

PLANNING APPLICATION REPORT



ITEM: 09

Application Number: 10/01882/OUT

Applicant: English Cities Fund

Description of Application: Renewal of planning permission (ref. 06/01533/OUT) for a further 3 years for:- A mixed-used development comprising residential development (Use Class C3) of up to 1,232 dwellings, in the form of townhouses and apartments; up to 39 live/work units, maximum of 4,095 sqm; employment use (B1) up to 40,206 sqm; retail (A1) up to 9,026 sqm; food and drink (Use Classes A3 & A4) up to 13,824 sqm; hotel use (C1) up to 9,209 sqm; associated alterations to the Arena retained within Plymouth Pavilions (D2) up to 10,448 sqm; ground remediation, highway improvements and associated landscaping

Type of Application: Outline Application

Site Address: LAND AT MILLBAY ROAD PLYMOUTH

Ward: St Peter & The Waterfront

Valid Date of Application: 04/11/2010

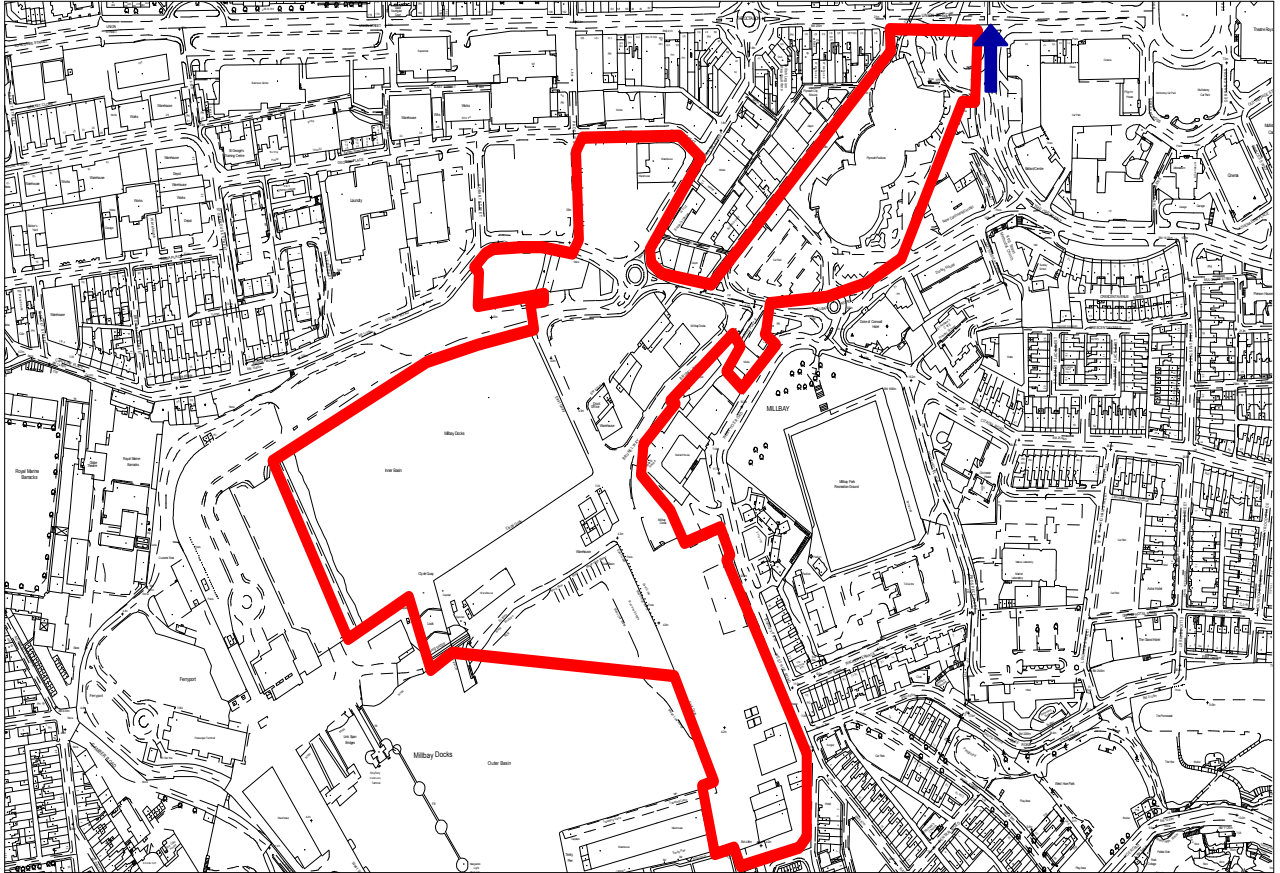
8/13 Week Date: **03/02/2011**

Decision Category: Major Application

Case Officer : Mark Evans

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 28/10/11

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This application is a renewal of planning permission (ref. 06/01533/OUT) for a further three years for:- Mixed use development comprising residential development (Use Class C3) of up to 1,232 dwellings, in the form of townhouses and apartments; up to 39 live/work units, maximum of 4,095 sqm; employment use (B1) up to 40,206 sqm; retail (A1) up to 9,026 sqm; food and drink (Use Classes A3 and A4) up to 13,824 sqm; hotel use (C1) up to 9,209 sqm; associated alterations to the arena retained within Plymouth Pavilions (D2) up to 10,448 sqm; ground remediation, highway improvements and associated landscaping.

The original officer's report is repeated below. Any updates to reflect material changes to the original report are highlighted in bold text as a "Report Update".

OFFICERS REPORT

Site Description

The application site extends to 14.5 ha west of Plymouth Hoe and south west of the city centre including the Plymouth Pavilions, Clyde Quay and a large part of the largely redundant and partly derelict land associated with the Millbay Inner basin and vacant quayside land north east and east of the Brittany Ferries terminal and port facilities and Millbay Harbour. The Ferry terminal behind West Quay is used daily throughout the year and the access road for all vehicular traffic runs across the application site. The eight storey Ballard House office building on elevated ground to the west of West Hoe Road (and south west of Millbay Park) is a prominent element on the skyline. A high stone retaining wall separates Ballard House from the majority of the site at waterfront level.

The ground surrounding the harbour has largely been levelled, comprising deposits of fill material associated with past phases of development associated with Brunel's Docks. The grade II listed quayside sea walls have recently been refurbished and repaired. A three storey stone building off Brunel way (former Dock Office) would be retained.

The application site also includes business premises associated with car sales, showroom and storage and parking areas off Millbay Road (in the applicant's ownership), together with land including the Plymouth Pavilions to the north east (in the ownership of the City Council) away from the harbour and north of Millbay Road and the Listed Duke of Cornwall Hotel and west of the Listed Continental Hotel. These two Victorian hotels were associated historically with the passenger port business generated around the Great Western Docks and have links with the present passenger ferry industry at Millbay. There is also a surface car park for public use (180 spaces). This boundary with the Pavilions area is the western boundary of The Hoe Conservation Area. The Pavilions facilities include a public leisure pool, ice rink and performance arena. This area would be redeveloped.

Victorian housing front West Hoe Road and is at a higher level than the East Quay waterfront, but a high stone wall largely screens ground level views across Millbay Harbour. The relatively new residential development of Millbay Marina, accessed off Custom House Lane, lies to the south.

Construction work is currently underway close to the site, and this is associated with this planning application as the application site is part of a wider area identified for comprehensive redevelopment and regeneration. The Environmental Statement that accompanies the application identifies the potential impact of development associated with that on the application site as well as that associated with nearby development associated with recent past planning permissions on parcels of land north of Millbay Road – (plots known as D1, and, D3). The potential regeneration area could also include land and small business premises --including also a nightclub and place of worship -- west of the Pavilions (between Bath Street and Martin Street) as well as Trinity Pier, Ballard House and harbour side land at North Quay. And car showroom premises north of Millbay Road (Volkswagen dealership). The Environmental Statement describes the impact of possible future development associated with this wider 'masterplan' area.

Report Update – The developments of Cargo (Site D3) and Phoenix Quay (Site D1) have been completed and planning consent has been granted for Site G (10/02131/FUL).

The extent of the application site within this wider masterplan area was pointed out at a Committee site visit that took place on the 17th January 2007, when a model illustrating the scale of possible development was also displayed.

Proposal Description

This is an outline application for a mixed use redevelopment of parcels of land in the applicant's ownership at the Millbay basin and is also in respect of redevelopment of a number of parcels of land in PCC ownership between Millbay harbour and the City centre.

The development proposed within the application site defined by a red line comprises:

-Demolition of the Pavilions Ice rink and swimming pool and provision of a reconfigured and expanded Arena (2,500 seat concert hall with multi-use accommodation for conferences, exhibitions and sports events/facilities.)

The applicant's point out that the owner of the Pavilions (PCC) would secure alternative sites for the pool and ice rink (although not part of this particular planning application).

- A new boulevard linking Millbay with the City centre;

-1,271 residential units (townhouses and apartments and including 39 live/work units on East Quay)

-In total the application site relates to 9,026 sq metres shops; 12,036 sq metres cafes and restaurants; 1,788 sq metres of bars and leisure;

The retail assessment indicates that this would comprise 12 tourist retail units and 11 retail leisure units on Clyde Quay and 15 shops associated with a new local centre (including a 1807 sqm supermarket/food store) north east of the inner basin (C1 and C2 land adjacent to the boulevard). In addition, 23 shops /restaurants (class A3, A4) would be associated with the new Arena complex.

- 40,206 sq metres of offices, marine research and light industry; and

- Two hotels (one on Clyde Quay - 80/100 rooms; one associated with the Arena-60/80 rooms).

- Yacht and boat moorings (mostly Inner Basin)

- Water taxi station (Outer Basin)

A master plan has been submitted. This illustrates the intended layout of the application site including the route of a landscaped boulevard linking Clyde Quay and the harbour side to the city centre, as well as illustrating the relationship to the possible development of other land around it.

A model of the masterplan has been displayed at public meetings and within Planning Reception and will be available to view prior to the Planning Committee meeting.

The proposed development of the site area forms an integral part of the more substantial area envisaged to come forward for the regeneration of Millbay, and an assessment has been carried out of the environmental effects of developing the wider masterplan area (defined by a green line on the submitted drawings and shown built out on the model). This application therefore also includes proposals for the remediation of a wider area affected by contamination, flood risk, noise, air quality and other environmental impacts associated with a scale of mixed use development comprising in total:

Up to 2,229 residential dwellings, 188,156m² (all areas stated are gross external); Up to 4,095m² of live/work space (39 units); Up to 100 studio apartments, 4,200m²; Up to 36,605m² of business floor space; Up to 24,747m² of leisure/retail floor space; Up to 21,000m² of land-based Marine Research & Development / Business (on West Quay and Trinity Pier); Up to 9,209m² hotel space, 140 to 180 bedrooms in 2 hotels;

Up to 3,009 parking spaces (66,912m²) within plots, excluding on-street parking; Landscaping and public realm works; Pedestrian routes; Highway works; Yacht and boat moorings;

Reconfigured 2,500 seat Arena and Conference venue, up to 10,448m² Cruise liner berth, visitor terminal and yacht club on Trinity Pier, up to 2,100m²;

The application is accompanied by a Statement of Public Consultation detailing the pre-application consultations. The application drawings are also accompanied by an

Environmental Statement, Sustainability Statement, Design and Access Statement, Planning Statement, Retail Impact Assessment and non-technical Summary of the Environmental Statement.

The application was submitted in September last year (**Report Update - 2006**) and following on from the initial round of consultations, the Planning Committee on the 11th January (**Report Update – 2007**), in exercising powers under regulation 19 of the 1999 Environmental Impact Assessment Regulations, formally requested the applicants to provide further information. This was requested to enable consideration to be better given to some of the likely environmental impacts and details of the mitigation measures required in the community interest. A response document was received in January and the additional information has also been the subject of advertisement and further consultation. In response to initial comments, the applicant's have provided further information and survey work to demonstrate likely impacts upon the highway network the City Centre and local communities..

Further additional details of the applicant's proposals

Delivery of the boulevard:

The availability of land for delivery of the northern section of the Boulevard (the Upper Boulevard) is dependant on the relocation of the Pavilions swimming pool and skating rink, both in the ownership of PCC. The phasing plan shown in the ES identifies its provision as part of the later phase 7 for the reason that the time when the land will become available cannot be more closely defined by the applicant. However, the applicants maintain that if the site becomes available earlier, then development of this area could be carried out sooner.

They also state that once the pool and ice rink have been relocated elsewhere in Plymouth, the Upper Boulevard would be constructed in parallel with the first phase of plot development on the Pavilions site.

The line of the Upper Boulevard along Bath Street is a public highway, and the applicants suggest that this can be utilised as a pedestrian route to Millbay. They suggest that if the proposed relocation of the swimming pool and the ice rink were delayed for a significant period, then the Upper Boulevard route could be enhanced by an avenue of trees and new surface treatment of the public realm. This 'interim scheme' would improve the amenity, ambience and attraction of the pedestrian experience and can be secured by S106 agreement.

Buses would also be able to use the Bath Street route to serve Millbay, (following removal of a stair tower to the footbridge across Union Street).

The provision of the final Upper Boulevard scheme would be associated with redevelopment of the Pavilions and the cost of this would be borne by the Pavilions site and, it is anticipated, by the future development of the third party land and premises between Bath Street and Martin Street (which would be required to contribute a fair proportion of the cost of the Boulevard works in due course through s106 agreements).

Public Realm:

Public realm works to the Inner Basin, East Quay, Clyde Quay, and the Lower Boulevard (i.e. southern section) would be undertaken directly by the applicants, and retained and maintained within their control as landowner. They would largely be delivered in parallel with the development works on Clyde Quay and East Quay, which would then provide the first significant new buildings at Millbay (apart from D1 and D3 already permitted).

The applicants maintain that the Lower Boulevard would form a complete element of public realm within this early phase, as a distinctive and identifiable gateway from Millbay Road to the new waterfront.

The new Boulevard would be constructed at a higher level than the existing Bath Street (up to 3m higher) as part of flood risk prevention measures, which, it is suggested, will benefit the whole of this area of Plymouth.

The applicant's state in their application that they have set aside a budget of £7.4M for such works within the Application Site area (£5.5m for that part of the application site in their ownership)

A further £2.7M budget has been estimated for public realm works within the wider Masterplan Area.

Public Arts Strategy:

The applicant's state that they would set aside a sum to engage an Art & Public Realm Consultant as part of their professional team to develop a Public Art Strategy for Millbay following the grant of Outline Planning Approval. They would also set aside an additional sum to commission a specific work of public art in conjunction with the first phase of waterfront development. The Art & Public Realm Consultant would be an integral part of the applicant's team and his/her commission would continue at least until completion of the first phase of development, in order to participate fully in the detailed design process, and to set principles for future practice.

An aspect of the Strategy would be related to Millbay's maritime history, and there is a presumption in favour of the retention of historic features such as bollards, inset railway lines, stone paving and cast-iron GWR drain covers. A full photographic and written record of all such features would be undertaken prior to development commencing.

The developers consider that the Public Art Strategy would identify scope for artists, including local artists, to design and produce integrated elements of the development works throughout Millbay, such as public realm details and features, building components and details, and interior works where accessible to the public. The emphasis would be on artists producing aspects of the building works rather than stand-alone public art. The funding for such integrated art would be contained within the construction costs of the phased building and public realm works. (The construction costs for the application site are estimated to be £200m)

Transportation concerns:

Revised information relating to the Transport Assessment was received in response to requests for further details of the sustainable transport measures envisaged in order to avoid, reduce and mitigate against the significant adverse effects of the proposed additional trips on the highway network and on existing and proposed junctions. Further details have been received on the works to be undertaken to specific junctions, taking into account the environmental effects. A main concern has been to try to identify and assess the main effects that the level of car parking proposed could have on the environment and information upon the alternatives studied by the applicant have been considered by the Highways authorities.

A signing strategy, indicating the measures envisaged in order to remedy adverse highway safety and capacity effects arising from the proposed development was also requested and submitted.

Retailing concerns:

A revised Retail Impact assessment was received in response to concerns about the main effects that the proposed retailing could have on the vitality and viability of the City Centre, Local shopping centre and existing shopping hierarchy. This revised submission specifically seeks to provide further information relating to the local centre, adopting a smaller catchments area than that previously used in relation to the supermarket /convenience store and other related AI service uses that will be included in the local centre.

Further justification for the scale of comparison floor space proposed is now set out.

In the case of the tourist / leisure related shopping the revised assessment considers implications for the proposed floorspace in the city centre.

