems, a green roof to the main podium area, anodised curtain walling systems and glazed curtain walling; brise soleil and vertical and horizontal solar louvres; hard landscaping details include the use of natural stone, mainly light grey granite for paving and edging.

The Design and Access Statement submitted with the application states that it is proposed that the development will introduce a high quality, landmark, tall building, to improve the local distinctiveness of the cityscape, replacing the existing, vacant retail unit with a series of smaller, modern retail units.

It is stated that the development will provide a low carbon development with capability of connecting to a district heating network.

The Design and Access Statement submitted with the application states that there will also be benefits beyond the city centre district as the proposals will help to meet the University's objective to provide all first year students with dedicated student accommodation, and the Core Strategy objective to relieve pressure on neighbouring residential communities from studentification.

The application is supported by a technical Wind Assessment and Daylight and Sunlight Assessments.

### **Relevant Planning History**

Nothing of relevance.

### **Consultation Responses**

Highway Authority

Concerns regarding proposed location and design of cycle spaces and regarding lack of on-site disabled car parking spaces.

Public Protection

No objections subject to conditions

South West Design Review Panel

"The principal question posed by Plymouth City Council, who took part at the review, was whether the design quality was good enough to justify a tall building. The Panel's response is that the scheme, though exciting and positive in terms of increasing the density and liveliness of the city centre, is not of a high enough quality to justify a tall building and the impact it will have on the coherence of the city centre.

The proportions of the forms are not sufficiently considered. It is two broad slabs. In fact, unfortunately, with its core, it reads as three distinct vertical forms. Approaches that might work better are: a simple and elegant single structure; or a carefully asymmetrical (in plan and elevation) structure. The current scheme is neither of these. Either of these approaches could allow the tall parts of the scheme to be further set back from the streets.

It would help if the brief could be eased. 608 student accommodation units are a great many to accommodate on this site. We were not convinced that this number had any compelling virtue. It was argued that it was an 'ideal' number for the University but the capacity of the site may have to moderate that number. A further question is whether student accommodation is right as the sole or even predominant use for a tall building here.

As well as the impact on the wider city centre, the effects on New George Street and Cornwall Street need to be assessed. The presentation did not show street elevations so we did not form a view on how the scheme would contribute to the two streets. No doubt the City Council will consider this. A test is whether the scheme contributes a quality at least equivalent to that of the subtle elegance of the existing Woolworth's building. The judicious use of stone on the podium elevations would serve to make this proposal more specific to this place's existing character. We'd expect the scheme to acknowledge the hierarchy in form from New George Street down to Cornwall Street. It did seem to us that more could be made of the podium and that this would help maintain the baseline in the two streets. The Mackay vision's guidance on heights to streets will be pertinent.

Tall buildings, according to CABI, should set exemplary standards in design because of their high profile and local impact. Proposals should therefore 'exceed the latest regulations and planning policies for minimising energy use and reducing carbon emissions'. The Panel fears that far from exceeding regulations, this scheme may fall short of 2010 Building Regulations requirements. The slabs are over glazed which would result in a massive solar gain. The louvered shading shown will have little impact on this problem. Having a Combined Heat and Power system for the scheme is welcome and a detailed proposal needs to be considered.

The long-term resource and energy efficiency of tall buildings will be enhanced if their design can be adapted over time. We felt this scheme was low on flexibility. If at some future date the building had to be adapted to a different occupancy or use, it would be costly in money and resources to alter it. This concern is not just about the residential floor plans; a full basement would be more future proof than the partial one proposed. Incidentally, the City Council will consider in detail, we trust, how this large scheme on a small footprint in a city centre would be serviced.

We'd encourage you to undertake a wind study. The microclimatic effects locally could be considerable. It may be that the design of the podium edge could be made to alleviate the down draught the slabs would inevitably engender. Indeed setting the tower back from the streets behind a substantial podium building would be likely to improve the wind environment at ground level from wind downdraught.

