

**ITEM: 05**

**Application Number:** 10/01384/FUL

**Applicant:** Urban Splash South West (Ltd)

**Description of Application:** Change of use to mixed use for a range of uses comprising: B1 business, A1 shops, A2 financial and professional services, A3 restaurants and cafes, A4 drinking establishments, A5 hot food takeaways, D1 non residential institutions and D2 assembly and leisure, internal alterations and removal of external escape staircase

**Type of Application:** Full Application

**Site Address:** NEW COOPERAGE, ROYAL WILLIAM YARD  
PLYMOUTH

**Ward:** St Peter & The Waterfront

**Valid Date of Application:** 21/09/2010

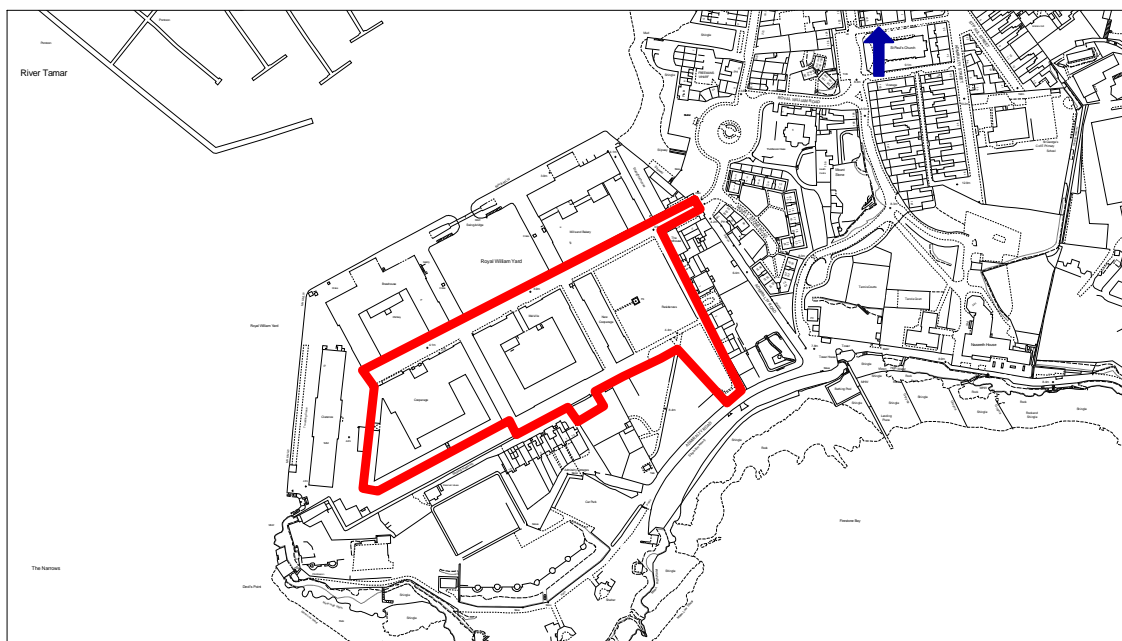
**8/13 Week Date:** **21/12/2010**

**Decision Category:** Major Application

**Case Officer :** Robert McMillan

**Recommendation:** Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 31 January 2011

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## OFFICERS REPORT

### Site Description

The site is the New Cooperage building in the Royal William Yard. It is in the eastern part of the Yard with the basin and Mills Bakery building to the north, the Green and open land to the east and south and Melville building to the west. It is a Grade II listed building. It is two storeys in Granite ashlar with rustication on the ground floor under a slate roof. It is symmetrical with slight projections at the northern and southern ends. The ground floor windows are segmental arched. There are doors on the northern, southern and western elevations and prominent southern chimney stack with four small dormer windows on the two long elevations to provide additional light. Later fire escapes have been added to the western façade. Internally there is an interesting exposed steel roof truss structure and boarded floor creating a dramatic open space at first floor. It has a floor area of 1,823 sq m.