Noise, contamination and flood risk:

Information has now been received to clarify the measures envisaged in order to avoid, reduce and, if possible, remedy the significant adverse effects of noise, contamination and flood risk and assess the main effects that the development is likely to have on noise, contamination and flood risk in the environment.

The applicant's agents have reviewed the policies contained within the Adopted Plymouth Core Strategy in the context of the proposals in the outline planning application for Millbay and consider that their proposals would be the catalyst for significant urban regeneration within the Millbay area. The mix of uses would meet not only the retail and leisure needs of the new community but would also make a significant contribution towards the strategic housing requirement and deliver a substantial amount of new office floorspace. Furthermore, they maintain that their proposals would assist in delivering the city vision contained within Strategic

Objective 2, substantially improving the quality and attractiveness of this part of Plymouth. They have supplied details of how they consider that their development proposals address all the objectives contained within Area Vision 2 and other Core Strategies.

Relevant Planning History

As this is a large area the number of previous planning applications is large and the type of applications varied, however the salient planning applications of particular relevance on and in close proximity to the site are:

75/00119/FUL – Ballard Institute, West Hoe, Road- Erection of 8 storey office block including car parking and ancillary facilities – Permitted 19/01/76

77/00105/FUL- Ballard House, West Hoe Road- Conference/social centre with recreational facilities- Permitted 13/12/77.

77/00211/FUL – Ferry Port Motors, Millbay Road-Open car display and sales area with outline permission for erection of showroom. - Refused 04/04/77

79/00272 – Ferry Port Motors, Millbay Road- Erection of building as car showrooms and workshops with associated car compound display and parking areas and use of existing building as general store for vehicle parts and motor boats – Permitted 09/03/79.

85/02381/FUL Classic Spares, Bounds Place- Erection of office and boundary wall to car breakers yard- Permitted 11/10/85.

85/03614/OUT- Plymouth Pavilions, Millbay- Outline application to develop land by the erection of a leisure complex with associated car parking and ancillary facilities (regulation 5 proposal) – Permitted 07/02/86

87/02179/OUT – Land at Millbay Docks – Outline application to redevelop docks by the erection of customs offices speciality shopping, office accommodation and associated car parking together with..... – Withdrawn 14/01/91.

87/02178/FUL-Millbay Marina Village, Custom House Lane - erection of 46 houses and 40 flats – Permitted 18/11/87.

97/00266/OUT- Ferry Port Motors, Millbay Road- Outline application to partially redevelop site by erection of 2 prefabricated buildings to provide additional sales space & to demolish 2 former railway buildings – Permitted 23/03/98.

02/00269/OUT- Land at Millbay Docks- Outline app to redevelop land N, E and S of Millbay Docks Inner Basin for residential (Class 3), retail (Classes A1, A2 and A3), hotel (Class C1) leisure (Class D2) uses, marina in Inner Basin- Withdrawn 04/03/03.

02/00268/OUT- Outline application to develop part of the docks between West Hoe Road and the outer basin for mixed use purposes including residential (Class C3) and retail (Class A1) uses with revised vehicular and.....- Withdrawn 04/03/03

05/00191 – Redevelopment of D1 land, (formerly in applicant's ownership- east of Miller Court) to provide 123 residential units and 1,244 sqm of B1 business floor space.-permission (subject to compliance with S106).

05/00192 – Redevelopment of D3 land in applicant's ownership (former Vosper Motorhouse premises) to provide 134 residential units and 1,898 sqm of B1 business floorspace .- permission (subject to compliance with S106).

06/00767/ESR10 – Land at Millbay Road - Environmental Impact Assessment - Scoping Request for proposed mixed land use development- Environmental Impact Assessment R10 15/06/06.

Report Update - 06/01533/OUT - A mixed-used development comprising residential development (Use Class C3) of up to 1,232 dwellings, in the form of townhouses and apartments; up to 39 live/work units, maximum of 4,095 sqm; employment use (Use Class B1) up to 40,206 sqm; retail (Use Class A1) up to 9,026 sqm; food and drink (Use Classes A3 & A4) up to 13,824 sqm; hotel use (Use Class C1) up to 9,209 sqm; associated alterations to the Arena retained within Plymouth Pavilions (Use Class D2) up to 10,448 sqm; ground remediation, highway improvements and associated landscaping.' GRANTED conditional permission subject to S106 legal obligation 25th January 2008

06/01936 Construction of 2,950 sqm B1 boathouse with covered mooring area (Commissioning facility for Princess Yachts) on filled land on the western side of the Inner Basin – within the application site and part of the outline proposal – Granted 30/04/07

07/00009 – Development at Millbay Marina Village - 94 residential apartments, in three blocks, with associated car parking areas, infrastructure and landscaping works - Permission granted subject to S106 31/05/07.

Report Update - 10/02131/FUL - Residential redevelopment to build 48 new dwellings on the site consisting: 14 houses (3 x 3 bed and 11 x 4 bed) and 34 flats (18 x 2 bed and 16 x 1 bed), commercial floor space (approximately 370 sqm, use class A1, A2, A3 and/or B1a) and associated parking and landscaping. Approved.

09/01507/FUL – Engineering operations for the repair and refurbishment of quay walls and revetments at the Millbay inner basin and Clyde Quay. Approved.

10/01270/FUL - Change of use of Quay from commercial use to public use incorporating construction of new pedestrian access routes, associated surfacing works and landscaping, construction of seating and information boards (temporary 5 year consent). Approved.

Consultation Responses

Highway Authority

Report Update - As this application is for renewal of the previous permission for a further 3 years, the Highway Authority do not wish to raise any objections to the proposal. However, the comments/observations made in respect of the earlier application (no.06/01533/OUT) are reiterated together with the various associated conditions and S.106 obligations that were attached.

For Member's information, the comments of the Highway Authority on the previous planning application are as follows:

06/01533/OUT –

Traffic Impact

As one would expect with a development of this magnitude, the proposals will lead to a significant impact upon the operation of the local road network in terms of additional trips by all modes but by private car in particular.

The completed development results in an extra 1,114 arrivals and 790 departures in the am peak hour (7am-10am) and 1,020 arrivals and 1,248 departures in the pm peak (3pm-7pm).

The results of modelling work unsurprisingly demonstrates a significant increase in the number of movements taking place on various links such as Western Approach, Union Street etc and at specific junctions (Octagon, Western Approach/Union Street) with average journey times across the network area shown to increase .

It is considered necessary to replace the existing roundabout at The Octagon with a new signal controlled junction. The existing junction of Western Approach with Union Street is also subject to major alterations in order to provide the additional land required (Pavilions site).

Detailed modelling of both of these and two other junctions -Martin Street/Millbay Road and Durnford Street/Union Street - highlights considerable problems at both of these junctions in the pm peak, with traffic shown to queue back from the Western Approach/Union Street junction back through The Octagon junction (based on both junctions running a 120 second cycle time in the pm peak which is far in excess of the usual 90 second cycle time for junctions where pedestrian facilities are present).The works required to all these junctions are described in the section 'off-site highway improvement works' below .

The development will also impact upon the operation of the junctions of Stonehouse Bridge/Devonport Hill and North Cross. Results from modelling work carried out in respect of proposed developments at South Yard Enclave and Mount Wise demonstrates that the former junction will be operating well over-capacity in the pm peak hours and clearly traffic generated by Millbay will add to these problems. It is therefore considered justified that this development contributes towards improvements to this junction that would allow it to accommodate the additional traffic movements generated by all 3 sites.

With regard to North Cross junction, it is the view of PCC that the installation of a Microprocessor Optimised Vehicle Actuation facility (MOVA) would help this junction to cope with the additional demands being placed upon it arising from the Millbay development.

Car Parking

A total of 2,773 off-street car parking spaces have been proposed to serve the regeneration scheme of which almost 76% are allocated to the residential units (2,160 spaces).

The Council's Parking Strategy (appended to LTP2) recommends that for sites located on the edge of the City Centre Area that have good accessibility (which is considered to be the case at Millbay), a 40-50% reduction should be applied to the Maximum Car Parking Standards. At present the level of car parking serving Millbay is 49% below the number of spaces required by applying the Maximum Standards but this is primarily due to the fact that a minimal amount of car parking has been proposed to serve the offices (315 spaces at a standard of just 1 space per 174 sq.m.). By comparison the level of car parking serving the residential element (which represents the majority of the total car parking allocation for the development) is just 31% below the Maximum Standards and therefore does not accord to the requirements of the Parking Strategy (40-50% reduction from Maximum Standards). This proposed level of car parking to serve the residential (almost 1 space per units including on-street provision) could lead to an impact upon the highway network greater than that currently forecast applying the agreed trip rate. With a substantial number of the units being flats and the close proximity of the site to the City Centre with excellent transport links, the development is likely to attract a number of residents who choose to be non-car owners due to the sustainable location of the site and clearly it cannot be assumed that all potential occupiers will be car-owners.

In order to overcome these concerns, the applicant has agreed to re-evaluate the level of car parking proposed at a review stage that will occur during phase 4 of the development. If it is demonstrated at that time that the impact of the development in terms of traffic movements is over and above that predicted in the TA, the level of car parking for the remaining phases will be reduced to address the revised car parking standard being applied to residential uses within the City Centre (possibly in the region of a maximum of 1 space per 2 units for flats).

The details of how the monitoring will take place still needs to be agreed with the applicant although it is recommended that traffic movements associated with the

blocks of residential development could be monitored through the installation of Automatic Traffic Counters at the entry/exit points from the car parks. The monitoring required in support of the Travel Plan could also be utilised to review trip movements and car parking standards.

It is suggested that Reserved Matters Applications should not be approved for areas of development beyond phase 4 without the applicants having the opportunity to reduce the level of car parking on the remaining development phases should the Review demonstrate that the level of car parking is leading to capacity issues on the highway network over and above that forecast (proposed S106 - clause 21)

To further encourage residents to consider whether or not they consider the availability of an off-street car parking space as being essential, it has been agreed that all car parking spaces serving the residential units will be offered for sale separately. (This measure is included within the Section 106 Heads of Terms – clause 11.1).

A total of 150 on-street spaces are proposed and the use of these spaces will need to be controlled through a pay and display regime with a maximum wait of 3 hours in order to avoid all-day commuter parking. The use of these spaces could revert to permit parking in the evenings (after 9pm), hence increasing the availability of car parking to residential uses.

A 218 space public off-street car park is proposed within Block A1 (phase 4) in order to serve the retail and leisure uses within the development. Details relating to its' management and use will need to be agreed with the Highway Authority (and in particular the Parking Manager) and made subject to a Condition (required as part of the Reserved Matters submission for phase 4).

The applicant has confirmed that this car park will be closed in the evenings in order to discourage use by residents but it is suggested that it could be available for use when events are taking place within the refurbished Arena area (at the Pavilions site).

Traffic Regulation Orders will be required in a number of locations in order to restrict on-street parking to specified bays. The fees associated with preparation, advertisement and implementation of such TRO's would need to be secured through Section 278 Agreements. In addition to areas within the development, there will also be a need to install either waiting restrictions (in the form of double yellow lines) or permit parking bays within areas of existing highway where such restrictions are not currently provided. Such restrictions would assist in the removal of unrestricted all-day commuter parking.

Off-Site Highway Improvement Works

A schedule is appended to the Committee report specifying the various improvement works that need to be delivered by the development under a Section 278 Agreement and details of when the improvements are required in relation to each development phase. In addition to the improvements identified within the attached schedule, a further sum of £385k should be secured from the development (through a Section 106 Agreement) to fund improvements at the junction of

Stonehouse Bridge/Devonport Hill, North Cross Roundabout (installation of MOVA as previously mentioned) and potential improvements at the junctions of the Local Road Network with the Trunk Road Network (Marsh Mills, Manadon and Camel's Head).

Major junction works are proposed at both the junctions of Western Approach with Union Street (required to deliver the redevelopment of part of the Pavilions site), The Octagon and Martin Street with Millbay Road (both of which are changing from a roundabout to a signalised junction).

It is suggested that, prior to the completion of the development in the future, the pedestrian crossings at The Octagon junction will need to be staggered in order to operate more effectively for both vehicle and pedestrian movements. The highway improvements envisaged here will probably require the acquisition of a small strip of curtilage land owned by PCC that currently forms part of an amenity strip fronting a block of flats. Until such time that this small area of land is available (transferred from Housing to Highways), the applicant is proposing to provide improvement works at The Octagon to facilitate direct pedestrian crossings. A staggered scheme will be provided once the necessary land has been secured to complete the final scheme (identified during phase 7).

Union Street forms part of the abnormal loads route, with regular use by low-loaders delivering semi-completed and completed boats to and from Princess Yachts International who are based at Newport Street. Highway improvement works will need to take into account the width of such abnormal loads with regard to the location of traffic signal heads, signs etc.

Improvements to Union Street to provide 2 lanes of traffic westbound between Western Approach and The Octagon will result in the loss of an existing dedicated parking/loading bay. This facility was only recently provided to cater for the existing retail units that front onto this section of Union Street and therefore it is suggested by the applicants that an alternative facility be provided to the rear of these units when the wider area is redeveloped (site F2 which may well be the subject of a future CPO process). It is suggested that the applicant be required to provide alternative parking/loading facilities to compensate for the loss of this facility on Union Street.

The majority of the localised improvement works along existing streets such as Martin Street, Millbay Road etc will not be delivered until the latter stages of development (phases 6 and 7) and in a piecemeal way as each individual block is developed. Whilst this is far from ideal in traffic terms, it is accepted that the phasing of the improvement works to Martin Street and Millbay Road are needed to raise considerably the finished levels of the roads in order to overcome flooding issues raised by the EA.

Concerns were initially raised by Associated British Ports regarding access to and from the Cross-Channel Ferry Port identifying a need to alleviate the highway capacity problems that are currently being experienced regarding the arrival of disembarking Ferry traffic. It is recommended that the new traffic signals at the junction of Martin Street with Millbay Road be used to affectively 'stack' traffic back

within the Ferry Port, releasing it onto the network in a more controlled manner through the timing of the signals. Such an approach has the support and agreement of ABP as vehicles exiting the Ferry Port will be accessing a less congested network.

In view of the fact that these problems with Ferry traffic arrivals already exist without any of the development having been implemented, it is recommended the works to replace the roundabout at the junction of Martin Street with Millbay Road with traffic signals be delivered during phase 4. For both safety and primarily capacity reasons, it is recommended that the pedestrian crossings at this junction again be staggered.

All of the new junctions should be SCOOT validated and a commuted sum payment will be required (secured through the Section 278 Agreement) to cover the future costs associated with the maintenance of any new traffic signal installations arising from the development.

The City Boulevard is seen as essential in the overall delivery of Millbay as it creates the visual link from the City Centre Area as well as serving the primary means of access to the development for sustainable modes of transport (walking, cycling, public transport etc). This is confirmed by the various sustainable transport strategies included in the applicant's TA.

It is accepted that the final Boulevard scheme is dependent on the re-development of the adjoining Pavilions site (phase 7), land that is not in the control of the applicant but PCC. The general principles regarding the use of the Boulevard are acceptable with buses/taxi only at the northern end onto Union Street (in order to avoid the need for bus priority measures at this junction controlled by a rising bollard or similar mechanism. The design details will be submitted in accordance with Conditions/Section 106 requirements). A scheme with improvements to the existing Bath Street needs to be implemented if there is delay in implementation of the northern boulevard scheme – for the interim period, - with the creation of an access for use by buses/taxi only onto Union Street. It is suggested that improvements to Bath Street to provide improved facilities for walking, cycling and public transport should be completed to the satisfaction of the Local Planning Authority prior to the commencement of phase 4. The route should be made available for 2-way movement by buses and it has been highlighted to the applicant, that the existing lift tower on the side of the pedestrian footbridge over Union Street can be removed in order to provide further space at the junction of Bath Street with Union Street.

Walking/Cycling

Adequate pedestrian facilities in the form of staggered crossings are proposed at all of the new and revised junction layouts along with the provision of further pedestrian improvements (tactile paving crossing points and island refuges) at various locations throughout the development.

The new City Boulevard will provide the primary pedestrian route in terms of linking Millbay to the City Centre Area although in the interim period improvements to Bath Street will encourage increased walking to and from the site. The eventual

redevelopment of the Pavilions site will result in the loss of the existing footbridge over Union Street, which links the Pavilions with Western Approach Multi-storey car park. The footbridge is a very well used facility, particularly when concerts etc are taking place at the Arena when there can be as many as 1,000 people using it in an evening. A suitable replacement surface level crossing facility should be provided on Union Street to deal with a high number of pedestrian movements and crossings would have to be considerably larger than shown on the current layout plan for this junction. Street furniture/landscaping would also be required along the northern side of Union Street in order to prevent pedestrians from crossing Union Street at the current point of entry/exit from the Western Approach MSCP.