The new pedestrian link between New George Street and Cornwall Street is welcome in principle and is an interesting addition to the urban structure, but in practice would not be as appealing as shown in the images of people sitting outdoors. Wind would be one problem, and it would be shady rather than

sunlit as portrayed. It would work as a route through, but not as a place to linger. The ground plane and surfaces would need to be of a quality to equal the building. Furthermore, the existing plan articulates streets and corners in a very specific manner and this scheme should adopt similar subtlety.

Much as the Panel recognises the wish of Plymouth to regenerate its city centre, we must enter strong reservations about the current scheme. We feel that the architects have the ability to resolve the issues we have raised, but we feel that architecturally and environmentally the scheme as yet is short of what is required to meet national policies and standards.”

### **Representations**

14 Letters of representation have been received, comments can be summarised as:

Plymouth Chamber of Commerce and Industry:

1. Plymouth City Council’s Tall Building Strategy, together with the more recent City Centre AAP, defines the geographical areas where the opportunity for tall buildings occurs within the city centre. This site lies well outside of those defined areas.
2. The Chamber of Commerce and Industry fully supports and welcome the significant commercial investment that this planning application will represent for the City of Plymouth, and the mixed-use principle that this development will offer. In particular we fully support the use to which the proposed building will be put such as the provision of student accommodation which we consider to meet a key strategic need. Allied to that we support development in Cornwall Street as being an integral component of the successful regeneration of the city centre.
3. The City Centre AAP calls for ‘intensification’ and ‘mixed-use development’ for the Woolworth’s site as part of this area of the city centre. The proposed building is clearly much more than ‘intensification’, and in the context of CABA’s definition, the statements of your own website, and at 21 storeys, it is undeniably a Tall Building.
4. Whilst on this basis we would anticipate future development proposals for this part of the city centre to increase building heights, we believe (in the context of the Mackay Vision) that these should not exceed 10 storeys in height, particularly as the existing, predominately 3-storey buildings within the streetscape of this part of the centre sit comfortably within their surroundings.
5. This planning proposal represents a slab like building mass rising to one and a half times the height of the Civic Centre and stretching from New George Street through to Cornwall Street. This potential development would therefore completely overshadow the existing properties and any future, viable ‘intensification’.
6. In conclusion therefore it is important that the impact of this proposal is critically assessed from a design perspective and a rigorous examination carried out, before it is determined. We request that, with the Plymouth Design Panel having now been abolished, the application is put forward for consideration by the South West Regional Design Panel.

7. In that context we would fully support and recommend consent for a high quality, mixed use development contained within a maximum height of 10 storeys. We believe that this will meet the objectives of the City Centre AAP and at the same time improve considerably the prospects of the building's commercial viability which is in everyone's interest.

Other Third Party Representations:

1. The proposal is considered to constitute overdevelopment with the building's form presenting an insensitive slab wall of development that potentially destroys the very distinctiveness of the city centre. The slab-like building will destroy Plymouth's comfortable sense of scale and break down the cohesive urban structure. This will visually sever the West End from the heart of the city and does not respect MacKay's Vision or the Abercrombie legacy. The development ignores the Council's own Tall Building Strategy.
2. The mass and scale will dominate the whole of the surrounding area and will eventually encourage a retail market primarily focused on serving a large transient student market population. This is not considered to make the city more humane or liveable and will blight Plymouth's future.
3. The development will negatively impact upon the recent achievements of the enhancement of the west end public realm.
4. Concern that if development goes ahead, the delivery of the neighbouring (and attached) Training Course establishment, which only has single glazing and shares a party wall with the application building, running daily examinations invigilated under normal exam conditions (including the requirement for a quiet atmosphere) will be significantly adversely affected due to noise and vibration caused by both the demolition of the building as well as noise during construction.
5. Concern at noise, disturbance and disruption caused by vibration and dust during construction. Appropriate steps should be taken to minimise disturbance caused by construction particularly ball demolition and dirty building work to be 100% shrouded in plastic to maintain a clean environment. Vehicle construction movements should be under the most stringent conditions during normal shopping hours 0800 to 1800 with vehicle deliveries using the shortest routes and to be out of shopping hours.
6. Council should bear in mind ground leases have covenanted to ensure "quiet enjoyment" for the tenants/occupiers of the building and therefore will claim for any losses incurred by failure to ensure that appropriate measures are taken. The Council has a duty to compensate all businesses who could be adversely affected by the development.
7. Complete redevelopment of the site is not justified when set against the disturbance/disruption of lengthy period of building works to a large number of already struggling businesses in the immediate vicinity.
8. Building is completely out of keeping with all nearby buildings with most of the city centre retail area being two or three stories.
9. The proposed development is a good idea and in the long run will breathe fresh life in to the city centre. However, short term concern is