### Proposal Description

The application is to convert the building to mixed use for a range of uses including the ground and first floor from storage to B1 business and the ground floor only to A1 Shops, A2 Financial and Professional Services A3 Restaurants and Cafes, A4 Drinking Establishments and D1 Non-residential Institutions. The applicant's detailed description states that the works comprise: "The creation of a new open central core housing lift, stair, wc and refreshment facilities on both floors within a contemporary pod and the removal of first floor structure in this area to create a mezzanine. Installation of a new plant room on the ground floor, utilizing the existing chimney flues for extraction, new service runs within a new ceiling void, and within the existing floor structure at first floor, creation of a service grid at first floor level within the existing floorboard layout, the installation of a raised access floor across the first floor, the installation of new internal glazed entrances along the western facade, levelling of existing concrete floor on ground floor, removal of modern metal external escape stair along western alley, installation of partitions to subdivide the space into smaller units".

The applicant has attached an Interim Parking Layout for the whole of the Royal William Yard (RWY). This shows parking in the lane between the New Cooperage and Melville Building and the lane at the rear to the south.

### Relevant Planning History

#### **Royal William Yard (RWY) as a whole**

97/1573 – Outline application to regenerate RWY by a mixed use development comprising of residential units, speciality shopping, hotel, bars, restaurants, visitor attractions, craft market and workshops - APPROVED

#### **New Cooperage**

00/01063 – LBC - Removal of decayed block wood flooring on ground floor

00/00841 - LBC - Replacement of external drainage pipes and gullies and internal rainwater pipes

00/00766 – LBC - Demolition of internal walls to ground and first floors;

99/01417 - LBC - Replacement of roof and refurbishment of windows and doors;

99/01323 – LBC - Removal of modern fixtures and fittings of internal paintwork and of external staircase

### **Other buildings within RWY**

Since 2002 there have also been a number of applications for the change of use and alterations of other buildings within Royal William Yard including The Clarence Building, Brewhouse and Mills and Bakery as well as for the public realm improvements. Permission was granted for a large mainly underground car park on the raised grassed area south of the New Cooperage in 2006, but it will not be built, (04/00868).

### **Consultation Responses**

#### **English Heritage (EH)**

##### **(Comments on the application for listed building consent)**

EH does not object to the principle.

Accepts the need for flexibility to help in finding tenants but ask that subdivision be kept to the minimum. The possibility of glazing for the first floor partitions above head height should be considered to provide uninterrupted views of the roof structure.

It is concerned about raising parts of the first floor to provide service runs. Fireproofing of the underside of floor plates is accepted to enable the upper floor surfaces to be retained in use.

These issues should be addressed and the application be determined in accordance with national and local policy and the Council's conservation advice.

#### **Environment Agency**

The proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice. Officers should seek advice from Building Control and the Emergency Planning Team.

#### **Highway Authority**

##### 1. Interim comments

The Highway Authority's interim comments are based on the receipt of the updated Transport Strategy from the applicant on 18 November 2010.

#### Parking

Has concerns over the large number of visitor parking spaces which was not supported with accumulation surveys. The possibility of sharing is not

apparent. It has not been shown how this meets the objectives of the Transport Strategy in encouraging the use of sustainable means of travel.

It is not clear when the car parking charging regime would be implemented.

#### Car club

A car club would be welcome however there are doubts over the financial viability of it in the short and medium term.

#### Travel passes

The Transport Strategy states that a requirement for individual developers/occupiers is to provide season ticket concessions for public transport users. Information submitted as part of the New Cooperage application suggests that the number of staff within this building will vary between 113 and 144 (the median value being 129). On the basis of the cost of a monthly travel pass being £52 and a suggested public transport modal shift target of 15% (which would equate to 20 members of staff; 15% of 129), a financial contribution of £12,500 would be sought from this development to provide a free 12 month travel pass for 15% of the staff working in New Cooperage. This is simply implementing measures included the applicant's Transport Strategy. This would have to be secured through a S106 agreement. The applicant's view that there is no need for such an agreement is a further area of concern.

#### Layout

Raises several points of detail that need clarifying and/or changing in relation to the ability for some of the spaces to be used, the size of some of the spaces, the location of the cycle parking, access to the bin store area and location of the "drop-off" spaces next to the entrance.

#### 2. Later comments

Officers have been working closely with the applicant and its agents to achieve a suitable parking layout and strategy and transport strategy and are close to reaching agreement. The issue of the travel passes still needs to be resolved.

#### **Public Protection Services**

No objections

#### **Representations**

The Stonehouse Residents' Association (SRA) has made two submissions.