It has to be accepted that, due to land ownership issues, it will not be possible to provide a continuous waterside pedestrian route through to the Royal William Yard. A number of short pedestrian routes are proposed between East Quays and West Hoe Road to provide links between these areas. There is a considerable difference in levels between West Hoe Road and East Quays for a long stretch, and at reserved matters stage it is suggested that at least one or two of these routes should be shown to be ramped in order to allow for use by wheelchair users, cyclists etc.

The Cycling Strategy is considered to be comprehensive and includes all necessary measures required in order to encourage cycling to and from the site as a viable alternative to the private car.

In addition to encouraging cycling along the City Boulevard which is identified as a key on-road cycling route, a continuous on-road route is proposed along Millbay Road (from the Duke of Cornwall Roundabout to Durnford Street), which forms part of National Cycle Network Route 2/27. A further on-road route is proposed along West Hoe Road in order to link to National Cycle Network Route 27.

The last remaining on-road route is along Martin Street to The Octagon. This is likely to be a popular route with cyclists exiting the development and making their way towards the City Centre (Octagon Street/King Street has already been identified by the Plymouth Right to Ride Network as a popular route for use by cyclists travelling to/from the City Centre).

Advanced Cycle Stop Lines (ASL's) are proposed at both The Octagon and Martin Street/Millbay Road junctions and it is suggested that these are to be welcomed.

A total of 450 cycle parking spaces have been proposed to serve the development, of which 50 would be made available for public use. It is suggested that this be increased to a minimum of 75 spaces located in areas which are well over-looked and preferably covered.

A Section 106 Contribution of £75k has been proposed by the applicants following discussions, to fund improvements to walking infrastructure with a further £75k towards cycle infrastructure. With respect to the latter, it is suggested that this be used to fund the installation of a Toucan crossing at the existing signalised junction of King Street with Western Approach in order to cater for the high number of cycle crossing movements that will occur at this junction arising from the development.

Public Transport

In view of the close proximity of the site to the City Centre, public transport could play a pivotal role by providing a realistic alternative to the private car and reduce the impact of the development upon the local highway network.

The proposed public transport initiative includes extending existing services that currently terminate on Royal Parade onto Millbay (before returning to Royal Parade) in order to increase bus frequency to a maximum of 10 minutes. It is considered that this has a greater potential for success than the provision of new services/routes which can take a number of years to establish before becoming commercially viable. This approach has been discussed and agreed with the PT operators.

A public transport gravity model demonstrates that most employment related trips would be to the North (Derriford area), with a number of trips also being made to the East (Plympton/Plymstock) and West (Devonport).

A financial contribution of £1.73m is required to fund the purchase of new vehicles operating on the extended routes and to destinations such as Derriford, Plympton, Elburton along with revenue support (see Section 106 Contributions).

A key element of the public transport strategy is the provision of an area for a bus interchange within the core area of the development to act as a focal point for bus travel. Buses could wait-up here in order to collect/drop-off passengers and if necessary, change service. It is suggested that such a facility should be provided along the northern and southern boundaries of Block F1, and, at the appropriate reserved matters stage, provision should be shown for ground floor cafes etc in close proximity in order to facilitate pleasant passenger waiting areas. In addition to serving local bus passengers, the interchange could also provide an area where coaches could collect/drop-off cruise ship passengers and provide a suitable collection point for visitors attending events/concerts taking place within the refurbished Arena. In view of the fact that Block F1 will not be developed until the latter phases of the development of the Masterplan area, it has been acknowledged by the applicant that a temporary facility will need to be provided to the satisfaction of both the Highway Authority and local bus operators.

The City Boulevard would be the key route for bus services (both diverted and extended) to and from the Millbay development and would include the provision of dedicated bus priority (westbound only) at the junction of Western Approach with Union Street. Traffic control measures such as a rising bollard would be installed on the Boulevard to the north of its' junction with Bath Place to ensure that access onto Union Street from the northern Boulevard is restricted to buses and taxi's only. As the land for the final City Boulevard scheme is not likely to be made available until Phase 7 at the earliest, it has been acknowledged by the applicant that an interim scheme should be implemented along Bath Street (including the creation of the access onto Union Street) which should potentially allow for 2-way bus use.

In addition to the public transport interchange facility, bus stops which include boarders, shelters and RTPI will be provided in a number of locations, with particular focus on stops being provided on both the City Boulevard and Millbay Road.

Water taxi

A ramped pontoon structure (to allow for disabled access) is proposed at the western end of Clyde Quay in order to provide a suitable berthing area for water taxi services. The redevelopment of Clyde Quay would take place within phase 3 and therefore a condition is suggested requesting details as part of the reserved matters submission for that phase.

Travel Plan

In order to establish sustainable travel patterns for persons either travelling to or from the development, it is essential that travel plans are developed for the purposes of both business and residential including measures that will help secure the level of modal shift required. It is considered that the applicant's Travel Plans have been well thought out.

Amongst the measures put forward to secure the modal shift targets are the provision of a free 3-month travel pass for each of the residential units in the development (in order to encourage greater bus patronage) along with contributions towards initiatives such as a car club. The provision of RTPI displays within the building blocks would also assist in encouraging an increase in public transport journeys.

In view of the scale of the development it is considered to be essential that a Travel Plan Co-ordinator is employed in order to develop both individual residential and business Travel Plans in accordance with the over-arching Travel Plan Strategy for the Millbay development. It is suggested that the funding for such a post be secured through Section 106 Contributions and that this role be located within the proposed Estate Management Company that will have offices within the development and provide an on-site Travel Plan point of contact.

A re-evaluation of the car parking standards applied to the development could be carried out at a review stage during phase 4 and this could then afford an opportunity to review progress with all the transport measures currently envisaged (See S106 Heads).

Layout

Much of the internal site layout will be considered and addressed through the submission of Reserved Matters applications for the various phases of development along with a set of Design Codes. It is envisaged that the primary and secondary streets will have a design speed of 20 mph and the tertiary streets 10 mph in order to encourage greater walking and cycling within the development area, and the City Boulevard will be designed and constructed as a shared surface route in order to encourage greater use by cyclists/pedestrians in addition to limited use by vehicular traffic including buses. It is envisaged that the wide open nature of the Boulevard,

with an 8m wide footway on the eastern side and 5m on the western side, will provide a 'relaxed' feel to the street and help encourage active ground floor uses with table and seating areas on the highway.

The applicant refers to the provision of some on-street parking and loading bays which should be 2.5m in width, (not 2m as mentioned in the TA).

Concerns have been raised by some residents in the adjoining Millbay Marina Village regarding the creation of an access through to East Quays from Custom House Lane. The applicant has confirmed that rights exist to create this link and that the use of this link by vehicles will be restricted to service/emergency vehicles only. It is suggested that a condition is imposed to secure some form of access control measures (i.e. Key pad and barrier), to restrict the use of the access to the vehicles specified.

Signing Strategy

A signing strategy has been submitted in support of the TA which adequately addresses the signing needs for all modes of transport on the highway network. The strategy pays particular attention to the signing of Cross-Channel Ferry traffic both to and from the Ferry Port and how the use of Intelligent Transport Solutions such as Variable Message Signing could assist in the management of such traffic (highlighting the most appropriate route depending on destination, suggesting alternative routes if some routes are congested etc). It has been agreed with the applicant that a contribution of £160k be secured in support of Intelligent Transport Solutions which includes Variable Message Signing.

The Signing Strategy also includes reference to new directional signing for cyclists and pedestrians (the latter being subject to a wider City Centre review)."

Section 106 Agreement

The following contributions are sought from the development towards various measures which have all been referred to in the above-mentioned comments:-

£2.3m - Public Transport Infrastructure and Service Improvements

£385k – Mitigation Measures (related to both the Local and Trunk Road Networks)

£75k – Off-Site Cycle Improvements

£75k – Off-Site Walking Improvements

£160k – Intelligent Transport Solutions (including Variable Message Signing)

£10k – Paramics Waterfront Model

£300k – Further Modal Shift Measures (whether or not this contribution is required depends on the results of the review taking place during phase 4).

It should be remembered that the above-mentioned contributions relate only to the ECF area of the Masterplan which in terms of the number of residential units, equates to approximately 59% of the total number of units proposed.

Report Update – The previously approved and completed Heads of Terms within the S106 Obligation are considered necessary to mitigate the impacts of the development and are considered to be fully compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010. It is therefore recommended that the application be conditionally approved subject to satisfactory completion of the Section 106 Obligation as previously approved under planning consent 06/01533/OUT to enable appropriate mitigation of the impacts of the development on local and strategic infrastructure as previously identified.

Highways agency

12th October --TR110(02) 6 month Holding Direction issued that the local planning authority shall not grant permission to enable the Agency to consider further information to assess the A38 trunk road impact .

2nd November –observations and comments upon the original Transport Assessment (within the Environmental Statement Appendix Volume 2).These comments were incorporated in a formal request for further information (Regulation 19) issued by the local planning authority.

16th February –concerns expressed in respect of the revised Transport Assessment - -that the proposed bus frequencies would not be adequate; that more frequent bus services should be re-routed through the site; that options for mitigating the trunk road impact needed to be addressed and that outline travel plans required more details. The Agency expressed the view that they would encourage further mixed land uses and a significant level of parking restraint across the development in line with the policy requirements of the second Local Transport Plan (LTP2) for Plymouth.

11th April –revised Holding Direction issued for a further 6 months, stating that when agreement is reached the Direction will be lifted and replaced with one of conditions.

27th July – removed the Holding Direction - expressing regret at the delay in resolving matters concerning significant impacts on the already-congested A38 Parkway, identifying a number of areas where the Agency and the City Council need to work closely together - replaced it with a Direction of Planning Conditions (5) and three Planning Obligations to be attached to any grant of planning permission (These are highlighted in the recommended conditions and clauses).

Report Update – Highways Agency - No objections subject to conditions.

Queens Harbour Master

Expresses contentment with the proposals in the outline planning application, and suggests that future details with lighting plans should demonstrate that any increase in lighting levels (such as from a landmark building on the western end of Clyde Quay) would not degrade existing navigation lights/aids.

Further details of the water taxi facilities should also be submitted as the inclusion of adequate facilities for future development of water transport as a means of access to the area is encouraged. They request that they be consulted again at the reserved matters stage in respect of the proposed waterfront developments.

Environment Agency

Initially objected to the application on the grounds of insufficient information in relation to Flood Risk (in line with government guidelines in PPG25 and now PPS25) and Ground Contamination and an inadequate Environmental Statement.

Following the consideration of further information the Agency now accept that the development can be safe from flood over the recommended lifetime of 100 years, however the proposed protection measures will not completely defend buildings and pedestrians from wave overtopping and details will be required of the wave return wall; building techniques; warning and evacuation procedures. Conditions are suggested (incorporated in the recommendation) , and comments are made about possible off-site improvement works to raise ground levels and protect the Octagon/Union Street area from flooding.

The Agency accepts that the applicant's Environmental Statement provides a useful review of the potential for contamination associated with the past history of the site, together with an assessment of risks that might be present and acknowledges that the applicants recognise that the management of cross boundary ground contamination will have to be carefully considered as each phase of the site is developed. However the Agency has concerns that areas of groundwater contamination could cross development phase boundaries and considers that the extent and severity of contamination and remedial options needs to be investigated before outline planning permission is granted and conditions can then be tailored to the preferred remedial option as many techniques rely upon long term monitoring and long term requirements for maintenance. They point out that this advice is consistent with government planning advice (PPS23: Annex 2, Development on Land affected by Contamination).

Report Update - Environment Agency - No objections to the renewal of 06/01533/OUT on the assumption that conditions 48, 62, 63 and 64 will remain in any new permission. We also recommend that condition 49 is updated as outlined below in order to make the condition more prescriptive with respect to covering surface water drainage:

Condition 49: No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:-

- **details of the drainage during the construction phase;**
- **details of the final drainage scheme (if a phased approach to development is adopted confirmation that the phase does not compromise any other phases should be submitted);**

- **provision for exceedance pathways and overland flow routes;**
- **a timetable of construction;**
- **a construction quality control procedure;**
- **a plan for the future maintenance and management of the system and overland flow routes.**

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

Environmental Services (Public Protection Service)

Initially expressed concerns about possible noise impact on residents; an inadequate air quality assessment related to likely increases in traffic flows and a lengthy construction phase; and the need for further ground investigation and risk assessment of Land quality/contamination to be submitted on a phase-by-phase basis in line with current UK guidance.

It was suggested that conditions were required to control noise impact during construction, and from piling operations and from noise/low frequency vibration from ferries and traffic and from Union Street late night activities. Following further discussions a sound attenuation planning condition is suggested consistent with government planning advice (PPS24: Annex 4). This is incorporated in the recommendation. Further information was submitted in response to the concerns about air quality and the conditions suggested appropriate at this outline stage are also incorporated in the recommendation. The ES comments on the contamination issue are in respect of risks to human health and due to the varied industrial history there could be site specific potential contaminants and receptors and their view is that remediation measures for ground contamination should be agreed for each phase prior to the commencement of development, and a condition is suggested (incorporated in the recommendation) together with ones relating to limiting wind-blown dust during construction and need for further gas monitoring.

Report Update - Public Protection Service - We note from the Supplementary Environmental Statement submitted with the above application that no additional information has been submitted in relation to air quality, land quality or noise. Consequently the Public Protection Service reiterates previous comments and concerns regarding this

application which will need to be addressed in the course of the application.

No objections subject to conditions.

Land Quality Observations

- **Any further ground investigation and risk assessment must be submitted on a phase-by-phase basis inline with current UK guidance.**
- **A site-specific desk study must be submitted for each phase along with the detailed application for that phase of development.**
- **Remediation must be agreed for each phase with the Local Authority prior to commencement of development.**
- **Validation reports must be submitted to the Local Authority for each phase.**
- **The presence of any significant unsuspected contamination that becomes evident during development of the site shall be brought to the attention of Plymouth City Council and an investigation and remediation scheme agreed with Plymouth City Council to be implemented.**
- **Additional conditions should be attached to the existing Plymouth City Council construction code of practice to ensure that neighbouring residents are not put at risk from contamination in wind blown dust during construction. All vehicles must be sheeted coming onto and going off site whether empty or full to mitigate against risks of exposure to contaminated material. All stockpiling must be sheeted and kept to manageable heights and should be situated away from site boundaries.**
- **Details of engineered cover systems must be agreed with the Local Authority to ensure suitability and chemical analysis must be submitted.**
- **Further gas monitoring is required in all areas given the potential on and off site sources, gas monitoring should be conducted in line with current UK guidance. As well as monitoring during periods of low barometric pressure in light of the location of the site monitoring should take into consideration tidal variations.**
- **Validation of the undercroft parking must be submitted to ensure that ventilation is sufficient, if not, it may be necessary to install active extraction to prevent build up in the properties.**
- **When deciding whether to use piled foundations consideration should be given to whether this could create a preferential pathway into the properties for gas.**
- **Where mixed end use is proposed the most stringent guidelines must be adopted for example Soil Guideline Values.**

Should permission be granted for the above site, Public Protection Service recommends that a Land Quality condition is placed on the permission with regard to land quality.

South West Water

No objection to the application –in discussion with the applicant’s consultants as full details of drainage will need to be agreed.

Report Update - South West Water - Whilst still having no objections in principle to the proposals they will have a significant impact upon the public sewer network in terms of new buildings being constructed directly over them. South West Water (SWW) therefore recommends that no building works should therefore commence on site until such time as an appropriate building over agreement has been entered in to with SWW.

Devon Fire and Rescue Service

Details of desirable design features to facilitate safe access for fleet vehicles/secure refuse storage/fire safety detection and hydrant schemes (passed to the applicants to influence detailed design stage).

Natural England

No objection to the application, and it is their view that either alone or in combination with other plans or projects the development would not be likely to have a significant effect on the interest features of the Plymouth Sound and Estuaries Special Area of Conservation (SAC).

English Heritage

Acknowledged notification of application, but no comments received.

Report Update - English Heritage - The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Plymouth City Council Design Panel

Views were received in October 2006

The panel welcomed the response made to the previous review in respect of the boulevard width and the width along the east quay, reiterated a concern that the extent of the application excluded the properties on the north east side of the boulevard; and expressed the view that there remained a lack of resolution of the relationship with The Continental Hotel (its access, parking and servicing) and the junction of Union Street and The Crescent.

The panel are of the view that the delivery of the boulevard is of paramount importance to the success of the scheme, essential to the first phase of development and their great concern is that the scheme is exposed to the risk of the boulevard not being delivered in its entirety and the creation of a waterside development that is dislocated from the structure of the city centre.