expressed regarding damage the development building works programme will do to business in the West End at a time when trading conditions are already very hard. Suggest that open dialogue takes place between developers and local businesses.

10. Plymouth Civic Society welcomes the prospect of the redevelopment of the site and the investment in Plymouth this would involve. Only objection is to the two proposed tower blocks on the grounds that they are substantially too tall and out of scale with the rest of the Beaux Arts City Centre.
11. Support application but want to ensure that operation of adjoining commercial store is not adversely affected - specific reservations expressed regarding service access to rear of adjoining "Boots" commercial premises which will need to be respected and maintained as a continuous access. The development is much needed and will rejuvenate the central areas making it an attractive area in which to live and work. A development in the George Street area has been much needed since the opening of the Drake's Circus Shopping Centre and can only be beneficial both for "Boots" and stores in the locality.
12. Concern at scale of the building and the proposed number of student rooms. It is difficult to envisage full student occupancy unless there is a dramatic rise in the number of students or private residential accommodation is to decline drastically. Concern that accommodation on this scale could lead to empty student rooms affecting landlord's revenues to the extent that they are unable to cover their financial obligations.
13. Fully support scheme as it will generate a lot of much needed trade into the City Centre especially the Western Sector.
14. Objection on basis of impact on surrounding area particularly as there are no parking spaces planned for the new development and this will impact on any nearby residential streets where no resident parking schemes are in place. It is considered to be short-sighted to propose abandoning the undercroft car parking which is considered a valuable asset. The development will increase demand for car parking and exacerbate problem of obstructed accesses, cracked paving slabs caused by unauthorised pavement parking and should be opposed.
15. The retail units on ground floor should be of a size and rental cost appropriate to smaller independent traders rather than multinationals which would be more in keeping with the philosophy of creating an "Independent Quarter" in the west end.
16. No more food and drink outlets in the city centre are needed as many existing outlets are struggling to survive.
17. Laws should be enforced to stop cyclists riding bikes on the pedestrianised areas as several accidents happen every year with cyclists riding at speed. Signs should be erected in pedestrianised areas to prevent cycling by law.
18. Any Arts and Culture Centre must not be a commercial retail enterprise as this would adversely affect adjoining arts business which already finds it difficult to survive.
19. Too many "pigeon cote" cells masquerading as single person units.

## **Analysis**

### Key Issues

The key issues of this case are:

1. The impact of the proposed design, scale and massing of the development on the appearance and character of the city;
2. The impact of the proposed student apartments on the city centre and highway network;
3. The impact of the development upon neighbouring uses;
4. The impact of the development upon the appearance, character and setting of the listed buildings in the locality.

### Policy Context:

The application should be assessed primarily against adopted Local Development Framework Core Strategy. This report therefore has due regard to the following policies: CS01 (Sustainable Linked Communities); CS02 (Design); CS03 (Historic Environment); CS04 (Future Employment Provision); CS05 (Development of Existing Sites); CS06 (City Centre); CS12 (Cultural / Leisure Development Considerations); CS13 (Evening/Night Time Economy Uses); CS15 (Housing Provision); CS16 (Housing Sites); CS18 (Plymouth's Green Space); CS20 (Sustainable Resource Use); CS21 (Flood Risk); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); CS33 (Community Benefits/Planning Obligations); CS34 (Planning Application Considerations) and Area Vision 3 (Plymouth City Centre).