##### 1. First submission

There is a letter from the Stonehouse Residents' Association (SRA) dated 16 October 2010. It does not object but raise a number of issues. It suggests possible conditions:

- A revised Transport Strategy for RWY and modal surveys to assist the development of the Transport Strategy;
- No occupation until the contribution for the 15 minute bus service from the S106 agreement attached to the Mills Bakery Building has been

made and implemented. SRA is open to a variation but would wish to see a commercially viable 15 minute service. This may involve other services than the 34 service;

- The establishment of a car club or the creation of a new pedestrian link around Devils Point ready for use prior to occupation. Contributions should be made during phases of development to avoid all the obligations falling on the last building. Obligations were relaxed for other buildings and not onerous on the Mills Bakery building as wider obligations were to be tied to the car park proposal which has now been abandoned; and
- The draft travel plan needs to be corrected;

SRA object to alterations to the Western King car park and have been informed by the applicant that this is a mistake and should not have been included in the travel plan. (For clarity this does not form part of this application.)

## 2. Second submission

In a subsequent email of 25 November 2010 it states:

The SRA has been involved in the revised Transport Strategy (TS) through its Transport Focus Group. It supports the updated TS. It welcomes the commitment to bring the RWY within the South West Coast Path with the pedestrian link to Devil's Point. This should be confirmed with this application either by a condition or S106 agreement with this application linking the application to provision of parts of the TS.

## **Analysis**

The main issues with this application are: the principle of the mixed use; the effect on the listed building; the impact on the conservation area; and the transport, highways and parking matters. The main policies are: Core Strategy policies CS01 Development of Sustainable Linked Communities, CS02 Design, CS03 Historic Environment, CS04 Future Employment Provision, CS07 Retail Development Considerations, CS12 Cultural/Leisure Development Considerations, CS13 Evening/Night-time Economy Uses, CS20 Sustainable Resource Use, CS21 Flood Risk, CS28 Local Transport Considerations, CS33 Community Benefits/Planning Obligations and CS34 Planning Application Considerations, Millbay and Stonehouse Area Action Plan proposal MS01 Royal William Yard.

## **Background**

The Royal William Yard (RWY) is one of the city's outstanding heritage sites. The local community through the Stonehouse Residents' Association, City Council, South West Regional Development Agency (SWRDA) and developer, Urban Splash and its architects are all committed to see the RWY redeveloped into a thriving mixed use area to maximise the potential of the site's intrinsic architectural and historic character. During the last seven-eight years some of the buildings have been converted into beneficial uses but predominantly for flats. More recently mixed uses are coming into the site including the popular Seco Lounge café/bar in the Mills Bakery building. The applicant states that this has generated interest for other such uses including

Prezzo, an Italian restaurant, that will open in the same building early next year. The applicant has received several enquiries for a range of uses prompting this application. It has asked for a range of uses to provide sufficient flexibility to help in the letting of the premises.

### **Principle and land uses**

The principle of the mixed use accords in general with Proposal MS01 of the Millbay and Stonehouse AAP as it will assist in ensuring “an authentically mixed use development”. The proposal specifies uses for the New Cooperage together with The Cooperage and The Slaughterhouse. These are B1 offices and workshops, exhibition space, A3 – A5 food and drink uses, exhibition and workshop space and live work units. The applicant has extended this to include retail and the full range of D1 Non-residential institutions. Although retail is not included, it is for the RWY in general and specifically for the Mills Bakery building but to date no shops have gone into that building. Some shop space in the New Cooperage complies with the spirit of the proposal and is acceptable. The applicant is aiming for specialised “niche”/“boutique” and craft units but it is not possible to limit A1 shops to this category of use by condition. But conditions can be attached to limit the amount of retail floorspace and size of unit. This is necessary to ensure the shops would not prejudice the city’s retail hierarchy in particular the proposed local centre at Millbay to comply with Core Strategy policies CS07 and CS08 and MSAAP policy MS03.

The applicant has stated that if café/restaurant/bar uses occupy the ground floor they would probably wish to provide outdoor space to overflow onto the Green. The red line application site is extensive including all of the Green. The principle is acceptable and would add to the vibrancy of the RWY. But again a level of control is required by condition so that the open areas are not excessive so as not to harm the character and appearance of the conservation area and setting of the listed buildings.