Whilst satisfied that the width of the boulevard has been addressed a concern was raised that a 3 tree arrangement on the lower section of the boulevard would be

difficult to implement on a practical level and that the size of the tree planting should also be considered with the overall quality of the landscaping.

The panel were also unconvinced that a clear strategy had been presented at that time for the movement and parking of vehicles including service vehicles, coaches, public transport and cycles, particularly in relation to East Quay. The concept of creating a 'Mobi-Hub,' a transport interchange facility needed to be addressed with details of where this might be located (e.g. it was suggested that the public square on the west side of the boulevard might be suitable).

A specific concern was raised about the quality of the pedestrian route cutting through the block behind the Arena to the back of the Continental Hotel. By encouraging pedestrians to follow the vehicular routes, the fronts rather than backs of buildings might be encountered, and provide a better approach in this location.

Tall Buildings

The panel had previously agreed that it supported the use of a tall building at the north end of the boulevard as a landmark device but would like to have seen it repositioned on the west side of the boulevard at the junction with Union Street. (This option had been explored but the design team had not been able to resolve this satisfactorily from a highways point of view).

The panel remained to be convinced of a need for a tower on Clyde Quay

The panel continues to feel that essential qualities of the views, the dynamic activity and the impressive scale of the harbour would be diminished by the introduction of this element centrally in the space formed by the harbour. The quay would be better served by a low rise roofed but open structure for use as an event space and for other civic activities. There seem to be profound technical difficulties in constructing and servicing a tall residential building in this location. They urged the applicants to consider whether the marginal economic contribution that the tower makes to the scheme would not, in fact, result in a net loss of value - as the development around the harbour edge is made less attractive by its presence.

The panel were mindful of past CABA views, but they accept in principle the tower at the Union Street end. The panel also supports the applicant in relation to the proposed building forms on East Quay where the proposal follows the principles of the Vision for Plymouth by maintaining views through to the Drakes Island and to the sea by the use of finger or pier buildings. However they agree that the expression of these buildings should embody a strong character and make a positive contribution to this important and advantageous waterfront location.

The panel believes that, in the fullness of time and due to its excellent orientation towards evening sunlight, East Quay will become an attractive, sociable part of the city and possibly the most successful 'place' within the masterplan. They were very pleased to hear that the building forms along the quayside would be designed to be sufficiently robust to allow conversion to retail and bar/restaurant uses from those currently proposed.

The panel state that they would encourage vigilance from all parties to ensure that this principle is maintained as further details emerge.

CABE

Views were received in November 2006. The Commission thinks that the Masterplan is heading in the right direction, and supports all the main principles – waterside focus, boulevard, mixed use, and realistic approach, but questions whether the ambition is bold enough.

The ability to change perceptions of the area will relate to the delivery of the public realm and the key, in terms of integrating the area into the city will be the delivery of the link junction, where the boulevard meets Union Street. They are concerned that the phasing of the Pavilions redevelopment is not secure and urge the local authority to push this forward as the resolution of this junction will be essential to mark the Millbay area and make it feel like a natural accessible part of Plymouth. They suggest that the authority consider whether a phased boulevard approach would be appropriate. They fully support the principle of relocating the swimming pool and ice rink and of the re-skinning of the Arena to give it a more urban form and urge that this is progressed and the local authority champion the investment in high quality public realm.

They suggest that the waterfront presents a fantastic opportunity, particularly as a gateway site providing an arrival point into England by ferry, but think that what is missing is a strong idea for the character of the place and that the townscape aspirations need to match those of Nice or Marseille. The waterfront residential blocks combining finger blocks with courtyard form are complex and they suggest that there needs to be a clear idea as to what the waterfront is going to be. A possibly denser building form could result without so many public pedestrian routes connecting the waterfront to the West Hoe Road and with a stronger vehicular connection with the Millbay Marina Village.

They do not think that tall buildings are essential to the principles of the masterplan – and question whether an iconic tall building is appropriate on Clyde Quay, pointing out that the boulevard and waterfront are strong elements and the ferries and silo building are dominant markers. They suggest that approval for tall buildings should not be given in this outline application although a convincing case for tall buildings might be put forward in the future.

They are disappointed that environmental issues do not appear to be integral to the masterplan principles, and suggest that it is essential that these issues are addressed at this stage. They conclude by stating the importance for setting exemplar standards of quality and protecting them through design codes.

Report Update – The formal status of CABE has reduced from a Government Quango to a charity and CABE has merged with the “Design Council”.

SW Regional Assembly

Subject to the following matters being answered satisfactorily, the proposal appears to be in general conformity with the Regional Spatial Strategy:

The Draft RSS Affordable Housing Policy (policy H1) requires the provision of at least 30% of all housing developments annually across each local authority area and Housing Market Area to be affordable with higher rates specified where there is greatest need. The planning application proposes to deliver only 25%, and it is suggested that the local planning authority may wish to consider the implications for future proposals in the city as there may be a case for providing some of the additional affordable housing above 25% elsewhere.

The Draft RSS .Housing Densities Policy (policy H2) requires housing densities of at least 50 dwellings per hectare which should be reflected in the application. At the next planning stage (reserved matters) the submitted details should reflect the application of sustainable construction techniques and use of sufficient on-site renewable energy to reduce carbon emissions on site by 10% (Draft RSS Policies G and RE5).

Government Office for the South West (GOSW)

GOSW are now aware of the Inspector's letter in respect of the soundness of the Millbay and Stonehouse AAP and have recently revised their comments.

If the application is no longer a significant departure from the Local Plan then it will not need to be referred to the Government Office for the Secretary of State's consideration of call-in, unless it falls under one of the other Directions (Shopping or Flooding)

Report Update – The Government Office for the South West has been formally closed.

Report Update - Police Architectural Liaison Officer (PALO) - The Devon and Cornwall Constabulary are not opposed to the granting of planning permission for this application.

Representations

Associated British Ports

Originally expressed concerns about likely impact upon Port and Marine operations, but following discussions with Environmental Services Unit have no objections subject to imposition of a condition to reduce likelihood of future concerns from residents about noise.

Brittany Ferries

Currently carry in the region of 600,000 passengers each year through the port on services to France and Spain. The General Manager states that they welcome proposals that will improve the port and local environment for their business, staff and passengers---improving access links to the port for passenger and freight vehicles. They would be concerned that at every stage the developers and potential residents appreciate in advance that buildings will be adjacent to a working port, the nature of which has existed since 1972 -with early morning and late evening arrivals

and departures seven days a week with the associated ship engine noise; occasional audible shipboard announcements and overnight parking of freight lorries (with refrigerated units running). There are no immediate plans to increase the size of the oil storage facility, but would be concerned if progress was hindered on future proposals for increasing the number of tanks (or indeed any projects to enhance the existing business).

Right to Ride Network

Object as, in their view, the application does not comply with the Council's policy on encouraging transfer from car to cycling. Proposals within the site for cycling (with a low-speed environment) are welcomed but provision is not being made to encourage access to the site by cycle and unrealistic reliance is placed on National Cycle Network Routes 2 (NCN2) and 27(NCN27). The boulevard is shown as a major cycling asset, but no consideration is given as to how cyclists are to reach it from outside the site. They suggest that there should be a cycle link from the city centre to the boulevard across the junction of Union Street and Western Approach and also suggest that there should be a development of NCN2 with a cycle friendly crossing of Western Approach between Frankfort Gate and King Street and the route then continuing across Union Street (with care to avoid conflict with HGV traffic turning left to the ferry port).

Plymouth and South West Cooperative Society

Objected to the original proposal on retail grounds in April and maintain their objections mindful of the applicant's criticism of their comments in May. They have concerns regarding the amount of comparison floor space proposed and suggest that it is essential that this is limited by condition to ensure that there is no negative effect on the city centre. They also believe that a unit of 2257 sqm is too large and not in accordance with policy. They support Core Strategy policy CS07.4 for a local centre with tourist/leisure facilities. They are concerned that the scale of comparison floorspace goes further than supporting leisure and tourism in the area –it would become a retail attraction in its own right which could be harmful to the city centre. They believe that the level of convenience retail will not harm other centres, but the Council should safeguard against the possibility of a change to comparison goods floorspace in the future. They urge the Council to control and limit the amount and type of retail floorspace to small units to ensure the continued viability of the city centre.

Letters of objection from Stoke residents

The Stoke Damerel Conservation Society (3 letters of objection and the latest enclosing photographs and map of locations from which views of Plymouth Sound would be spoiled by any development on Clyde Quay); letters of objection from the residents of 9,11,12 and 13 Penlee Gardens and the Penlee Vale Residents Association (2 letters); letters of objection from the residents of 8,10,16,24,28 and 32 Penlee Way and from the residents of 2,74,79,83 and 89 Somerset Place and 4,14,22 and 26 Raynham Road; letters of objection from the residents of 122,126 and 142 Wingfield Road and 36,42 and 46 St Michael's Terrace; and also objection letters from 192 Devonport Road, 102 Molesworth Road,24 South Hill, 19 Garfield Terrace,10 Stopford Place, 10 Fitzroy Terrace,9 Beyrout Place, 7 The Grove, 5 New Zealand House,1 Berkeley Cottages,1 Underhill Villas.

Redevelopment of the Millbay area is welcomed but all are concerned about the impact that proposed waterfront high-rise buildings will have (particularly an excessively high square-shaped hotel and apartment building built on Clyde Quay) upon majestic, cherished key views for residents, pedestrians and visitors overlooking the Sound. The current view is described as a dynamic landscape of light and colour associated with naval and civil ships moving in and out of port, and views of the Sound from Plymouth Hoe are said to be sacrosanct and a platform for viewing events over the Sound. From the Stoke area (and other parts of the harbour hinterland) panoramic views of the seascape from the Hoe to the Breakwater, Drake Island and Mount Edgcumbe would be detrimentally affected by a visual 'screen' of high rise development across the bay. Shoreline residents and those living in new properties in Millbay Road would also be detrimentally affected. The waterfront should not be fenced off with high rise development, and it is suggested that the Sutton waterfront is now 'cut – off' from the City by high-rise apartments and that this should not be allowed to happen at Millbay. The proposed boulevard needs to be wider to merit the term 'boulevard' (rather than a tree-lined street).

The overwhelming view expressed in various ways, is that there would be an overdevelopment of the site in building an excessively tall building on Clyde Quay out of character and unsuited to a marine environment and damaging to the people of Plymouth. Some suggest that such a building, designed in character with the City, should be re-sited to a less prominent location, further back from the waterside and there is a suggestion that an architectural competition is warranted as there is a need for cohesion, design excellence and sensitivity to height and skyline. There is a concern that some existing waterfront high-rise buildings have no beauty that the Grain Silo, CFE building, Ballard building, Quality Inn and Moat House are eyesores and we should learn about impact on visual harmony from the 3 blocks of flats in Devonport. A more modest development should take place on Clyde Quay, and the Stoke Damerel Conservation Society and Penlee Vale Residents Association endorse the views of the October Design Panel that a low roofed open structure would be more appropriate on Clyde Quay—perhaps for civic and recreational/event functions.

The two groups also comment (in February) in respect of the additional study that was undertaken by the applicants to illustrate the visual effect on views from inland locations, and they suggest that the applicant's photographs are misleading as they represent a plan rather than a profile view seen from lower levels in Stoke. The Society, following a briefing meeting with the applicants, enclose better photographs of important views of Millbay (and the photographs together with all the letters of representation are available to view prior to the Committee meeting).

Other individual views question the need for additional hotel accommodation in the area; question whether the street network would become congested; and suggest that there is a need to provide adequate car parking.

Report Update – Neighbours have been notified of the application and six site notices posted. No letters of representation have been received with respect to the current renewal application.

Letters of objection from Millbay Marina Village residents

Letters have been received from the Millbay Marina Village Management Company, owners and occupiers of 2,4,12,16,20,22,24 Custom House Lane and 1,3,5,7,12,18 The Bridge, Custom House Lane.

Whilst redevelopment of the Millbay docks area to provide a vibrant waterfront environment is welcomed, all are concerned about proposals for linking East Quay Road and Custom House Lane and the Lane then attracting increased traffic, adding to congestion, noise and danger outside dwellings if it is used as a main access into/out of the application site for traffic from/to the junction with Great Western Road (part of a one-way system). Some assert that there is no public right of way and some that effective measures should be put in place to ensure that access is limited to emergency vehicular access only.

Other individual views question the need for 1232 additional dwellings when what is needed is a considerable number of 3-4 bedroom houses with gardens; suggest that there should not be undue stress put upon the West Hoe Surgery; that an important link between the East Quay waterfront path and the South West Coast Path needs clarification; and that to place delivery of the proposed boulevard in phase 7 (the last phase) is a mistake as experience in regenerating Stonehouse and Mount Batten would indicate that this could deter investors and result in poor access eventually. One resident points out that since this is the last significant piece of waterfront available for redevelopment in the City (and probably the South Coast), it is disappointing that the applicants include berthing for sailing boats and water sports vessels only within the Inner Harbour, when the area between Trinity Pier and Clyde Pier could provide a marina and other water sports facilities to meet an increasingly popular demand, and enhance the attractiveness of the development.

Report Update – Neighbours have been notified of the application and six site notices posted. No letters of representation have been received with respect to the current renewal application.

Letters from other City Residents

There is only one letter of objection from outside the above areas (to date) –from 317 Old Laira Road, Laira expressing similar concerns to many of the Stoke residents about the impact of the scale of development envisaged on Clyde Quay.

Report Update – Neighbours have been notified of the application and six site notices posted. No letters of representation have been received with respect to the current renewal application.

Analysis

Proposals for regenerating a large part of the Millbay area can be of major strategic significance for the growth of Plymouth and the current proposals associated with this application have followed on from extensive pre-application discussions involving the Design Panel and CABA as well as with officers of the Council mindful of existing policies, the emerging Regional policies and the Millbay and Stonehouse Area action Plan (AAP) policies and proposals for Millbay.

Compliance with Regional and sub regional policies and Proposals.

This planning application relates to a development that could be of regional significance for the development of Plymouth as a Principal Urban Area in accordance with policies within the Secretary of State's established Regional Planning Guidance (RPG10) and for the development of Plymouth as a Strategically Significant City in the South West in accordance with the South West Regional Assembly's policies and objectives of the Draft Regional Spatial Strategy(RSS - recently the subject of an Examination in Public).

RPG10 (policy IM1) states that Developers and landowners will need to contribute to the infrastructure needed to serve their developments both by direct provision on-site and through Planning Agreements where infrastructure is off-site .It is considered to be particularly relevant to the determination of this particular planning application, requiring extensive commitments from both the applicant and PCC as the landowners of the application site.

RSS (policy SR35) states that the focus of development in Plymouth is on the intensification of the City's urban area, maximising densities whilst seeking high quality design standards, and that investment will be made in key infrastructure. It is considered to be particularly relevant to the determination of this particular planning application to note that the key infrastructure recognised at regional level is;

- The Provision of a new boulevard link between Millbay and the City Centre and a High Quality Public Transport (HQPT) extension through the City Centre to Millbay and Devonport and
- The replacement of Conference facilities to create a new Arena and facilities.

Clearly the landowners within the application site will need to continue to work closely together to deliver this infrastructure of regional significance, and the requirements of the suggested S106 should be adhered to if planning permission is granted as recommended.

It is considered that if the development is planned on a comprehensive and integrated basis within the overall masterplan and phasing regime it will comply with regional policy providing that the developers continue to work closely with the local planning authority (RSS, Development Policy F). This involves entering into, and complying with the required S106.

Soundness of the Council Proposals for the area and concerns about tall buildings.

The applicant's believe that the outline planning application has now reached a stage following the detailed negotiations and discussion for a decision to be taken. If outline planning permission is granted, this will clearly enable major regeneration, redevelopment and investment to take place in the City and in particular in an area where it is agreed investment is essential.

They do not consider that the AAP Inspector raises any point which detrimentally affects or impacts on the Millbay outline planning application.

There are three areas which relate particularly to the outline planning application:

1. Climate Change and Sustainability Strategy;

It is suggested that the applicants need to work towards achieving the BREEAM, Eco Homes and Code for Sustainable Homes Standards as specified in the attached S106 Agreement Heads of Terms (clause 3.4, 3.5 and 8.5).