Consideration should also be given to PPS1 - Delivering Sustainable Development, PPS3 – Housing, PPS6 – Town Centres, PPG13 – Transport, PPS5 – Historic Environment, PPG16 – Archaeology, PPS22 – Renewable Energy, PPS23 – Pollution Control, PPG24 – Noise, PPS25 – Flood Risk, CABE Tall Building Guidance, emerging City Centre and University Area Action Plan, adopted Design Supplementary Planning Document (2009) and draft Development Guidelines Supplementary Planning Document (2009).

### The impact of the proposed design, scale and massing of the development on the appearance and character of the city:

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”*.

Within the emerging Local Development Framework City Centre and University Area Action Plan (2006-2011) the aim of which is to facilitate the Urban Development Framework preceding it, Chapter 7 highlights the strategic objective (4, Item 5) of supporting proposals within the West End – Market and Independent District which introduce mixed use schemes and more specifically the provision of “more homes and student accommodation” within this area. The provision of student accommodation in this location is therefore fully in accordance with adopted and emerging policies.

Taking into account the context of the emerging City Centre and University Area Action Plan, the proposed development will enable the delivery of a number of key strategic objectives which will be positive for the future regeneration of the area. (For example, the development supports the function of New George Street and Cornwall Street as the shopping streets which provide the main retail draw of the city centre in accordance with Strategic Objective 5 by providing a mixed use urban scheme incorporating the provision of a significant level of student accommodation with a key cultural use; Creation of new pedestrian linkages between New George Street and Cornwall Street and the creation of new high quality public realm, as recommended by David MacKay in the Vision for Plymouth).

One key feature of the site land ownership is that it spans the whole city block in a north / south orientation. In keeping with the Vision for Plymouth outlined by MBM Architects masterplan, this affords the opportunity of creating a new public route facilitating the future development of the plan. A sustainable, complimentary mix of uses is proposed for the site which has the potential to act as a catalyst for the regeneration of this key section of the city.

The Planning Inspector's report on the independent examination into the City Centre and University Area Action Plan states:

"The inescapable conclusion is that if Plymouth is to perform its role as a regional shopping destination, serve the needs of an expanding population in the sub region and attract the level of investment needed to enhance the Centre's built environment and thereby achieve the Core Strategy vision, more intensive commercial development is needed. Given the constraints imposed by the highway network and the opportunities provided by the low intensity and poor quality of some existing City Centre buildings, the most feasible and attractive option is to selectively redevelop and intensify existing sites."

The adopted Design Supplementary Planning Document (2009), which supersedes the draft Tall Building Strategy, demonstrates that whilst the site is not specifically within the adopted "Zone of Opportunity for tall buildings" this does not therefore necessarily preclude the site from the development of a tall building. The site is identified as being within a "Zone of Intensification". Such zones are noted as being "Areas where there are opportunities for an overall increase in block height to provide a more intensely populated urban environment and better enclosure to streets and spaces. This could include punctuation of the built form at appropriate locations with landmark buildings or towers".

The supporting documentation submitted with the application includes an urban design masterplan study of the locality. This has been designed to demonstrate that it is appropriate to punctuate the long run of shop frontages on both Cornwall Street and New George Street with a tall or landmark building in order to act as a midpoint focus to this large block, which when viewed in conjunction with potential future taller buildings at the western and eastern ends of the block, could serve to draw pedestrian traffic to the west end of the city.