### **Impact on the listed building and conservation area**

The applicant and architects have been involved with the RWY for many years and are responsible for several successful, sensitive and sympathetic conversions. They are applying their expertise and experience with this proposal. There are few changes to the exterior, the main ones being to remove the two later fire escapes on the west elevation and the addition of steel railings to the first floor loading doors. These works would not adversely affect the architectural and historic character of the exterior of this listed building.

There are more changes to the interior. The applicant has submitted two layouts showing two levels of sub-division. Each floor has a central pod for a staircase, lift, toilets and refreshment area on each floor. The first shows 12 units on the ground floor and the large open first floor area split into two areas and the pod. The more intensive layout shows 24 units on the ground floor and the large open area split into nine areas and the pod. Officers understand the applicant’s wish for flexibility but it makes matters difficult procedurally as the local planning authority can only approve one layout. Officers agree to

either of the ground floor layouts but object to the maximum sub-division plan at first floor as it harms the character of this large open space. The applicants are in serious discussions with a potential occupier who it is understood would opt for the minimal solution. As the eventual level of sub-division is subject to variation the solution is for the final details to be submitted in compliance with a condition.

Originally the scheme included at first floor full height obscure partitions to provide fire separation. This was unacceptable as it interrupted the view of the roof structure which is a primary element of the character of the building and must be retained. The applicant revised the design by replacing the material with a glazed wall that will maintain the uninterrupted view of the roof structure.

The timber first floor also adds to the character of the building. The applicant requires a degree of flexibility to allow for the service needs for a variety of tenants. For the ground floor there will be a dropped ceiling along the central corridor. It is more sensitive at first floor as the applicant is proposing a raised floor. Its architects state that the alternative would be a large number of cuts into the existing floor which is not acceptable. The raising of the floor could be acceptable if it is fully reversible so that the original floor remains. Officers have asked for more details on the fixings of the raised floor supports to assess their impact on the existing floor.

The conversion of the building will be handled sensitively, subject to the further details of the raised first floor, and will retain the special architectural and historic character of the building to comply with policy CS03, proposal MS01 and PPS5 - Planning for the Historic Environment.

The mixed use of the building and minimal external changes will preserve and enhance the character and appearance of the conservation area particularly as it will put an empty building into a beneficial use. The use of part of the Green is acceptable as it would add to the vibrancy of RWY. It will be controlled by condition for heritage reasons to retain the character and appearance of the conservation area. The impact on the conservation area would not be harmful and the application complies with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy CS03, policy MS01 and PPS5 Planning for the Historic Environment.

## **Transport and parking**

### Background

Transport issues and parking have long been a contentious matter at the RWY given its location at the end of the Stonehouse peninsula and its original function as the Navy's victualling yard that has excellent access by water. Given the size of the RWY the special heritage value of the site of former naval Grade I and II\* building on a grand scale there is limited space for parking. The most recent solution was to build a large car park for 600 spaces largely sunk into the ground in the grassed area south of the site. Permission was granted in 2006 subject to a section 106 agreement. It expires next year

but the applicants have stated that it will not be built on grounds of excessive cost. Also during the consideration of development proposals there has always been a strong presumption to encourage residents, occupiers, users and visitors to use sustainable means of travel.

### Parking

As the application will not be implemented the terms of the section 106 agreement will not be carried out. This is significant as one of the obligations was to provide a transport strategy for the RWY. As this will not now lawfully come into effect the transport strategy needs to be linked to a planning application and the applicant has agreed to tie it to this application. This only came to light late in the process following a meeting with the applicant in November that also dealt with the bus service that was related to a section 106 agreement tied to the Mills Bakery permissions (05/00416 and 05/00417). Officers received the first draft of the revised transport strategy on 18 November and Transport and Highways colleagues have been working with the applicant on the transport strategy and updating the interim parking layout and interim parking strategy so they are consistent with each other. The applicant has reduced the parking provision for the New Cooperage to 98 spaces that includes 50 for visitors which is acceptable. It has also amended the parking layout for the RWY as a whole to ensure that all the spaces are usable.

### Travel passes

A key transport objective at the RWY is to encourage residents, staff, visitors and other users to use the more sustainable means of travel including buses.

The transport strategy states in part 5:

“An option open to the developers/occupiers would be to offer conditional annual bus passes to employees thus guaranteeing a certain level of income to the operators and then review the viability and sustainability of the service on an ongoing basis.”