2. Planning Obligations relating to off-site Recreational Impacts;

Contributions from the applicants are warranted towards managing off-site recreational impacts within Plymouth Sound and Estuaries SAC and Tamar Estuaries SPA and these are included in the suggested S106 (clause 5.5)

3. Tall Building within Proposal MS03.

The Inspector places the onus on developers to demonstrate that any impact on the views of Plymouth Sound from higher parts of the City has been thoroughly examined. The applicant's proposals relating to tall buildings fall within the application site and within the "zone of opportunity for tall buildings" defined on the Proposals Map. An assessment has been undertaken as part of the Environmental Impact Assessment and an additional assessment as part of the subsequent Regulation 19 submissions. Mindful of the concerns of many Stoke residents and the Design Panel, the applicants have submitted plans and sections for massing options for Clyde Quay –with and without a tower (and these will be displayed at your meeting).

It is therefore suggested that the details of the Clyde Quay development can be addressed in detail at the reserved matters stage, mindful of this background work and the need for appropriate cross-sections, and, for the avoidance of doubt, clause 1 of the proposed S106 indicates that the design Illustrations in the Design and Access Statement for a tower are not to be taken as commitments.

Compliance with the Council's detailed requirements for regenerating this area.

The overarching aim of the vision for regenerating this part of the City relates to a wider area than that of the application site or masterplan area. However, it is considered that the proposal as submitted in this outline application for redeveloping sites around the water should, if implemented in accordance with the proposed phasing programme, provide the major spur for regenerating the wider area to provide an attractive mixed-use neighbourhood that maximises its rich heritage -as envisaged in the approved Core Strategy (Area Vision 2).

Indeed, to some extent a catalyst for further development in the locality has already been established with developments underway on plots D3 and D1 within the masterplan area. The extent of mitigation measures now required in the S106 has had to be mindful of the fact that the planning decisions for D1 and D3 had only limited requirements imposed upon them –in an endeavour to help to kick-start development in this somewhat run-down area.

The approved Core Strategy Area for regenerating this area (Vision 2) lists 10 objectives to secure delivery. Proposals in the Area action Plan largely meet those objectives. The application site is covered by Proposal MS03, which sets the framework for the creation of a new sustainable neighbourhood in the area and meets all Core Strategy objectives except the third (relating to Union Street). Other AAP proposals also contribute to this aspiration – MS04, M05 and MS06 and it is considered that the masterplan is compatible with the Council's aspirations for the regeneration of the wider area.

A strong basis upon which to consider the merits of the outline planning application and set the required conditions and clauses for reserved matter applications would be to analyse the extent to which the application complies with the Core Strategy objectives and detailed requirements of Proposal MS03 to deliver the new neighbourhood.

New neighbourhood

The masterplan demonstrates that attractive connections could be made between this area and other neighbourhoods. It also demonstrates that an attractive new neighbourhood and legible urban quarter of unique character and identity could be developed within the application site centred on a new publicly accessible Millbay waterfront and water area at the Inner Basin and a unique new Boulevard link designed to integrate well with the City Centre.

The Council's first objective for this area is also to try to foster local pride and the AAP requires that the new neighbourhood include a mix of uses that will be used by the wider community. It is suggested that the proposed Estate Management Company should have a role to play in delivering this objective, in high quality maintenance and in encouraging community involvement in the public realm and access to waterfront facilities –hence the suggested S106 clauses relating to this aspect are considered to be justified (clauses 2.9, 5.4, 10 and 20).

The applicant's point out that they agree to include a provision in the Section 106 to address the need, through the Management Company, to establish local management initiatives to encourage and facilitate local cohesion between new residents and the existing community. However they are unhappy with clause 20.3 and 20.4 as arrangements have to be agreed with the local planning authority. They suggest that they will keep the local community notified. They offer to consult, inform and confirm in writing to the Local Planning Authority the approach and procedures proposed. However it is suggested that what is required is positive engagement of the local community to ensure their involvement (in accordance with Policy CS01 to provide for sustainable linked communities.) It is suggested that the local planning authority has a helpful and important role to play in securing this and that changes to clause 20.3 and 20.4 are unwarranted.

Overall housing provision

MS03 requires in the region of 1300 residential units for the area and that 390 of these units are affordable. Core Strategy CS15 requires 30% affordable housing. The

supporting text to CS15 states that less than 30% may be agreed based on a suitable financial appraisal.

The planning application indicates the provision of 1,271 residential units. It is suggested that the numbers are considered acceptable to address new dwelling requirements (CS15). However the application is for 26% affordable.

The applicant has argued that the scheme would not be viable with 30% affordable units and other infrastructure requirements of the scheme. The Council's valuers have assessed the viability of the scheme and confirm that the scheme cannot support 30% affordable housing. As such the proposal can be accepted to be in accordance with Council policy.

Retail impact of the development on the vitality and viability of the City Centre

Policy CS07 sets out the retail hierarchy in the City. The local centre element of the application and the provision of leisure and tourism facilities clearly meet the requirement of this policy.

Proposal MS03 sets out the requirements for a sustainable new neighbourhood in Millbay and includes requirements for cafes restaurants and shops and local and leisure/tourist related shopping facilities and a new local centre. MS03 does not specify a figure for the retail facilities. Clearly consideration of the amount of retail floorspace which would be warranted and the likely impact on the City Centre needs to be addressed in accordance with Council policies (CS07 and CS08) and PPS6 and the applicant's Retail Impact Assessment has been analysed (see detailed comments below). The conclusion is that the imposition of planning conditions is essential to properly address these concerns.

Detailed analysis

The application is for 9026 m² Gross External Area (GEA) of A1 retail floor space. 3007 m² GEA of this would be local shopping facilities to form the new Millbay local centre, of this 1807 m² GEA would be a convenience led supermarket containing 202 m² net comparison floor space and 1200 m² GEA would be A1 Service floors space for uses such as estate agents, hair dresses and dry cleaners. A further 6019 m² GEA would be Comparison floor space not part of the centre.

The application is considered to be in accordance with the framework set by the Council's approved Core Strategy (Area Vision 2, and particularly points 2, 4, 5, 8, 9 and 10). Strategic Objective 7 promotes new shopping provision in the City, with an emphasis on the City Centre and requiring that the level of retail floorspace in the application area should be of a scale that could not weaken the City Centre and harm prospects of attracting new retail investment necessary to achieve the regeneration of the City Centre.

It is the amount of proposed Comparison floorspace that is of principle concern.

The applicant's have indicated that the comparison shopping would be in the form of specialist retailers aimed at the tourist/leisure market and would therefore be complementary to the City Centre's retail offer. It is considered that it is essential that conditions are imposed to control this in accordance with Council policy and compliance with the requirements of Core Strategy CS06 and Policy CS08 (which amplifies the requirements of government guidance in PPS6).

Quantitative Need

The assessment for quantitative need has been based on the results of the Council's 2006 shopping study although some figures have been manually adjusted, reflecting changes and area specific considerations.

Having reviewed the applicant's retail assessment of available capacity, it is concluded that by 2011 quantitative capacity for convenience and comparison need has been adequately demonstrated.

Qualitative Need

Taking in to account the currently limited range of facilities available in the vicinity of the application site and the increase in population proposed, there is considered to be a justified qualitative need for the proposed level of convenience retail floor space to serve the current and future population.

Comparison Need

However, it is considered that there is a limited qualitative need for the proposed level of comparison retail floor space proposed (6019 m²). PPS6 is clear that it is quantitative need that must be demonstrated and that qualitative need may provide further justification. It is considered that the lack of proven qualitative need for the retailing of the proposed level of comparison goods should not, by itself, justify refusal of the application, but the implications need to be carefully considered.

The proposed comparison floor space is not part of the new centre (which is 3007 m²) GEA and does not form part of any centre. It is however part of the extensive redevelopment/ regeneration scheme and therefore there is need for a careful balancing act in ensuring the continued health of the City Centre and supporting the regeneration of Millbay.

Supporting the regeneration of Millbay and the continued health of the City Centre

Policy CS06 sets out the key priority of the Core Strategy that the City Centre should be the primary comparison shopping retail destination in Plymouth and indeed the sub-region. However, 6019 m² of comparison floorspace at Millbay could constitute a threat to the current viability of the City Centre, and could also act as a significant competitor to the City Centre for new retail investment.

The City Centre has seen a substantive change in the last year with the opening of Drake Circus which has attracted existing City Centre retailers from the existing high street units. The further development of new purpose built retail floorspace in

Millbay development has the potential to further exacerbate this problem drawing still further City Centre retailers out of the City Centre. This issue is constantly faced in the retail industry, the importance is to ensure that the timings of potential levels of movement are spread out to allow the health of the City Centre to improve and re-balance. The lead in-time to deliver the proposed level of floorspace at Millbay is considered to be substantive enough to allow the City Centre time to address the impact of Drake Circus. In addition Millbay still has a great potential to affect the continued health of the City Centre – in a positive manner if the size of retail units available in this area are effectively controlled through the imposition of suitable planning conditions.

The impact on the City Centre is a fundamental issue in establishing the acceptability of the scheme and although a detailed assessment of the available expenditure and impacts on trade diversification have been provided, the applicant's retail assessment is considered to be extremely weak in failing to consider and address many of the indicators set out in the government guidance (PPS6 para 3.22). These relate to the impact of the scheme on future public and private investment needed to safeguard the vitality and viability of the City Centre and the impact on the number of vacant properties in the City Centre. Nevertheless new provision of retail floor space in attractive locations will not only attract retailers from existing units but will also attract new retailers to an area. Together, the City Centre and Millbay could build upon the attractiveness of the City as a retailing/ leisure destination. It is evident that specialist retailers aimed at the tourist/leisure market could be complementary to the City Centre's retail offer and it is considered that, as indicated above, with the staged approach to delivery over time, and in complying with appropriate and essential planning conditions, the high level of retail floor space proposed as part of the outline planning application could be beneficial and should not have substantive adverse impact on the vitality and viability of the City Centre to warrant refusal .

New office quarter

The application is considered to be in accordance with Core Strategy Policy CS04 requiring a new office quarter to be located in the Derry's Cross/Millbay area, although the location of the offices would not be adjacent to each other. MS03 requires a new office quarter for the City Centre of between 35,000 and 40,000 square metres (B1 use). The application is for 29,706 square metres GEA, (but 36,605 square metres GEA offices within the Masterplan Area for Millbay). It is proposed that an office block be provided in the initial phase of development (D4) and it is considered reasonable to expect to consider a reserved matters application for this prior to the development of later phases, hence the suggested S106 clause 1.3. It is proposed that Offices would also be provided as part of the Pavilions redevelopment, off the north boulevard.

Community facilities

MS03 requires the provision of Community facilities to support the new and existing neighbourhoods and also requires a community focus. The applicants agree that provision of a building is not necessarily the full answer, but rather a mix of uses, activities and facilities focused around accessible public realm.

The applicants have explained an intention to provide community facilities via a visitor centre, following submission and approval of a separate temporary planning application in the near future, and this building might be used in the future for community events. The applicants refer to provision of a Marketing Centre for the early years of development, which will facilitate use by visitors and the community for exhibitions and meetings by prior arrangement with the Management Company.

It seems that the building could function mainly as a marketing suite for the development and it might be difficult to use it for dual purposes. The suggested S106 clauses therefore try to secure from the applicants an agreement to better integrate the development with the existing and emerging community (Clause 20.3 and 20.4)

Hotels

A hotel (80-100 rooms) is proposed on Clyde Quay (in accordance with MS03) in the initial development phase. An additional hotel (60-80 rooms) is also proposed on the south eastern end of the refurbished Arena in the Pavilions site as part of the proposed new conference complex for the City.

Other tourism and leisure related uses

MS03 requires other tourism and leisure related uses and the applicants refer to the intention to deliver a high content of leisure retail uses (shops, cafes and restaurants) as part of the development. The application refers to water space, moorings, pedestrian quays and walkways as well as the public realm boulevard and the applicants refer to full public access to extensive waterfront quays, boardwalks, and moorings.

It is suggested that security of public access be achieved by suitable clauses in the S106 (see 'new neighbourhood' section above).

Employment and the need for Small scale marine and water related employment

Clause 19 of the S106 is suggested to reflect the requirement of MS03 for local employment opportunities and also follows advice from the Council's Employment policy unit.

MS03 requires BI employment uses to include small-scale marine and water related employment and the site includes West quay and the applicants indicate provision for marine research and development and industrial fit-out (Document 8). MS03 requires small scale marine and water related employment at Clyde Quay. The design and access statement suggests that the lower floors of development on Clyde Quay will be for leisure uses.

In general it is important that waterside areas do allow for marine and water related employment uses as well as the leisure uses often associated with waterside locations. A planning condition could be added to any consent indicating that the reserved matter application for the development of Clyde Quay should include some provision for marine and water related employment use. However, the applicants do not see the need for a condition as the matter can be considered at reserved

matters stage mindful of the fact that within close proximity to Clyde Quay and the application site is West Quay and Trinity Pier allocated for marine industrial and marine science uses, and the Inner Basin quays give access to moorings and launch pontoons. They suggest that these allocations would serve to minimise conflict of semi-industrial activities (often fenced off, noisy and untidy) with residential occupants and public waterfronts. They also indicate that commercial marine uses such as chandlery, boat equipment, dive school, would all be welcome to rent available retail premises on Clyde Quay.

Retention of the Port building

This building lies outside the application site area, but within the masterplan area and is shown as being retained. The Dock office, within the site, is to be retained.

A comprehensive and integrated scheme

MS03 also requires that the development should be carried out as a comprehensive and integrated scheme ensuring it benefits existing residents as well as potential new users and that it includes the infrastructure necessary to serve the new neighbourhood.

The scheme for that part of the application site owned by the applicants has been designed as a comprehensive scheme with the City Council's involvement over a number of years so that the full extent of a new Boulevard could be explored. The application includes the Pavilions site, which is owned by the City Council, and it is understood that a landowner's development agreement has been the subject of lengthy discussion between the two parties (the details of which are not considered to be material planning considerations).

The scheme for the application site has also been designed as a comprehensive scheme involving the wider master plan area, and this was the subject of Environmental impact assessment as part of the planning application process.

It is suggested that one of the main requirements now is to try to avoid the delivery of a piecemeal scheme without delivery of the boulevard that is such an important element for the success of this regeneration scheme. An interim scheme can be delivered by the applicants as part of the S106 as such would be a prudent step to enable essential redevelopment to get underway (Document 6).

However, interim environmental and access improvements will not deliver the comprehensive scheme required by Core Strategy and AAP and, it is suggested, should not become permanent.

It is suggested that the S106 includes a clause to secure the continued cooperation/assistance from the applicants in a partnership to facilitate future CPO proceedings if they are necessary (clause 9).

The proposed S106 relates to the infrastructure necessary to serve the development within the applicant's ownership, but the new neighbourhood will also include land in the ownership of the City Council and it is a fair requirement that the

redevelopment here would also address the infrastructure needs of the new community (in accordance with RPG10 IM1, and Core Strategy CS33).

There is a presumption against any development that involves the loss of a recreation facility except where alternative facilities of equal or better quality will be provided as part of the development (Core Strategy CS30)

The Head of Corporate Resources and Asset Management confirms that the following would be a requirement for redevelopment of the land owned by the City Council (mainly the Pavilions site with the North Boulevard and part of the Western Approach junction):

- The land will not be made available until the swimming pool and ice rink have been relocated to the satisfaction of the local planning authority.
- will contribute £75,000 to the provision of leisure facilities in the locality before development of the PCC land commences
- will contribute £0.5m to the provision of education in the locality before development of the PCC land commences
- will contribute £100,000 to the provision of health facilities in the locality before development of the PCC land commences
- will pay a fair contribution to provide highway schemes listed as S278 works (current value of your contribution is £1.624m)
- will contribute £575,000 to the provision of modal shift infrastructure in the locality before development of the PCC land commences
- will contribute £38,000 to the provision of walking/cycling facilities in the locality before development of the PCC land commences
- will contribute £42,000 to the Variable Message System before development of the PCC land commences
- will provide 268 residential units with 30% being affordable dwelling units and 20% Lifetime homes standard
- will not provide more than 200 residential units until the Boulevard north is provided to the satisfaction of the local planning authority.
- will ensure that 1% of the budgeted construction costs be earmarked for integrated arts and craft content in accordance with an agreed Public Arts Strategy before development of the PCC land commences.
- will contribute £25,000 to the employment of the Public Arts consultant before development of the PCC land commences
- will fund the Council's CPO proceedings up to a certain amount

Pavilions site

MS03 adds to the Core Strategy Millbay Vision diagram and requires the demolition and relocation of the swimming pool and ice rink elements of the Pavilions and the refurbishment and improvement of the Arena with additional space for conference facilities to serve the City. The applicant's proposals are to wrap the Arena with other development to improve its external appearance and provide an attractive frontage and entrance onto the new Boulevard in accordance with regional aspirations (RSS – see section above); MS03 and Core Strategy Policy CS12 (which deals with Cultural/Leisure development). The application meets point 2 of the

policy which mentions Millbay, and paragraph 8.13 specifically mentions proposals for the Pavilions. It is noted that the application ties the D2 floorspace to development associated with the Arena, and this meets the Council's aspirations and the implications of CS12. D2 includes concert halls/live music venues and cinemas –and a condition would have to be imposed if the Use Class needed to be limited (the site is owned by the City Council). Details could be considered at reserved matters stage and the important issue of delivery of the Pavilions scheme is dealt with in the section above 'a comprehensive and integrated scheme' and reflects concerns expressed by consultees and others.