Taking into account the above points, on balance, the quality of the building design, height and general massing of the proposed development is not considered to have a significant adverse impact upon the appearance and character of the city and is supportable in accordance with Core Strategy policy CS01, CS02 and CS34 together with the policies and provisions of the adopted Design Supplementary Planning Document, emerging City Centre and University Area Action Plan and draft Development Guidelines Supplementary Planning Document.

#### The impact of the proposed student apartments on the highway network

The Highway Authority has concerns regarding the location and design of the proposed cycle spaces and the fact that the development currently fails to provide a minimum standard of disabled car parking in line with adopted policy.

It is acknowledged that there is currently a shortfall in the policy requirement for on-site disabled car parking spaces within the development. However the

close proximity to several adjoining public car parks including Woolworth West car park which solely provides 13 disabled car parking spaces, together with on-street parking in Cornwall and New George Street is noted. This matter is currently being negotiated with the applicant. The outcome of these negotiations will be reported as an addendum.

#### The impact of the development upon the appearance, character and setting of the listed buildings in the locality

It is acknowledged that the development, by virtue of its height and massing will have an impact upon the setting of a number of listed buildings within the city centre, including the Grade II Listed Pannier Market and Grade II Listed Civic Centre. This impact is not considered to be so significant to warrant a refusal of the application on this basis. The development therefore accords with adopted Core Strategy Policy CS03 and Government advice contained in PPS5.

#### 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.

#### Community Benefits

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, 50% of the tariff will be charged for the development of previously developed brown-field land if the case is proven through an open book viability appraisal that the development is unviable at the higher level.

If the application were to be considered outside of the parameters of the reduced Development Tariff, the full Tariff contribution would be £2,631,609. Under the above-mentioned concessionary level, on the basis of the independently verified viability assessment submitted with the application, the development would therefore be required to pay a financial contribution of £1,315,805 towards the Plymouth Development Tariff.

It is clear from the submitted viability assessment (that has been verified by the Council) that the above payment of the Plymouth Development Tariff required in line with adopted policy, even taking into account the Plymouth Development Tariff reductions agreed by Cabinet, is not deliverable.

It is proposed by the applicant that the development should contribute a reduced financial contribution of £327,000 towards the Plymouth Development Tariff.

It is acknowledged that on this basis, the proposed development will not 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; Contribute to the promotion of a positive sense of place and identity and contribute to the creation of a well connected, accessible, inclusive 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 site, and contribute to the further enhancement and regeneration of Plymouth City Centre

#### (b) 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 site, which will continue the impetus of the regeneration of the City Centre and environs in accordance with adopted Core Strategy policy, despite the current severity of the economic climate, under the parameters of the Council's economic recovery measures. 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.

It is recommended that a "clawback" clause be incorporated within the S106 Obligation in order to ensure, should the final (post-development) viability assessment identify that the development profit has exceeded that predicted within the originally submitted (pre-development) viability assessment, that this additional profit is paid back to the Council to increase the development contribution towards the delivery of additional community infrastructure as required by the Development Tariff.

#### Comments on Design Review Panel representations

In response to the comments of the South West Design Review Panel, the applicant has stated that it is not agreed that the scheme as proposed would not justify a tall building at this location as it has always been the intention that

a high quality development will be produced. The resulting stepped form of the building roofline is stated as being the product of this development addressing the massing, site orientation, internal arrangement and topography of the City. It is stated that the development will have a substantial regenerative benefit to the City Centre and particularly to the commercial area to the west of Armada Way which has been detrimentally affected by the success of Drakes Circus.

The applicant considers that the subjective design approach suggested by the Design Review Panel would provide either a taller competing tower to the consented Derry's Cross building or produce an altogether more monolithic building with a subsequently greater impact on the street view. The applicant considers that both of these alternative approaches advised would have delivered a development of increased physical presence at the heart of the north / south block - in contrast to that outlined in the Mackay Vision.

In the professional opinion of your planning officers, the design approach suggested by the Design Review Panel has merit and would improve the design, scale and massing of the development by having the potential to create either a more simple and elegant single structure, or a carefully asymmetrical structure (in plan and elevation).