Part 7 is the “Action Plan in Support of Transport Strategy”. Section 4 is “Requirements for Individual developers/occupiers (to be imposed via future building planning applications).” One of these is: “4.5 season ticket concessions - for public transport users.”

Based on the estimated number of staff and a modal shift target of 15% (ie people using the bus instead of their car) 20 workers would need travel passes for a free month period of one year which equates to £12,500. This would have to be secured through a S106 agreement. This is not an excessive amount and commensurate with the scale of development. Officers sought the agreement from the applicant to enter into such an obligation. Unfortunately the applicant has refused to do so from the outset and when the report was drafted on viability grounds. Recently the applicant has indicated that it is in negotiation with a prospective tenant who could occupy a large part of the building. Officers with expertise in viability appraisal advise that this would improve the viability of the scheme since the appraisal was submitted



several months ago as it would reduce much of the risk and enhance viability. Officers will update members on this matter at the meeting.

The latest parking arrangements are acceptable and if the applicant agreed to the provision of travel passes appropriate measure would be in place to encourage sustainable travel to mitigate the impact of the development and the application would comply with policy CS28.

### **Other matters**

The Stonehouse Residents Association (SRA) support the application in principle and the increased mixed use of and public access to the RWY so it becomes a thriving part of the Stonehouse peninsula. They wish to see improved sustainable transport and public access to bring the RWY within the South West Coastal Path. They have suggested that the applicant provide funds for a car club. However Transport and Highways officers doubt if there would be sufficient demand for it to be viable. They require a link to Devil's Point through this application. Officers have been informed that the applicant will be making an application shortly to do this by means of new steps by the high retaining wall at the western part of the site. It is also suggesting a boardwalk alongside The Slaughterhouse to provide an alternative access to the RWY at the water's edge.

SRA also raised the issue of the S106 agreement at the Mills Bakery relating to funds for an improved bus service. This is not strictly related to the current application but is relevant to the overall transport strategy for RWY. It comes into force when the building is 75% occupied which is likely to happen shortly. There is £110,000 to improve the bus service to and from the city centre. Officers, the bus operator and applicant are re-examining the agreement and will carry out a survey to help in assessing the optimum use of this contribution for public transport purposes. If it changes there would need to be a deed of variation to that agreement.

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.

### **Section 106 Obligations**

The application is being considered under the Market Recovery Scheme where there is a 100% discount on tariff for B1 Business development. There is a need for a negotiated element to mitigate the impacts of the development on the site and surroundings. Officers are seeking a contribution of £12,500 towards travel passes to assist sustainable means of travel for the staff who would work in the New Coopage and a management fee of £1,250.

To comply with the Community Infrastructure Levy (CIL) Regulations a section 106 obligation must comply with three tests.

Test One: The obligation is necessary to make the development acceptable in planning terms.

The provision of travel passes will help to divert staff from using their cars to public transport as sustainable means of travel in accordance with policy CS28, PP13 and the applicant's updated Transportation Strategy.

Test Two: The obligation is directly related to the development.

The obligation is directly related to the development because it is for travel passes for staff who would work at the application site and would help in reducing reliance on the private car to travel to and from the premises.

Test Three: The obligation is fairly and reasonably related in scale and kind to the development.

The provision of £12,500 for 20 travel passes is based on the cost of a monthly travel pass of £52 and a suggested public transport modal shift target of 15%. This would equate to 20 members of staff of an estimated total number of 129 that would work at the New Cooperage. This fairly and reasonably relates in scale and kind to the development.

### **Equalities & Diversities issues**

The development will be available for use for all sectors of society and equality groups including people with disabilities. It will not have a negative impact on any group.

### **Conclusions**

This is a positive proposal as it will put another of the building at the Royal William Yard (RWY) into a beneficial use for a range of mixed uses that will add to the vibrancy of the area and complement the existing uses that to date have been mainly residential. The applicant and architects have carried out previous sensitive conversions in the RWY and have produced another sympathetic scheme for the New Cooperage building that will respect its listing status and the character and appearance of the conservation area. Transport and parking matters have always been challenging given the site's location, its layout and heritage status. Now that the large car park will not be built it is essential that the transport strategy is tied to this application, parking is carefully controlled and positive encouragement is given for sustainable means of travel including public transport. Subject to the applicant agreeing to a section 106 obligation for the provision of travel passes the application is acceptable and will continue to enhance the character of the Royal William Yard and further realise the regeneration and heritage potential of this outstanding site.