Western approach junction

MS03 requires the redesign of the Western approach junction

The applicant's have provided information in order to redesign the western approach road junction and point out that improvements to the Western Approach/Union St junction are not required in highways /movement terms until the Pavilions site is developed. It is considered that in order for the Boulevard to be a successful link between Millbay and the City Centre it is essential that this junction is improved, but accepted that the changes in configuration and deliverability of these improvements are linked with the successful delivery of the redesigned and redeveloped Pavilions area within the last phase of development. The applicants rely on the City Council to determine when alternative leisure facilities are available to enable this redevelopment to take place. This situation is referred to above in the section 'compliance with regional and sub-regional policies' and it is suggested that the need for the landowners to work together, beyond the determination of this application, has to be accepted. The PCC commitment as landowner is detailed in the section below 'a comprehensive and integrated scheme'.

Design and the Historic Environment

The need to secure a high quality development has been the subject of extensive discussions. These have been positive, but a framework needs to be set to ensure that high quality development is delivered following determination of reserved matters applications.

The importance of the Boulevard is highlighted in Council proposal MS03 and the requirement for it to be integrated into the proposal. It also stipulates 5-7 storey development along the Boulevard, with higher buildings on key corners and landmark locations. The application documents indicate provision for some of the buildings along the Boulevard to extend higher which would not be in compliance with MS03. However the applicants point out that the only proposal higher than 5 stories on the Boulevard is at the landmark location next to the Western Approach. It is suggested that Clause 1 of the proposed S106 might avoid future misunderstanding, leaving this particular detail to be addressed at reserved matters stage when a proper judgement and assessment of a particular design can be better made.

Tall buildings should be in accordance with the tall building strategy, which is currently being completed but has been in draft for some time. One of the requirements of that guidance is that tall buildings should be submitted in full, rather than as part of an outline application. The applicants have not done so in this case

but have supplied information upon the likely impact. This matter is addressed further below.

The scale of development around the development area is very important and the proposals must relate in a positive way to that scale and not dominate it. This is especially the case on Great Western road where the scale is currently quite domestic, but there is a huge drop in ground levels down to the quayside at East Quay, providing the opportunity to build higher buildings. The applicants have dealt with this by providing 8 storey finger blocks extending at right angles to Great Western road with 3 storey town houses fronting on to Great Western road. The applicant's point out that it is envisaged that the East Quay finger blocks would be 4 storeys, rising to 8 storeys at the furthest distance from Great Western Road, with 3 storey townhouses and lanes leading to the waterfront between blocks. It is suggested that the issue of dominance can be considered at reserved matters stage, but that conditions requiring full details of cross - sections and levels will be required and this requirement should be imposed by condition (below).

The suggested S106 clauses and planning conditions reflect the requirements of MS03 for Public Art and for adequate archaeological appraisals and interpretation facilities, and the reserved matters details should address the importance of securing activity at ground level with retail/leisure and live/work uses as indicated in the Design and Access Statement and in linking positively with the surrounding areas.

MS03 requires the submission of Design Codes. A section of the Design and Access Statement includes some building design statements; however it is suggested that they do not constitute a full and appropriate Design Code for this scale of development and a S106 clause is therefore suggested to better influence and set a framework for high quality design as an integral part of future reserved matters applications (clause 1.4) The Code should be agreed prior to the start of development.

Residential mix

The applicants are not keen to agree the housing mix at the outline stage. Nevertheless it is suggested that it is essential that they agree to build in accordance with the mix envisaged as part of the Environmental Statement –at least up to the Review stage (clause 3.7). Indeed, the Council's Housing Service have reservations about the proposed mix with its predominance of flats and 1 - 2 bed apartments (Document 8) and would prefer to see a higher proportion of 2, 3 & 4 bedroom houses/maisonettes than that envisaged by the applicants to better address City housing needs (as identified by the Housing Market and Housing Needs Assessment 2006), to create a long term sustainable mixed community, and to give families the opportunity to live in all areas of the city and enjoy city living.

It is considered that the most relevant policies to this issue are CS15 and MS03 point 11. CS15 refers to a "mix of dwelling types, sizes and tenure, to meet the needs of Plymouth's current and future population." MS03 seeks to create a sustainable mixed residential neighbourhood, point 11 refers to "accommodation for families and single people and for young and older family units"

Clearly neither policy is prescriptive in terms of the numbers of units or the proportions of the total numbers of units which should be of a particular size or type.

As stated by several consultees and local residents, the delivery of the Boulevard would be essential to link this new city quarter to the City Centre and ensure that the development of Millbay is complementary to the role and growth of the City Centre. The environment around the docks would be high rise and high density in character, and hence the high proportion of apartments proposed. In addition, the development is part of the city growth agenda and will provide part of the new office quarter which should generate high quality jobs in business services industries. It is suggested that these jobs could generate a more likely need for small to medium sized apartments. In addition, the amount of retail floor space and provision for bars and restaurants in the area and close to a busy ferry port and a noisy boat mooring area (halyard rattle etc) means that most of the residential development is unlikely to appeal to many families.

In this context it is possible to see why the applicants have decided to not provide a higher proportion of houses and larger apartments which may appeal to families. There is however, a clear need for these types of dwellings in Plymouth and other sites across the city may be more appropriate for providing the kinds of larger family units which Housing Services point out are badly needed. It is suggested that this issue can be revisited at the review stage (clause 21) when there may be scope to alter the housing mix and as subsequent Reserved Matters applications are submitted Housing Services point out that there is some evidence from the sale of units at D1 and D3, that family housing is marketable in the Millbay area, and that the results of a neighbourhood housing needs study of the Millbay /Stonehouse area will be used at review stage to inform the housing mix, alongside updated wider housing market and housing needs information.

Transport and Public Access – Condition subject of Highways Direction.

It is suggested that the views of the Highways authorities that are referred to in this report ('Consultation Responses') are endorsed. However, at the time of writing this report, there is a detail concern over a condition that is currently the subject of a Direction by the Highways Agency.

All the conditions and S106 clauses required by the Highways authorities are incorporated in the recommendation and suggested conditions below. Essentially, it is considered that they reflect the requirements of RPG10; RSS (TR4) ; Structure Plan (TR10);Core Strategy CS33 and Transport and Public Access requirements of MS03 for avoiding congestion compromising strategic routes and the local highways network and priority to be given to sustainable transport , multi-model transport links, appropriate traffic management and on-street parking, links to a water transport service and the need to provide a dedicated public access to and along the entire waterfront to include public recreation.

However, the issue of concern relates to condition...(see conditions below).

This relates to the bus service which should be improved and if a condition is warranted it is suggested that it should be compatible with the contributions required with the Section 106 Agreement (clause 6.1 and Document 10).

It is envisaged that this is a matter of detail that should have been resolved by your Committee meeting and an update will then have to be given of any revision to the Direction required by the Agency.

Securing Community Benefits

The RSS refers to priorities for infrastructure (see section 'Compliance with regional and sub regional policies' above) and The Core Strategy Area Vision 2 (AV2) for this part of the City indicates that the highest priority will be given to the delivery of the whole of the boulevard and public realm improvements, strategic infrastructure and the provision of affordable housing.

These matters are addressed in detail above, and contributions have been sought in accordance with Core Strategy CS33.

The Leisure Services manager would prefer a higher contribution to meet recreation needs, although appreciating that this application should, with appropriate conditions, facilitate public access to the waterside and water body.

The Lifelong Learning Unit (LLU) would also prefer a higher contribution to address education needs.

An appropriate contribution to education provision

Core Strategy Strategic objective 9 refers to support for the School implementation Plan and MS03 requires an appropriate contribution to primary and secondary education provision related to the scale and nature of the development proposed. There is an unresolved issue relating to this matter and this is highlighted in this report as the section 106 heads of terms need to reflect what is considered to be an appropriate contribution (clause 4.5). Based on the number and type of dwellings in the application this would generate 71 Primary places and 52 Secondary places. The City Council's fair contribution to addressing the mitigation measures is referred to in the section 'A Comprehensive and Integrated Scheme' above.

The applicants are proposing to pay S106 contributions for primary school education arising from the development of land in their ownership, acknowledging that development of their plots D1 and D3 have commenced (**Report Update – D1 and D3 now completed**) and on the understanding that there was not a need for Secondary contribution (at the time that consultations were undertaken).

However, the Lifelong Learning Unit (LLU) believe that the applicant's understanding of the Secondary School situation is a misconception, but admit that this was only highlighted at a late stage in dealing with the application and not immediately

following receipt of additional details submitted with the Regulation 19 response (January). The essential need is understood to be for meeting primary education needs. The amount (£2m) was not acceptable to the LLU and based on the cost of a new school at £6m this equates to a cost /place of £41.6k /place and this rate could be equated to a tariff /dwelling. The LLU considered that this would be seen as a more straightforward calculation for all future applications in the Millbay and Stonehouse area. A figure of £2000/dwelling was calculated (but acknowledged as still not sufficient for LL needs). The submission made by education at the outset of the application calculated the primary element as 192 places, using IPS4 calculations this equates to £1.6m. The applicant's are offering £2m and during discussions the LLU suggested that early up front funding is necessary to secure the site, which would include CPO and development costs. The applicants were happy to consider this.

The applicants now maintain that they cannot afford this at the timing suggested.

They are of the view that their proposals include a substantial financial contribution towards the provision of new primary education facilities (£2m) to meet the requirement of the Core Strategy and they are unable to accept the drafting as put forward in clause 4.5 and suggest that the clause should reflect the fact that they would consider phasing the capital contributions, but that there should be three elements: the initial contribution to the feasibility study (£100,000), then a contribution to the land acquisition (£700,000) and the final payment towards the actual provision, and the balance being made prior to the commencement of development of Phase 6 - envisaged to be mid 2012 (and not mid 2010 as drafted - see phasing in Document 4) . **Report Update – The timing of this phasing will be altered to reflect the extended timescales.**

The Lifelong Learning unit are concerned that slipping the money would simply be an unwarranted additional cost on public money to meet needs generated by this development and cannot see why the Planning Committee should agree to this when they are not getting anywhere near what they consider necessary . It is suggested that clause 4.5 is an appropriate contribution to primary education provision related to the scale and nature of the development proposed in accordance with Council policies (CS33 and MS03).

Contamination

A condition should be attached to any consent as suggested by the Environmental Services Unit requiring a contamination assessment of the whole area prior to the commencement of development (addressing the concerns of the Environment Agency about ground water movement) and treatment is needed where appropriate prior to the development of each phase.

Flood Risk

The applicants proposed development has been guided throughout its evolution by advice from the Environment Agency and where necessary residential development is proposed above flood risk levels and areas. It is considered that the Flood Risk Assessment demonstrates that the development proposals would be safe, without

increasing flood risk elsewhere (in accordance with CS21) and the additional information required by the Environment Agency is warranted and can be the subject of condition. Indeed, the mitigation measures that are proposed could substantially reduce the risk of flooding towards Union Street and the City Centre, and would have a significant beneficial impact overall. The proposals are to incorporate sustainable urban drainage systems in order to manage effectively surface water runoff and reduce the likelihood of future flooding and drainage problems.

Phasing plan

It is considered that the applicant's submitted phasing plan, required by MS03, is an important element to help regulate this development to meet the aspirations of the developer, the existing community and the proposed new community. It also is an important framework for addressing the sensitive issues of delay in the delivery of the Pavilions site, outside the applicant's control. MS03 requires that the Boulevard and other public realm improvements are delivered as an early phase of the development. This is not possible but it is suggested that investment in the regeneration of Millbay should not be unduly delayed and needs to be secured and that clauses 2.4 – 2.6 are reasonable requirements for the applicant to address the issue.

Need for a Review stage

It is suggested that a review stage will be necessary prior to the commencement of phase 5 (mid 2010) to assess progress and to review a list of matters (clause 21).

Report Update – The timing of this review stage will be altered to reflect the extended timescales.

In particular, there have been detailed negotiations regarding transport and in particular the proposed car parking provision for the scheme (see Highway authority comments). This has resulted in the applicants reducing the overall number of car parking spaces proposed within the development and increasing potential capital contributions to address modal shift. It is proposed to review not only the overall scheme but in particular the car parking standards at the Review stage and there is an incentive to amend them to meet extant PCC policy standards if it is demonstrated that there is evidence of traffic congestion beyond the TA predictions (clause 6.3 refers to a need for an additional £300,000).

Section 106 Obligations

The suggested S106 is attached as a separate document (titled Draft Heads of Terms).

There will also be a requirement for an Admin fee.

Report Update – The previously approved and completed Heads of Terms within the S106 Obligation are considered necessary to mitigate the impacts of the development and are considered to be fully compliant with

Regulation 122 of the Community Infrastructure Levy Regulations 2010. It is therefore recommended that the application be conditionally approved subject to satisfactory completion of the Section 106 Obligation as previously approved under planning consent 06/01533/OUT to enable appropriate mitigation of the impacts on local and strategic infrastructure previously identified and support the development of a sustainable linked community.

Conclusion

This development could provide one of the most significant contributions to the regeneration and urban renaissance of the City.

The application, if approved and implemented in accordance with the S106 clauses suggested, would secure the essential measures that are needed to mitigate for the impact of this major new development upon the local community facilities and infrastructure, and it would also enable a large number of new homes and jobs to be delivered in a sustainable manner to help meet the City's regional growth needs.

It would provide a sound basis for the establishment of a sustainable community with an amount of retailing and leisure uses which should be an attraction for the inhabitants of Plymouth and beyond and be complimentary to the health and attraction of the City Centre.

It would require the continued cooperation of the owner of the Pavilions site, in the manner envisaged in this report.

These clauses and conditions are also essential if the local planning authority is to set a sound framework for the submission of detailed proposals for new buildings and places of the highest design standards in the community interest. The detailed 'reserved matters' applications for the various blocks and phases of development should over the years ahead, provide the foundations for a high quality, high density urban environment and new quarter for the City, linked by an attractive boulevard to the City Centre, and bring new life to this former docks area, close to the City's busy ferry port link with the Continent. It is appreciated that the scheme has to be financially viable and the suggested reduction in the amount of affordable housing is considered to be justified in this case – providing 26% affordable housing across the site instead of 30%. The applicant's open book appraisal of economic viability was independently assessed to corroborate their assumptions and support the level of provision that they put forward.

However, without the suggested S106 clauses there are concerns that this development could be piecemeal, unsustainable, isolated and not open to unrestrained public access to the waterside and harbour or community involvement. It is a major development that warrants a degree of community inclusion and involvement in the years ahead. If developed unsympathetically to community concerns and public interest this scale of development could have adverse environmental impacts and lead to serious congestion across the City, and an unwarranted strain on stretched community facilities and the retail health of the City Centre.

Report Update - 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.

Report Update - Equalities & Diversities issues

The redevelopment of the Millbay area and land around the city's ferry port will significantly regenerate the area and will provide much needed commercial uses, residential accommodation and affordable accommodation in the locality.

At least 20% of the residential units will be designed to Lifetime Homes criteria and therefore they will incorporate a design that maximises utility, independence and quality of life, while not compromising other design issues such as aesthetics or cost effectiveness. Housing that is designed to the Lifetime Homes Standard will be convenient for most occupants, including some (but not all) wheelchair users and disabled visitors, without the necessity for substantial alterations.

The benefits to all groups will therefore be positive as it will provide accessible residential accommodation close to the city centre.

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

Report Update - Conclusions

There has been no significant or material changes to planning policy since the previous grant of outline planning consent and associated S106 Obligation, which are still considered to satisfactorily mitigate the impacts of the development upon local and strategic infrastructure. This is a significant material planning consideration.

There is a general frustration that the recession has considerably slowed the delivery of the McKay Vision and the transformational change of Millbay which is promoted through the vision and objectives of the Area Action Plan.

Architectural successes at Cargo, and to a lesser extent Phoenix Quay, have yet to be replicated elsewhere within Millbay.