The applicant has however advised that a redesign of the scheme at this stage to address the Design Review Panel comments is not possible. This is due to the limited economic viability of the development and due to the developer's tight timescales associated with the delivery of the student accommodation in time for the student intake in September 2012.

The applicant advises that the scale of the building which includes over 600 student rooms is a reflection of the massive demand by Plymouth University for student bed spaces and also to the financial viability of the development which has offered both a new public thoroughfare and a 20,000 sq ft business and arts facility for the City. The scheme has been demonstrated to be viable based on 608 student rooms and 25,000 sq ft of retail space which allows for the inclusion of the proposed commercial and arts facility offering in the region of 20,000 sq ft of space. It is the stated intention that, if planning permission is granted, site works will commence in Summer 2010 with a planned completion in Summer 2012 in time for the student intake in September 2012.

In light of the comments made by the Design Review Panel and the subsequent request by your officers that these comments be given due consideration by the applicant, the applicant has confirmed that additional consideration will be given to the use of contextual materials and by extending the subtlety of the design of the public interface spaces through the integration of paving, seating, lighting and perimeter cladding to the building itself.

With regard to the Panel's reference to "minimising energy use and reducing carbon emissions" the scheme as submitted has highlighted the Combined Heat and Power (CHP) proposal and by default the 28% reduction target

associated with this. The development will deliver 2010 Building Regulations requirements as referred to by the Design Review Panel. A condition is recommended to ensure on-site renewable energy equipment is implemented in accordance with adopted policy CS20.

A pedestrian level wind microclimate study has been undertaken and submitted with the application. The study has not highlighted any issues of substantial downdraught experienced at street level and has classified the environment as suitable for leisure / business walking. A condition has been recommended to ensure that the wind mitigation measures advised in the study are fully implemented.

#### Comments on Third Party representations not previously covered within the report

Concerns regarding the potential for the construction phase of the development to cause disruption to existing commercial uses are noted. Whilst it is acknowledged that this is a city centre site where a level of disruption can be reasonably expected during redevelopment or construction work occurring on development sites in the locality, it is considered to be appropriate to impose restrictions through planning conditions on the developer's construction practice (Code of Construction) including restricting hours of construction deliveries, construction vehicle routes through the city and requiring appropriate mitigating measures for noise, vibration, dust and smell nuisance. A condition to address this matter is recommended accordingly.

The issues regarding the existence of covenants that may exist between the Council and tenants/occupiers of nearby buildings and the potential for compensatory payments to be made to those businesses that may be affected during the construction phase of the development are not a material planning consideration.

The concern that the scale of student accommodation will compete with other existing student accommodation in the locality to the possible detriment of that accommodation is not considered to be an over-riding, material planning consideration.

The suggestion that the retail units on the ground floor should be of a size and rental cost appropriate to smaller independent traders in keeping with the philosophy of creating an "Independent Quarter" in the west end are noted. The development proposes a mix/range of unit sizes that will achieve this principle and will enhance the retail and commercial capacity of the area. The development is therefore supported by adopted Core Strategy policy and Government advice contained in PPS6.

Concern expressed that laws should be enforced to stop cyclists riding bikes on the pedestrianised areas within the city is noted. Traffic Regulation Orders to prevent cycling within the pedestrianised zone already exist. The Traffic Regulation Orders and current lack of associated signage are currently being

reviewed by the Council and work is anticipated to commence shortly on upgrading the Orders and signage to address the problem of cyclists within the pedestrianised zones of the city centre. It should be noted that enforcement of the Traffic Regulation Order is the responsibility of the Police.

### 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.

### **Equalities & Diversities issues**

The redevelopment of this prominent site which will further contribute to the regeneration of the area will provide much needed student accommodation.

The key equality groups particularly benefiting from the development are younger people and those with disabilities as percentage of the units will be built so as to be fully accessible to disabled persons.