## **Recommendation**

In respect of the application dated **21/09/2010** and the submitted drawings, **planning report, design and access statement, heritage statement and conservation schedule, geo-environmental desk study, flood statement, updated transportation strategy, interim parking statement, sustainability statement and bats appraisal**, it is recommended to: **Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 31 January 2011**

## **Conditions**

### **APPROVED PLANS**

(1)The development hereby permitted shall be carried out in accordance with the following approved plans: 1034/PL-102, 1034/PL-103A, 1034/PL-104A, 1034/PL-105A, 1034/PL-106, 1034/PL-107, 1034/PL-203, 1034/PL-205, 1034/PL-300A, 1034/PL-301, 1034/PL-302, 1034/PL-100B, 1034/PL-101B and 1034/D-002.

Reason: For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### **DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

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

Reason:

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

### **Car Parking Management**

(3)None of the 50 additional visitor car parking spaces hereby permitted shall be brought into use until a revised Interim Parking Statement and Revised Interim Parking Management Plan have been produced and implemented, the final details of which shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this permission. Thereafter the use of all car parking areas shall be operated in strict accordance with the approved Interim Parking Statement and Revised Interim Parking Management Plan.

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 more sustainable travel choices and ensure that car parking areas provided are properly controlled and managed in accordance with the Interim Parking Statement and supporting Policies CS28 and CS34 of the City of Plymouth Local Development Framework Core Strategy adopted April 2007.

### **CAR PARKING PROVISION**

(4)The building shall not be occupied for the uses hereby permitted until the additional car parking spaces shown on the Interim Parking Management Plan drawing number 1034 PL-101B associated with this application have been drained, surfaced and demarcated and thereafter those spaces shall not be used for any other purpose other than the parking of vehicles.

#### Reason

To enable vehicles used by staff/occupiers and visitors to be parked in suitable locations with the Royal William Yard so as to avoid interference with the free flow of traffic around the Royal William Yard and damage to amenity in accordance with Policies CS28 and CS34 of the City of Plymouth Local Development Framework Core Strategy adopted April 2007.

#### CYCLE PROVISION (NON-RESIDENTIAL)

(5)The development shall not be occupied for the planning uses hereby permitted 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 17 bicycles to be parked.

#### Reason

In order to promote cycling as an alternative to the use of the private car in accordance with Policies CS28 and CS34 of the City of Plymouth Local Development Framework Core Strategy adopted April 2007.

#### CYCLE STORAGE

(6)The secure area for the storing of 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/staff or visitors to the building in accordance with Policies CS28 and CS34 of the City of Plymouth Local Development Framework Core Strategy adopted April 2007.

#### LOADING AND UNLOADING PROVISION

(7)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 Royal William Yard 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 in a safe and convenient location within the Royal William Yard so as to avoid:-

- (a) damage to amenity;
  - (b) prejudice to public safety and convenience;
  - (c) interference with the movement of traffic around the Royal William Yard
- in accordance with Policies CS28 and CS34 of the City of Plymouth Local Development Framework Core Strategy adopted April 2007.

## TRAVEL PLAN

(8)The use of the building hereby permitted shall not commence until a Travel Plan (TP) has been submitted to and approved in writing by the Local Planning Authority. The said TP shall support the overall aims and objectives of the Royal William Yard Transport Strategy that forms part of this permission in encouraging the use of sustainable modes of transport for all journeys being made to and from the Yard. The Travel Plan shall be created according to the requirements of iTRACE , the web-based Travel Plan management system used by Plymouth City Council and shall be managed and monitored through that system by an appointed Travel Plan Coordinator for the site in question. It shall also include details of the measures to control the use of permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the TP and the name, position and contact number of the person responsible for its implementation. From the date of the use of the building the occupier shall operate the approved TP.

### 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 Policies CS28 and CS34 of the City of Plymouth Local Development Framework Core Strategy adopted April 2007.

## FUTURE CHANGES OF USE

(9)The flexible use regime hereby permitted exists only for the first occupation of each unit hereby permitted. Thereafter any change of use of any of the units shall be subject to the planning legislation and the conditions attached to this permission. The applicant/developer or occupier shall provide the local planning authority written details of the first use of each unit prior to the occupation of each unit.