This proposal to renew the outline application demonstrates the applicant's on-going commitment to regenerating the area through a mixed use development and it is hoped will satisfy a key objective for maintaining development momentum in Millbay in difficult economic circumstances.

On this basis it is recommended that conditional approval be granted subject to the satisfactory completion of the Section 106 Obligation.

Delegated Authority is sought to refuse the application if the S106 Obligation is not signed by the 28th of October 2011.

Recommendation

In respect of the application dated **04/11/2010** and the submitted drawings Site plan MB10 001; Block plan MB10 021; Indicative Masterplan MB10 004; EIA boundary plan MB10 007; Phasing Plan MB10 15; Boulevard North and South MB10 20; Revised transport assessment Jan 2007 drawings 13/11/48 figs C1,D1,E1,F2,G2,H2; Revised Retail Impact Assessment Jan 2007 local centre plan 6; Sustainability Statement and Statement of Public Consultation; Environmental Statement and Addendum Jan 2007 section 8 fig G location of office space.,it is recommended to: **Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 28/10/11**

Conditions

APPROVAL OF RESERVED MATTERS

(1) Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto, and the hard and soft landscaping of the site (hereinafter called "the reserved matters" for each area numbered within the block plan drawing MB 10021) shall be obtained from the Local Planning Authority in writing before any development comprised within that area is commenced. The reserved matters for each area numbered within the block plan shall be submitted to and considered by the LPA as a single application. The development shall be carried out in accordance with those approved details.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required. Reserved matters for each area are required to be submitted as a single application to enable proper consideration of the full impacts of the development on this large site.

SUBMISSION OF RESERVED MATTERS

(2) Detailed plans and particulars of the reserved matters for each block referred to in condition 1 above shall be submitted together (unless otherwise agreed in writing by the local planning authority) and include detailed planting plans finished floor levels and existing and proposed ground levels in relation to a fixed datum, and scaled cross-sections through the proposed buildings and across the application site

to neighbouring development. Development shall then be carried out strictly in accordance with those approved details.

Reason:

To ensure that full and adequate details are provided to enable assessment of the proposed development, including assessment of the relative heights of ground and buildings in relation to the streetscape, the proposed development and the existing structures within and bordering the application site.

TIME LIMIT FOR SUBMISSION

(3) Application for approval of the reserved matters for the development of blocks B, D4, H, A1, A2, A3, G, C1 and C2 shown on the approved block plan (drawing MB 10021) within phases 2 -5 inclusive of the approved phasing plan (drawing MB 10 15) shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Application for approval of the reserved matters for the development of blocks C3 and C4a and C4b shown on the approved block plan (drawing MB 10021) within phase 6 of the approved phasing plan (drawing MB 10 15) shall be made to the Local Planning Authority before the expiration of four years from the date of this permission. Application for approval of the reserved matters for the development of blocks E1,E2,E3 and E4 shown on the approved block plan (drawing MB 10021) within phase 7 of the approved phasing plan (drawing MB 10 15) shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and the need to phase the development in the interests of public safety, convenience and amenity.

TIME LIMIT FOR COMMENCEMENT

(4) The development hereby permitted shall be begun either before the expiration of three years from the date of this planning permission, or before the expiration of two years from the date of approval of the reserved matters for the development of blocks B, D4, H, A1, A2, A3, G, C1 and C2 shown on the approved block plan (drawing MB 10021) within phases 2 - 5 inclusive of the approved phasing plan (drawing MB 10 15), whichever is the later.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

SUBMISSION OF RESERVED MATTERS PHASE 2 - BLOCK B

(5) Detailed plans and particulars of the reserved matters referred to in condition 1 above shall include details, submitted together, of the proposed rising sill to the Inner Basin and details of the proposed berthing pontoons and boat moorings within the Inner Basin and access thereto, (including details of safety barriers around the Inner Basin) within the phase 2 area shown on the approved phasing plan (drawing MB 10 15).

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

SUBMISSION OF RESERVED MATTERS PHASE 3 - BLOCK D4

(6) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block D4 area shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level frontages including details of the primary office entrance onto Millbay Road. Details shall also be submitted of the undercroft parking for a maximum of 90 cars to be parked with space for vehicles to turn so that they may enter and leave the site in forward gear, and with details of the access from Sawrey Street.

Details plans shall also be submitted together of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of Martin Street bordering the east of block D4 (and within the phase 3 area shown on the approved phasing plan, drawing MB 10 15) and of those parts of Sawrey Street, Phoenix Street and Millbay Road comprising the roads and footways along the northern, western and southern boundaries of block D4 (and within the phase 3 area shown on the approved phasing plan drawing MB 10 15).

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through block D4 showing the relationships with the higher land to the north and across the city centre.

The development shall be carried out in accordance with those approved details.

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block D4 are in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 3 - BLOCK A3

(7) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block A3 area shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level and pedestrian path frontages and details of landscaped play and amenity areas. Details shall also be submitted together of the undercroft parking with space for vehicles to turn so that they may enter and leave the site in forward gear, and with details of the access from West Hoe Road and East Quay (including upper terrace access details).

Details plans shall also be submitted together of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of East Quay bordering the west of block A3 (and within the phase 3 area shown on the approved phasing plan, drawing MB 10 15) and of the boundary treatment with the roads and footways along the West Hoe Road to the east and Custom House Lane to the south.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across block A3 showing the relationships with the existing dwellings on higher land to the east along the

West Hoe Road, and the existing apartments to the south along Custom House Lane and across the Trinity Pier to the west and the ferry port and West Quay. The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block A3 are in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 3 BLOCK H

(8) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block H area shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of higher level walkway details as required as part of flood mitigation measures, details of street level and pedestrian path frontages and lighting levels and retail and leisure frontages and hotel entrance details and details of the hotel servicing and drop-off areas. Details shall also be submitted of the 'off-site' car parking area to serve the hotel with details of the access from West Hoe Road and East Quay.

Details plans shall also be submitted together of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of South Boulevard (shown on approved drawing MB 10 20) and East Quay within the phase 3 area shown on the approved phasing plan, drawing MB 10 15) the proposed Harbour Square at the south end of the Boulevard within the eastern part of block H.

Detailed plans and particulars shall also be submitted together of the proposed water taxi berthing pontoon and facilities and access thereto and details of the proposed stepped deck access to the waterline from Harbour Square, boardwalks and public access facilities for boat launching and mooring with details of any berthing pontoons within the Outer Basin and safety barriers proposed along the edge of the Outer Basin within the phase 3 area shown on the approved phasing plan (drawing MB 10 15).

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through block H showing the relationships with the higher land to the north across Stoke and the City Centre and to the east across The Hoe, and with the ferry port to the west, and along the proposed boulevard.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and in the interests of safe navigation and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block H are in accordance with the approved and intended disposition of public realm and highway improvements

SUBMISSION OF RESERVED MATTERS PHASE 4 BLOCKS A1 AND A2

(9) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block A1 and A2 areas shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level and pedestrian path frontages including details of the frontage details of all proposed live-work units facing East Quay, and details of the upper terrace access to them, and details of the landscaped play and amenity areas. Details shall also be submitted of the undercroft parking with space for vehicles to turn so that they may enter and leave the site in forward gear, and with details of the access from West Hoe Road and East Quay.

Details plans shall also be submitted of the boundary treatment with the roads and footways along the West Hoe Road to the east and with the Ballard House development to the north.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across block A1 and A2 showing the relationships with the existing dwellings on higher land to the east along the West Hoe Road, and the Ballard House office block to the north, and across East Quay and the Outer Harbour to the west and the ferry port.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block A1 and A2 are in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 5 BLOCKS C1 and C2

(10) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block C1 and C2 areas shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level, and pedestrian path frontages including frontage details and boundary treatment of the entrance to the port from Millbay Road along North Quay, and frontage upper terrace level details of all proposed retail and leisure units facing East Quay and street level details facing South Boulevard (shown on approved drawing MB 10 20). Details shall also be submitted at the same time of the measures for integrating the former Dockyard Office building into the development. Details shall also be submitted of the undercroft parking for 150 cars with space for vehicles to turn so that they may enter and leave the site in forward gear. These details shall include details of the access from Millbay Road and of customer access and trolley bay facilities and servicing and waste storage facilities relating to the proposed supermarket within this area.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across blocks C1 and C2 showing the relationships with the Duke of Cornwall Hotel on higher land to the east, and the Ballard House office block across the proposed boulevard to the south east and across East Quay and the Inner Harbour to the west and the ferry port.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within blocks C1 and C2 are in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 5 BLOCK G

(11) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block G area shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level and pedestrian path frontages including frontage details and boundary treatment to the entrance to the port along North Quay, and the frontage details to Millbay Road and to the proposed Millbay Square within the eastern part of block G, south of Phoenix Street. Details plans shall be submitted of the landscaped play and amenity areas and also of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of the proposed Millbay Square with details for the protection of retained trees during the course of development.

Details shall also be submitted of the undercroft parking for 30 cars with space for vehicles to turn so that they may enter and leave the site in forward gear. These details shall include details of the pedestrian connection between Millbay Road onto the lower level of North Quay within the western boundary of block G.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across block G showing the relationships with North Quay and the Inner Harbour and the Clyde Quay proposed development to the south, and with the development of block D3 (shown on plan MB 10021) across Millbay Road to the north.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block G is in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 6 BLOCKS C3 AND C4

(12) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block C3 and C4 areas shown on the approved block plan (drawing MB 10021) within the application site shall include details, submitted together, of all the street level, and pedestrian path frontages including street level details facing South Boulevard (shown on approved drawing MB 10 20).

Details shall also be submitted of the landscaped play and amenity areas, and of the proposed undercroft parking for 199 cars with space for vehicles to turn so that they may enter and leave the site in forward gear. These details shall include details of the access from Millbay Road.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across blocks C3 and C4 showing the relationships with the Duke of Cornwall Hotel and the open space area

on higher land to the east, and the Ballard House office block to the south and across the boulevard to the proposed development of blocks C1 and C2 to the north west.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within blocks C3 and C4 are in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 7 BLOCK E1

(13) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block E1 area shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level, and pedestrian path frontages including street level details facing North Boulevard (shown on approved drawing MB 10 20).

Details shall also be submitted of the proposed undercroft parking with space for vehicles to turn so that they may enter and leave the site in forward gear. These details shall include details of the access from Millbay Road.

Details plans shall also be submitted of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of North Boulevard (shown on approved drawing MB 10 20) and shall also be submitted of the boundary treatment with the roads and footways along the Millbay Road.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across block E1 showing the relationships with the Duke of Cornwall Hotel on higher land to the east, and across the boulevard to the proposed development of blocks D4 and D3 to the west and with proposed development to the north.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block E1 is in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 7 BLOCK E2

(14) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the block E2 area shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level, and pedestrian path frontages including street level details and proposed entrance and lobby space details facing North Boulevard (shown on approved drawing MB 10 20) and frontage details facing Millbay Road.

Details shall also be submitted of the 'off-site' car parking area to serve the hotel and Arena complex.

Details plans shall also be submitted of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of North Boulevard (shown on approved drawing MB 10 20) and the routes running along the north and south boundaries of block E2 and along the proposed landscaped pedestrian link comprising the eastern boundary.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across block E2 showing the relationships with the Continental and Duke of Cornwall Hotels to the north east and south east, and across the proposed development of block E1 to the south and blocks E3 and E4 to the north and with the existing Western Approach multi-storey car park.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within block E2 is in accordance with the approved and intended disposition of public realm and highway improvements.

SUBMISSION OF RESERVED MATTERS PHASE 7 BLOCKS E3 and E4

(15) Detailed plans and particulars of the reserved matters referred to in condition 1 above for the blocks E3 and E4 areas shown on the approved block plan (drawing MB 10021) shall include details, submitted together, of all the street level, and pedestrian path frontages including street level details facing North Boulevard (shown on approved drawing MB 10 20), Western Approach and Union Street and frontage details facing Millbay Road.

Details plans shall also be submitted of the design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of Union Square (at the junction of Union Street, Western Approach and The Crescent); North Boulevard (shown on approved drawing MB 10 20); the proposed routes crossing between blocks E3 and E4, and of the boundary treatment along the proposed landscaped pedestrian link comprising the eastern boundary. Details shall also be submitted of the landscaped play and amenity areas.

Detailed plans and particulars of the reserved matters referred to in condition 2 above shall include cross sections and levels through and across blocks E3 and E4 showing the relationships with the existing Western Approach multi-storey car park and the higher land to the north of the City Centre, and with the Continental Hotel and existing development to the south east across to The Hoe, and along the proposed boulevard to Clyde Quay, the Inner Basin and the ferry port.

The development shall be carried out in accordance with those approved details

Reason:

To ensure that adequate details of the streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings and to ensure that the details of development within blocks E3 and E4 are in accordance with the approved and intended disposition of public realm and highway improvements.

LANDSCAPE DESIGN PROPOSALS

(16) No development within each block shown on the approved block plan (drawing MB 10021) shall take place until full details of landscape works have been submitted to and approved in writing by the Local Planning Authority for each block. Details submitted shall include; proposed finished levels, means of enclosure, pedestrian access and circulation areas, hard surfacing materials, street furniture and retained historical features, limestone walls and trees where relevant.

All trees planted in the public realm areas of the site shall be semi-mature specimens unless otherwise approved in writing by the local planning authority.

The existing trees within block G (drawing MB 10021) shall be retained, and properly protected during construction operations in accordance with BS 5837:1991, until such time as development of that block commences in accordance with details to be approved in writing by the local planning authority.

Reason :

To provide adequate levels of public amenity in accordance with policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SOFT LANDSCAPE WORKS

(17) Soft landscape works shall include planting plans; written specifications (including schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and the implementation programme.

Reason:

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

PROVISION FOR TREE PLANTING

(18) No development shall take place within any phase of development until full details of all proposed tree planting for that phase, and the proposed times of planting, have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.

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

(19) 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 and are subsequently properly maintained, if necessary by replacement.

LANDSCAPE MANAGEMENT PLAN

(20) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas within each area of phasing (shown on drawing MB 10 15), other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of that phase of the development for its permitted use. The landscape management plan shall be carried out as approved.

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 and are subsequently properly maintained, if necessary by replacement.

HARBOUR SQUARE - BLOCK H

(21) No dwelling shall be occupied in Block H until the public square referred to as Harbour Square in the application (junction of Clyde Quay, water front and Boulevard) has been substantially completed and landscaped to the satisfaction of the local planning authority in accordance with a scheme having the prior written approval of the local planning authority, unless otherwise agreed in writing by the local planning authority, and until the berthing pontoon on Clyde Quay (for future use by water taxi's or any other such craft) has been constructed in accordance with plans previously agreed in writing by the Local Planning Authority.

Reason: to protect public amenity and enhance the public realm in accordance with policy CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and to provide adequate docking facilities to allow future use by water taxi's and other such craft to drop-off/ collect passengers in the interests of accessibility to the development by sustainable modes of transport.

MILLBAY SQUARE BLOCK G

(22) No dwelling shall be occupied in Block G until the public square referred to as Millbay Square in the application (junction of Millbay Road and Martin Street) has been substantially completed and landscaped to the satisfaction of the local planning authority in accordance with a scheme having the prior written approval of the local planning authority, unless otherwise agreed in writing by the local planning authority.

Reason: to protect public amenity and enhance the public realm in accordance with policy CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

CITY SQUARE BLOCK E4

(23) No dwelling shall be occupied in Block E4 until the public square referred to as City Square in the application (junction of Union Street and Western Approach)) has been substantially completed and landscaped to the satisfaction of the local planning

authority in accordance with a scheme having the prior written approval of the local planning authority, unless otherwise agreed in writing by the local planning authority.

Reason:

To protect public amenity and enhance the public realm in accordance with policy CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ACCESS (CONTRACTORS)

(24) Before any other works are commenced on each phase, 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 policy CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PEDESTRIAN/ CYCLE ACCESS

(25) No building shall 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..