The benefits to all groups will be positive as it will provide accessible student accommodation in the city centre together with a new pedestrian street linking New George Street and Cornwall Street.

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

### **Section 106 Obligations**

1. Financial contribution of £150,000 towards the Plymouth Development Tariff payable upon commencement of development.
2. Financial contribution of £177,000 towards the Plymouth Development Tariff payable upon completion of development.
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 community infrastructure in line with adopted planning policy, up to the maximum amount that would have otherwise been required under the Plymouth Development Tariff.

The above obligation is being negotiated with the applicant. The conclusions of this negotiation will be reported as an addendum.

## **Conclusions**

The proposal is considered to deliver a high quality development which will further contribute to not only the regeneration of the immediate locality, but more significantly, the city as a whole in line with adopted Core Strategy Policy.

The siting, design, materials and finish of the development are considered to be acceptable and would be in keeping with the appearance and character of the site and locality. The redevelopment of this prominent city centre site would not have a significant adverse impact upon neighbouring properties and will contribute significantly to the regeneration of the area as a whole. The proposal to locate a tall building in this location would accord with the McKay "Vision for Plymouth", adopted Design Supplementary Planning Document and emerging City Centre and University Area Action Plan, and is therefore recommended that the development be conditionally approved subject to the satisfactory completion of the above S106 Obligation.

## **Recommendation**

In respect of the application dated **01/02/2010** and the submitted drawings, **Design and Access Statement, Wind Climate Assessment, Planning Statement, Building Services Energy Report, Carbon Emission Report, Building Engineering Services and Utility Status Report, 8700 (03)000, 8700 (03)001, 8700 (03)001D, 8700 (04)001, 8700 (04)002, 8700 (05)001, 8700 (05)001D, 8700 (03)100-Mez, 8700 (03)100, 8700 (03)101, 8700 (03)102, 8700 (03)103, 8700 (03)114, 8700 (03)115, 8700 (03)116, 8700 (03)117, 8700 (03)119, 8700 (03)121, 8700 (03)122, 8700 (03)B01** , it is recommended to: **Grant conditionally subject to the satisfactory completion of the S106 Obligation. Delegated authority to refuse the application should the S106 Obligation not be signed by the 3rd May 2010.**

## **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.

#### LAND QUALITY

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

##### 1. Site Characterisation

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

- (i) a desk study characterising the site and identifying potential risks from contamination;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) an assessment of the potential risks to:  
human health,  
property (existing or proposed) including buildings, crops, livestock, pets,  
woodland and service lines and pipes,  
adjoining land,  
groundwaters and surface waters,  
ecological systems,  
archeological sites and ancient monuments;
- (iv) 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'.

##### 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and

other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must 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.

### 4. Reporting of Unexpected Contamination

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

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

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring and 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

(4) 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

(5) 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

(6) 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, finish and colour of the curtain walling window and cladding systems;
2. Details of the design of any external building lighting proposed;
4. Details of the proposed design, materials and finishes to the external doors; 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.
6. Details of the design, materials and finish of the proposed Brise Soleil, louvres and arts centre vertical fins;
7. Details of wind mitigation measures to be constructed for the east and south elevation ground floor entrances and 14th floor terrace including raised perimeter screening.

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

(7) 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 cladding systems, 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

(8) 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.

## LOADING AND UNLOADING PROVISION

(9) 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

(10) 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.

#### PEDESTRIAN/CYCLE ACCESS

(11)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

(12)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 304 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 PROVISION

(13) 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 50 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

(14)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

(15) 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.

#### SUSTAINABILITY

(16) 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 2016, a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods. 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 15% of predicted carbon emissions for the period up to 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.

#### LANDSCAPE DESIGN PROPOSALS

(17) 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; 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

(18) 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

(19) 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

(20) The plans and particulars of the landscaping works submitted in accordance with condition 17 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

(21) 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.