### Reason:

The local planning authority has granted a flexible planning permission in the first instance to assist in the regeneration of the Royal William Yard and the occupation of the building. Once the building is occupied the need for the flexibility will no longer apply and the premises will be subject to the planning legislation and planning policy and to comply with policies CS07, CS08 and CS34 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

## FIRST FLOOR LAYOUT

(10)The first floor layout on drawing number 1034/PL-202 is not approved.

### Reason:

For the avoidance of doubt and because there is too much sub-division that would harm the intrinsic character of the building contrary to policy CS03 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

## FINALISED FLOOR LAYOUTS

(11) Prior to the first occupation of any part of the building hereby granted planning permission details of the finalised floor layouts and level of subdivision shall be submitted to and approved in writing by the local planning authority.

Reason:

For the avoidance of doubt and to ensure the special character and interest of this listed building is retained to comply with policy CS03 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

#### A1 SHOP FLOORSPACE

(12) Not more than 600 square metres shall be used for A1 shop purposes without the prior written permission of the local planning authority

Reason:

To ensure that there is not an over-provision of shops that could prejudice Plymouth's retail hierarchy or prejudice the creation of the local centre proposed for Millbay and to be appropriate in scale and function to its location to comply with policies CS01, CS07 and CS08 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007 and policy MS03 of the Millbay and Stonehouse Area Action Plan

#### A2 FINANCIAL AND PROFESSIONAL SERVICES FLOORSPACE

(13) Not more than 400 square metres shall be used for A2 financial and professional services purposes without the prior written permission of the local planning authority.

Reason:

To ensure that there is not an over-provision of financial and professional services that could prejudice Plymouth's retail hierarchy or prejudice the creation of the local centre proposed for Millbay and to be appropriate in scale and function to its location to comply with policies CS01, CS07 and CS08 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007 and policy MS03 of the Millbay and Stonehouse Area Action Plan.

#### SIZE OF SHOPS AND FINANCIAL AND PROFESSIONAL SERVICES OFFICES

(14) No A1 shop use or A2 financial and professional services office shall exceed 150 square metres in size without the prior written permission of the local planning authority.

Reason:

To ensure that there is a range of shops of the appropriate size to serve the needs of the Royal William Yard and local community to comply with policies CS01 and CS08 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007 and MS01 of the Millbay and Stonehouse Area Action Plan.

#### A3 RESTAURANT & CAFES AND A4 DRINKING ESTABLISHMENTS FLOORSPACE

(15) Not more than 905 square metres shall be used for A3 restaurant & cafes or A4 drinking establishments floorspace without the prior written permission of the local planning authority.

Reason:

To ensure that there is not an over-provision of these uses at this building to ensure it remains in genuine mixed use and does not harm the amenity of the area to comply with policies CS13 and CS34 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

#### SIZE OF A3 RESTAURANT & CAFES AND A4 DRINKING ESTABLISHMENTS

(16) No A3 restaurant or cafes or A4 drinking establishments shall exceed 250 square metres in size without the prior written permission of the local planning authority.

Reason:

To ensure that the size of such establishments are of an appropriate scale in order not to harm the character of the area to comply with policies CS01, CS13 and CS34 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

#### D1 NON-RESIDENTIAL INSTITUTIONS FLOORSPACE

(17) Not more than 905 square metres shall be used for D1 non-residential institutions purposes without the prior written permission of the local planning authority.

Reason:

To ensure that there is not an over-provision of these uses at this building to ensure it remains in genuine mixed use and does not harm the amenity of the area to comply with policies CS01 and CS34 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007 and MS01 the adopted Millbay and Stonehouse Area Action Plan 2007.

#### SIZE OF D1 NON-RESIDENTIAL INSTITUTIONS PREMISES

(18) No D1 non-residential institution premises shall exceed 250 square metres in size without the prior written permission of the local planning authority.

Reason:

To ensure that the size of such units are appropriate to the scale and mix of uses at the Royal William Yard and the building remains in genuine mixed use and does not harm the amenity of the area to comply with policies CS01 and CS34 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007 and MS01 the adopted Millbay and Stonehouse Area Action Plan 2007.