PROVISION OF SIGHT LINES

(26) No work shall commence within a phase of development on site until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before the development is first brought into use.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SERVICE ROADS

(27) No building shall be occupied within a block of development until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure that an appropriate and safe access is provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION EAST QUAY (A1-A3)

(28) The development within blocks A1-A3 shall not be occupied by more than 150 residential units until space has been laid out within the site in accordance with the Approved plan for a maximum of 887 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

REASON:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION WEST QUAY (B)

(29) The development within block B shall not be first occupied until space has been laid out within the site in accordance with the approved plan for a maximum of 34 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

REASON:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION CORE HARBOUR NORTH (C1/ C2)

(30) The development within blocks C1 and C2 shall not be first occupied until space has been laid out within the site in accordance with the approved plan for a maximum of 150 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

REASON:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION CORE HARBOUR SOUTH (C3/C4)

(31) The development within blocks C3 and C4 shall not be first occupied until space has been laid out within the site in accordance with the Approved plan for a maximum of 199 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

REASON:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the

promotion of sustainable travel choices in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION MILLBAY ROAD (D4)

(32) The development within block D4 shall not be first occupied until space has been laid out within the site in accordance with the Approved plan for a maximum of 90 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

REASON:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION NORTH HARBOUR (G)

(33) The development within block G shall not be occupied until space has been laid out within the site in accordance with the approved plan for a maximum of 30 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

REASON:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING RESTRICTION CLYDE QUAY (H)

(34) No part of block H shall at any time be used for the parking of vehicles other than that part specifically shown for the purpose on the approved plan (unless otherwise agreed in writing by the local planning authority).

Reason:

In the opinion of the Local Planning Authority the level of car parking should be limited in order to assist the promotion of sustainable travel choices in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF PARKING AREA

(35) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

REASON:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and 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.

CAR PARKING RESTRICTION

(36) No part of the site shall at any time be used for the parking of vehicles other than that part specifically shown for that purpose on the approved plan.

REASON:

In the opinion of the Local Planning Authority the level of car parking provision should be limited in order to assist the promotion of more sustainable travel choices in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(37) Before the first occupation of each block (shown on drawing MB 10021) spaces for cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

A minimum of 75 cycle parking spaces shall be made available for public use located in areas that are conspicuous to view from public areas of the site.

REASON:

In order to promote cycling as an alternative to the use of private cars in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE STORAGE

(38) The secure areas for the storing of cycles shown on the approved plan shall remain available for their 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.

LOADING AND UNLOADING PROVISION

(39) Details of the loading and unloading arrangements for each block of development (shown on drawing MB 10021) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on that particular block.

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/ UNLOADING AREAS

(40) The areas for the loading and unloading of vehicles on the approved plans shall not be used for any other purposes unless an alternative and equivalent area of land within that curtilage is provided for loading and unloading in accordance with details having the prior written consent 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.

CODE OF PRACTICE DURING CONSTRUCTION

(41) Prior to the commencement of the development hereby approved,

a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise and dust during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction work in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONSTRUCTION MANAGEMENT PLAN (as Directed by the Highways Agency)

(42) The development hereby permitted shall not commence until there has been submitted to and approved in writing by the local planning authority (in consultation with the Secretary of State for Transport) a construction management plan. The plan shall include construction vehicle movements, construction operation hours, and construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Codes of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development proposals shall be carried out strictly in accordance with the approved construction management plan.

Reason:

As Directed by the Highways Agency to protect the residential and general amenity of the area from any harmfully polluting effects during construction work in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMPREHENSIVE TRAVEL PLANS (As Directed by the Highways Agency)

(43) Comprehensive Travel Plans will be developed for all elements of the development hereby permitted. The acceptability of these Travel Plans will need to be agreed in writing by the Local Planning Authority and Local Highway Authority, in consultation with the Secretary of State for Transport, in advance of the first occupancy of any phase of development.

The Travel Plans will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:

- The identification of targets for trip reduction and modal shift
- The methods to be employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms for reporting
- The penalties to be applied in the event that the targets are not met
- The mechanisms for mitigation
- Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews.

The Travel Plans for the residential element of the development shall also incorporate a scheme, to the satisfaction of the Local Planning Authority and the Secretary of State for Transport, by which residents shall have access to Bus Pass Vouchers upon occupation of their dwelling. The strategy for the distribution of Bus Pass Vouchers by company (up to the value of the Bus Pass Contribution to be paid under the accompanying Section 106 Planning Obligation) shall be agreed in writing with the local planning authority in consultation with the Secretary of State for Transport prior to the occupation of any dwelling.

Reason:

As Directed by the Highways Agency to protect the amenity of the public and encourage greater use of public transport for journeys being made to and from the development as an alternative to the private car in the interests of sustainability in accordance with Policies CS01, CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF CAR PARK MANAGEMENT

(44) Prior to the commencement of works of phase four of the development hereby approved, details of the means of management of the 218 space public car park shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and 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.

DETAILS OF VEHICULAR ACCESS RESTRICTION TO EAST QUAY

(45) Prior to the commencement of any works on phase three of the development, details of control measures to restrict vehicular access to East Quay from Custom House Lane to emergency and service vehicles only shall be submitted to and approved in writing by the Local Planning Authority and thereafter use of this access shall be limited to emergency and service vehicles only.

Reason:

In the interests of highway and pedestrian safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF INTERIM HIGHWAY IMPROVEMENT WORKS TO BATH STREET

(46) Prior to the commencement of any works on phase three of the development hereby approved details of the interim highway improvement works to Bath Street (including landscaping) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that an appropriate route is provided to and from the development in the absence of the completed Boulevard, for use by sustainable modes of transport including walking, cycling and public transport as an alternative to the private car in the interests of sustainability in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF TEMPORARY TRANSPORT INTERCHANGE

(47) Prior to the commencement of works on phase three of the development hereby approved details of the Temporary Public Transport Interchange Facility shall be submitted to and approved in writing by the Local Planning Authority and such shall be provided and remain in place thereafter until such time that a permanent interchange is provided in the locality to the satisfaction of the Local Planning Authority.

Reason:

To protect the amenity of the public and encourage greater use of public transport for journeys being made to and from the development as an alternative to the private car in the interests of sustainability in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FLOOD RESILIENT/ RESISTANT CONSTRUCTION

(48) Prior to the commencement of development, a scheme for flood protection and flood resilient/ resistant construction shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect the amenity of the development with regard to flood risk in accordance with Policies CS01, CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007..

SURFACE WATER DRAINAGE DETAILS

(49) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:-

- (i) details of the drainage during the construction phase;
- (ii) details of the final drainage scheme (if a phased approach to development is adopted confirmation that the phase does not compromise any other phases should be submitted);
- (iii) provision for exceedance pathways and overland flow routes;
- (iv) a timetable of construction;
- (v) a construction quality control procedure;
- (vii) a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with Policies CS02, CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DRAINAGE DETAILS

(50) Full details of drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.

Reason:

To protect the efficient running of existing infrastructure thereby safeguarding current levels of amenity in accordance with Policies CS01, CS02, CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

QUAY WALL INTERFACE REITERATION OF CONDITION OF 06/00468/FUL

(51) Details of the interface between the proposed quay wall and the existing inner basin shall be submitted to and approved in writing by the local Planning Authority

prior to the commencement of works. Works shall only be carried out in accordance with the approved details.

REASON

To ensure a satisfactory relationship between the proposed new quay wall and the existing listed structure in accordance with Policies CS01, CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NOISE ATTENUATION MEASURES

(52) The building envelopes of the developments hereby approved shall be constructed so as to provide sound attenuation against external noise to the extent that, with windows shut and other means of ventilation provided, the noise levels within the buildings shall not exceed 30dB(A) between the hours of 23:00 and 07:00 and 45dB(A) at all other times.

Reason:

To protect residential amenity in accordance with Policies CS02, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LOCAL RETAIL CENTRE

(53) The development shall include provision of not more than one convenience-led supermarket (Use Classes order Class A 1) and this shall be located in block C1 shown on plan MB 10021. The store shall have a gross external floor space of no more than 1807sq.m. The amount of comparison floor space within the supermarket unit shall not exceed 202 m2 net. and the retail use of this store shall be convenience (A 1 Use Class), with the exception of the aforementioned 202 m2 of comparison floor space, unless otherwise approved in writing by the local planning authority.

Reason:

So as not to undermine the retail health and viability of other centres in the locality in accordance with Policies CS01 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RESTRICTIONS ON A1 AND A2 USES

(54) A maximum of a further 1200 m2 (gross external area) can be developed for other A1 uses (convenience and comparison) and for A2 uses and this shall be located in blocks C1-C4 only (shown on plan MB 10021). The amount of such A2 floor space shall not exceed 400 m2 (gross external area) and the amount of the convenience and comparison goods elements shall not exceed 400 m2 (gross external area) each, unless alternative details are submitted to and approved in writing by the Local Planning Authority. No individual retail unit so provided in accordance with this permission shall be larger than 140 sq m unless otherwise approved in writing by the LPA.

Reason:

In the interests of the retail health, vitality and viability of the city centre in accordance with Policies CS01 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

AI NON FOOD FLOORSPACE

(55) In addition to the Local Centre provision described in conditions 53 and 54, the development shall include provision for no more than 6,019 sq.m (gross external floor area) of comparison floor space, (Use Classes order Class A 1) provided in blocks C1-C4 and H only (shown on plan MB 10021), with a maximum of 2,257sqm floor space (gross external floor area) within block H. This space shall be restricted to non food uses within the use class A1.

Reason:

In the interests of the retail health, vitality and viability of the city centre in accordance with Policies CS01 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

AI NON FOOD FLOOR SPACE UNIT SIZE

(56) No more than two of the comparison retail units to be provided in accordance with the preceding condition (55) above shall individually have a floor area exceeding 557sqm (gross external floor area) with a maximum of 1000 sq m (gross external floor area). Of the remaining floor space this will lie in the following ranges unless otherwise approved in writing by the LPA:

- o Up to 35% in units up to 185 m2 gea
- o Up to 45% in units between 185m2 to 278 m2 gea and
- o Up to 20% in units between 278m2 to 557 m2 gea

Reason:

So as not to undermine the retail health use class A1. In the interests of the retail health, vitality and viability of the city centre in accordance with Policies CS01 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

GPDO RESTRICTIONS

(57) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no change of use falling within Class A of part 3 of Schedule 2 to that Order shall be carried out without the prior consent, in writing, of the local planning authority.

Reason:

In the interests of the retail health, vitality and viability of the city centre in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RECORDING OF HISTORIC FEATURES

(58) No development shall commence until the applicant, or their agent or successor in title, has secured the implementation of a programme of recording of features that will be destroyed or damaged in the course of the works to which this consent relates, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In accordance with PPS5: Planning for the Historic Environment, to ensure that a record of such features is made and kept available for inspection and in accordance with Policies CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

HIDDEN HISTORIC FEATURES

(59) If, during the course of the works of development, presently hidden features are revealed, the owner shall immediately stop work and inform the Local Planning Authority, and shall not continue with the works until agreement has been reached as to the retention or recording of those features.

Reason:

In accordance with PPS5: Planning for the Historic Environment, to ensure that a record of such features is made and kept available for inspection, and that any revealed features of importance may be retained if necessary in accordance with Policies CS01, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXPLORATORY WORK (ARCHAEOLOGY)

(60) No works shall commence until a programme of exploratory opening up has been submitted to and approved in writing by the Local Planning Authority; the approved programme has been implemented; provision has been made for the retention or recording of any hidden features revealed; and it has been agreed in writing that the works may commence.

Reason: In accordance with PPS5: Planning for the Historic Environment, to ensure that a record of such features is made and kept available for inspection, and that any revealed features of importance may be retained if necessary in accordance with Policies CS01, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ACCESS FOR OBSERVATION/ RECORDING

(61) The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him to observe the excavations and record items of interest and finds.

Reason:

In accordance with policy CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATED LAND

(62) Prior to the commencement of works pursuant to this permission, the developer shall submit for the written approval of Plymouth City Council:

A site-specific desk study report for each phase along with the detailed application for that phase of development documenting the history of the site and its surrounding area and likelihood of contaminant extent and type with due consideration to the Department of the Environment Industry Profiles. If the study confirms the possibility of contamination, a site investigation report documenting the ground

conditions of the site, incorporating a conceptual model of all the potential pollutant linkages and as an assessment of risk to identified receptors shall be required in line with current UK guidance.

All investigations should follow the principles outlined in BS10175:2001 'Investigation of Potentially Contaminated Land' and for residential developments regard should be had to the Guidance for the Safe Development of Housing on Land Affected by Contamination EA & NHBC, R & D Publication 66).

Remediation must be agreed for each phase with the Local Authority prior to commencement of development

When deciding whether to use piled foundations consideration should be given to whether this could create a preferential pathway into the properties for gas.

Reason

To protect public safety and prevent pollution in accordance with PPS23 and policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATED LAND: REMEDIATION

(63) Where risk assessment identifies unacceptable risks, a detailed remediation scheme must be submitted to and agreed in writing by the Local Planning Authority for each phase specifying remedial works and measures necessary to avoid risk from contaminants and or gases when the site is developed prior to commencement of development. Any remediation scheme for contamination shall be fully implemented before the development commences. Any variation to the scheme shall be agreed in writing with Plymouth City Council in advance of works being undertaken.

Reason:

To protect public safety and prevent pollution in accordance with PPS23 and policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

UNSUSPECTED CONTAMINATION

(64) The presence of any unsuspected contamination that becomes evident during the course of the development shall be brought to the attention of Plymouth City Council and a further investigation and remediation scheme to be agreed in writing with Plymouth City Council shall be implemented.

Reason

To protect public safety and prevent pollution in accordance with PPS23 and policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007..

APPROVED PLANS

(65) The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan MB10 001; Block plan MB10 021; Indicative Masterplan MB10 004; EIA boundary plan MB10 007; Phasing Plan MB10 15; Boulevard North and South MB10 20;

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.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the Regional, Sub-Regional and citywide contributions that the development makes to the regeneration, housing needs and economic health of the city, and the environmental transport and retail impact of the development on this part of the city, and the impacts of noise, vibration and pollution upon the Millbay locality mindful of the historic character of the area, the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning 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 (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), the Devon Structure Plan (2001-2016) 2004, and the Regional Spatial Strategy, (b) proposals of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

E5 - Provision of Coastal Tourism Facilities

H2 - "" ""

PPG13 - Transport

PPG24 - Planning and Noise

PPS3 - Housing

PPS9 - Biodiversity and geological conservation

CO10 - Protection of Nature Conservation Sites and Specie

TR5 - Hierachy of Modes

TR6 - Establishing Travel Networks that Promote Modal Ch

CO10 - Protection of Nature Conservation Sites and Specie

ST6 - Plymouth Principal Urban Area

PPS6 - Planning for Town Centres

PPS23 - Planning & Pollution Control

RPG10

CO10 - Protection of Nature Conservation Sites & Species

CS28 - Local Transport Consideration

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

CS22 - Pollution

CS06 - City Centre

CS07 - Plymouth Retail Hierarchy

CS08 - Retail Development Considerations

CS09 - Marsh Mills Retail Parks

CS20 - Resource Use

CS21 - Flood Risk

CS03 - Historic Environment

CS05 - Development of Existing Sites
 CS01 - Sustainable Linked Communities
 CS02 - Design
 CS04 - Future Employment Provision
 CS15 - Housing Provision
 CS12 - Cultural / Leisure Development Considerations
 CS30 - Sport, Recreation and Children's Play Facilities
 PPS25 - Development and Flood Risk
 ST1 - Sustainable Development
 ST3 - Self sufficiency of Devon's communities
 ST4 - Infrastructure Provision
 ST5 - Development Priority 2001-2016
 ST21 - Regeneration Priority
 CO6 - Quality of new development
 CO13 - Protecting water resources and flood defence
 CO16 - Noise pollution
 TR3 - Managing travel demand
 TR7 - Walking & Cycling
 TR9 - Public Transport
 TR10 - Strategic road network & roadside service areas
 TR13 - Ports
 SH1 - Shopping facilities (sequential approach)
 SH2 - Shopping facilities & settlement hierarchy
 TO2 - Tourism developments in other settlements
 TO6 - Long distance recreational footpath & cycle routes
 SR32 - Western peninsula
 SR33 - Plymouth, SE Cornwall & SW Devon Spatial Strategy
 SR34 - Step change in performance at Plymouth
 SR35 - Transformational change in Plymouth
 CS1 - Provision of Community Services
 HE1 - Planning for Healthcare
 ENV4 - Nature Conservation
 RE5 - Renewable energy & new development
 TCI - City & Town Centres
 RE5 - Renewable Energy & New Development
 FI
 SS17 - Plymouth
 EN4 - Quality in the built environment
 EC6 - Town Centres & Retailing
 HO5 - Previously developed land & buildings
 HO6 - Mix of housing types & densities
 TRAN1 - Reducing the need to travel
 TRAN3 - The Urban Areas
 TRAN10 - Walking, cycling & public transport
 RE2 - Flood Risk
 IM1 - Achieving the RPG
 ENVI - Natural and Historic Environment
 SPD2 - Planning Obligations and Affordable Housing
 SPDI - Development Guidelines

SPD3 - Design Supplementary Planning Document
PPS5 - Planning for the Historic Environment