#### SOUND ATTENUATION

(22) No work shall commence until details of adequate sound attenuation measures which shall be put in place to protect the residential accommodation sited adjacent to the lift shafts, and those immediately underneath the proposed lounge/bar on the 14/15th floor, have been submitted to and agreed previously in writing with the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development.

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 units 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, acoustic ventilation and sound attenuation measures in the interests of the residential amenity of occupiers of the new development and in accordance with adopted policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government advice contained in PPS23.

#### COMMERCIAL/RETAIL WINDOW DISPLAYS

(23) 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 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.

#### CONTROL OF NOISE LEVELS

(24) The noise generated by the extract ducting/ventilation/air conditioning equipment (LAeqT) shall not exceed the background noise level (LA90) by



more than 5 decibels, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

#### Reason

In the interests of the prevention of noise pollution of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

#### ODOUR CONTROL

(25) Prior to the commencement of any commercial use, details of the specification and design of equipment to extract and disperse cooking odours shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the use first commences and shall be retained at all times thereafter. Any alteration or variation to the equipment should receive the written approval of the Local Planning Authority.

The plans should also include details of methods to reduce or eliminate cooking smells and should include confirmation of any odour control methods proposed for use in conjunction with this system, i.e., filtration systems, odour neutralising systems, etc.

#### Reason

To enable the Council to consider the details of adequate odour control measures to the proposed commercial units in the interests of residential amenity and to accord with policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Government advice contained in PPS23.

#### GREASE SEPARATION

(26) Prior to the commencement of any A3 use, drainage serving the kitchens shall be fitted with a grease separator, complying with prEN1825-1 and designed in accordance with prEN1825-2 and in accordance with Building Regulations doc. H, or other effective means of grease removal which shall have been previously submitted to and agreed in writing with the Local Planning Authority.

#### Reason

In light of the problems caused by grease from catering establishments blocking drains the requirement for adequate grease separation measures is considered necessary in accordance with policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Government advice.

#### CULTURAL USE

(27) Unless otherwise agreed previously in writing with the Local Planning Authority, the ground floor entrance shown for the proposed arts centre and first floor of the building (noted as studios 1-8 inc., Exhibition 1 & 2, Arts Café and Lobby) shall be used solely for a cultural use/ artistic use (s).

#### Reason

The Local Planning Authority wishes to control the type of use class proposed for the first floor of the development to ensure there is a cultural use within the building, providing a civic and public focus for the lower floor of the building, thereby promoting the aims in Strategic Objective 4 of the emerging City Centre and University AAP which promotes the fostering of creative and artistic events and uses in this part of the City Centre and CC10, which seeks to encourage breaking through blocks with arcades of retail or other uses. A mix of uses in the building also accords with the provisions of policies CS01, CS02, CS04, CS06, CS12, CS13 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance.

#### 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 - CIVIL AVIATION OBSTRUCTION LIGHTING

(2) Upon completion of the development or prior to any use of the tower commencing, whichever is the sooner, Civil Aviation Obstruction Lighting should be installed on the tower in compliance with Civil Aviation Authority Regulations (Appendix A Table 6A.1 CAP 168) and in the interests of public and aviation safety.

#### **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 and uses; The impact of the development on the City Centre; The impact of the development upon the highway network; The impact upon the appearance, character and setting of the listed buildings in the locality, 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  
PPG24 - Planning and Noise  
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  
CS06 - City Centre  
CS10 - Change of Use in the City Centre  
CS10 - Change of Use in City Centre  
CS13 - Evening/Night-time Economy Uses  
CS18 - Plymouth's Green Space  
CS19 - Wildlife  
CS20 - Resource Use  
CS21 - Flood Risk  
CS22 - Pollution  
CS03 - Historic Environment  
CS01 - Sustainable Linked Communities  
CS02 - Design  
CS04 - Future Employment Provision  
CS12 - Cultural / Leisure Development Considerations  
PPS5 - Planning for the Historic Environment