

## **ADDENDUM REPORT PLANNING COMMITTEE 16<sup>th</sup>** **DECEMBER 2010**

**Item:** 5  
**Site:** New Cooperage Royal William Yard Plymouth  
**Ref:** 10/01384  
**Applicant:** Urban Splash South West (Ltd)  
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### **Analysis**

Pages 52 and 53 of the report deal with the travel passes and state that members will be updated on the section 106 negotiations. Officers are happy to report that the applicant has agreed to a section 106 obligation by way of a unilateral undertaking. The Head of Legal Services is making progress with the applicant on this matter.

Since the report was prepared the applicant has queried some of the conditions requesting changes. Officers have considered these and can agree to some changes but not all of them. There are also additional conditions as a result of these negotiations and additional comments from the local highway authority.

The main material changes are:

### **Condition 2 - Development to commence within two years**

This has changed to two years to be consistent with the Market Recovery Scheme.

### **Condition 9 - Future changes of use**

The period of flexibility is extended to three years to assist the applicant in the letting process.

### **Condition 16 - Size of A3 restaurant & cafes and A4 drinking establishments**

The size is increased from 250 sq m to 350 sq m.

### **Condition 20 - Opening Hours**

The opening hours for the A3 and A4 restaurants, cafes and bars have extended slightly.

### **Condition 21 D2 – Use**

This has changed to allow gymnasium and spa uses only.

### **New Condition 24 - Transport Strategy**

This ties the permission to the Transport Strategy.

### **New Condition 25 – D2 Gymnasium and spa use floorspace**

This limits the floorspace of the gymnasium or spa use.

## **New Condition 26 – Size of D2 Gymnasium and spa use premises**

This limits the size of each gymnasium or spa premises.

### **Recommendation**

**The recommendation is the same as the report subject to changed conditions 2, 9, 16, 20 and 21 and new conditions 24, 25 and 26:**

#### **2. DEVELOPMENT TO COMMENCE WITHIN 2 YEARS**

(2)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.

#### **9. FUTURE CHANGES OF USE**

(9)The flexible use regime hereby permitted exists only for the period of three years from the date of this planning permission 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 and the floor layouts showing the disposition of uses in existence within the building on the date three years after the date of this planning permission

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.

#### **16. SIZE OF A3 RESTAURANT & CAFES AND A4 DRINKING ESTABLISHMENTS**

(16)No A3 restaurant or cafes or A4 drinking establishments shall exceed 350 square metres in size without the prior written approval 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.

#### **20. 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, D1 non-residential institutions and D2 gymnasiums and spa uses - 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 - 07.00 to 23.30 hours Monday to Thursday and 07.00 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.

#### 21. D2 GYMNASIUM AND SPA USE

(21)The part of premises that may be used as a gymnasium or spa shall be used only for these purposes and for no other purposes in Use Class D2 of the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### 24. TRANSPORT STRATEGY

(24)The occupation of the building shall be in strict accordance with the final approved Royal William Yard Transport Strategy document, the details of which shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this planning permission.

Reason:

In order to assist in the promotion of the use of more sustainable modes of transport for journeys being made to and from the Royal William Yard and reduce reliance on 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.

#### 25. D2 GYMNASIUM AND SPA USE FLOORSPACE

(25)Not more than 905 square metres shall be used for D2 gymnasium or spa purposes without the prior written authority 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.

#### 26. SIZE OF D2 GYMNASIUM AND SPA USE PREMISES

(26) No D2 gymnasium or spa premises shall exceed 300 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.