#### ANCILLARY USE OF OPEN AREAS

(19) Details of any open area, in particular on the Green, that is proposed to be used for ancillary purposes to any of the uses of any of the units within the

New Cooperage shall be submitted to and approved in writing by the local planning authority before any such open area is brought into use.

Reason:

To ensure that the character and appearance of the Royal William Yard and setting of the listed buildings are not harmed in the interests of conservation and general amenity to comply with policies CS03, CS01, CS02 and CS34 of and proposal MS01 of the adopted Millbay and Stonehouse Area Action Plan

#### OPENING HOURS

(20)The use of the building shall not be open to customers outside the hours for each use as follows:

A1 shops A2 financial and professional services and D1 non-residential institutions - 08.00 to 22.00 hours Monday to Saturday and 09.00 to 18.00 on Sundays and Bank or Public Holidays;

A3 restaurant and cafes and A4 drinking establishments - 08.00 to 23.00 hours Monday to Thursday and 08.00 to 24.00 on Fridays and Saturdays 09.00 to 23.00 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.

#### D2 USE

(21)The building shall not be used for D2 Assembly and Leisure purposes.

Reason:

In the interests of clarity to accord with the description of development and in the interests of residential and general amenity to comply with policy CS34 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

#### CODE OF PRACTICE

(22)Prior to the commencement of the development hereby approved, a detailed management plan for the demolition/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.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT



(23)Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, C, D or E of Part 3 the Schedule 2 to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to ensure that the mixed uses of the building are in keeping with the character and amenity of the area and do not prejudice the retail hierarchy of the city in accordance with Policies CS01, CS03, CS07, CS08 and CS34 of the Plymouth Local Development Framework adopted Core Strategy (2006-2021) 2007 and Policy MS01 of the adopted Millbay and Stonehouse Area Action Plan 2007.

#### INFORMATIVE 1 - CODE OF PRACTICE

(1)The management plan required by condition 22 shall 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:

- 1 - Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.
- 2 - 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, construction traffic parking.
- 3 - Hours of site operation, dust suppression measures, noise limitation measures.

#### INFORMATIVE 2 - LISTED BUILDING CONSENT

(2)The applicant/developer is advised that the development must also be carried out in accordance with the listed building consent, reference 10/01385.

#### **Statement of Reasons for Approval and Relevant Policies**

The application is positive as it will put another listed building within the Royal William Yard to a beneficial mixed use that will assist the regeneration of the area and preserve and enhance the special character of the building and conservation area. It is essential that the parking and transport matters are satisfactory and these will be managed through the revised transport strategy that has been transposed from the previous unimplemented application and section 106 agreement for the car park (04/00868). This is subject to the provision of travel passes for some of the staff who would work at the New Cooperage to encourage sustainable means of travel to and from the Royal William Yard.

In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework

Core Strategy (2006-2021) 2007 and supporting Development Plan Documents, Millbay and Stonehouse Area Action Plan 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport  
PPG20 - Coastal Planning  
PPS1 - Delivering Sustainable Development  
CS28 - Local Transport Consideration  
CS32 - Designing out Crime  
CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS07 - Plymouth Retail Hierarchy  
CS08 - Retail Development Considerations  
CS13 - Evening/Night-time Economy Uses  
CS19 - Wildlife  
CS20 - Resource Use  
CS21 - Flood Risk  
CS03 - Historic Environment  
CS01 - Sustainable Linked Communities  
CS02 - Design  
CS04 - Future Employment Provision  
SO11 - Delivering a sustainable environment  
CS12 - Cultural / Leisure Development Considerations  
PPS25 - Development and Flood Risk  
SO1 - Delivering Plymouth's Strategic Role  
SO2 - Delivering the City Vision  
SO3 - Delivering Sustainable Linked Communities  
SO4 - Delivering the Quality City Targets  
AV2 - Millbay and Stonehouse  
SO6 - Delivering the Economic Strategy Targets  
SO7 - Delivering Adequate Shopping Provision Targets  
SO8 - Delivering Cultural/Leisure Facilities  
SO14 - Delivering Sustainable Transport Targets  
SO15 - Delivering Community Well-being Targets  
MS01 - Royal Williams Yard  
SPD2 - Planning Obligations and Affordable Housing  
SPD1 - Development Guidelines  
SPD3 - Design Supplementary Planning Document  
PPS4 - Economic Growth  
PPS5 - Planning for the Historic Environment