

## **ADDENDUM REPORT PLANNING COMMITTEE 22<sup>nd</sup> SEPTEMBER 2011**

**Items: 6.3 and 6.4**

**Site: Former Tennis Courts, Hoe Road-Pier Street, Plymouth**

**Ref: 10/01145/FUL**

**Applicant: Pier Street Ltd**

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### **Representations Update:**

Since writing the officer's report, 58 additional letters of representation have been received largely in response to the re-advertisement of the revised plans received, which raise continued objections to the planning application. Some of these letters are in a standard format.

Objections are made predominantly on the basis that despite the "welcomed" yet minor design revisions, the modern design is considered inappropriate; the scale and massing remains dominant; and the development will result in loss of light to the park, railway and overlooking of neighbouring properties. The issues raised are identical to concerns already identified and reported within the Officer's report.

Additional concern is raised that the proposed 6 public toilets will be insufficient to cope with demand, and concern is expressed that the new toilets should not be unisex use as this is not considered to be compatible with a children's playpark.

(In response to this point, the Council has confirmed that the number of toilets are considered to be adequate for the anticipated demand.

Although appropriately designed and managed unisex toilet facilities are considered by officers to be appropriate for the development, it is noted that the application proposes separate male and female toilet facilities.

It is recommended that a minor change is made to the wording of Condition 20 (Management and Access of Toilet Facilities) to ensure that in addition to the details of the opening times, maintenance schedule and management responsibilities already required by the recommended condition, details of the proposed design and layout of the public toilet facilities are also submitted to and agreed in writing by the Local Planning Authority prior to any development taking place).

One letter of concern requests that the Council declares publically what its intentions are for the role and location of the existing commercial park train, bouncy castle and amusement ride and also what is going to happen to the existing public toilets and public shelter.

(In response to this point, Members are respectfully reminded that this is not a material planning consideration that needs to be considered in any detail in order to enable a decision to be made on this planning application.)

1 additional letter of support has also been received which states that one floor less with a green roof will be a small improvement and underground parking will help minimise the area taken up by the building and help keep grass clear for children's use in the future.

Five letters raise concerns that the planning officer's report has been written prior to the expiry of the deadline for receipt of comments on the revised plans.

(In response to this point, it is noted that in accordance with the standard practice of the Authority, any letters of representation received between the date of writing the officer's report and Planning Committee are reported within this addendum report. Any representations received after completion of the addendum report and the date of Planning Committee will be reported verbally to Planning Committee.)

#### **Highway Authority Additional Condition and Informative:**

The Highway Authority has requested the following additional condition and informative:

#### **CONDITION – TRAFFIC REGULATION ORDERS**

*()No development shall commence on site until such time that the applicant has made an application, including all necessary costs, for the introduction of all appropriate and related Traffic Regulation Orders to the City Council, as the Highway Authority, unless otherwise agreed. Furthermore no part of the building shall be occupied until the required works have been completed in accordance with details to be agreed by the Highway Authority.*

*Reason: in the interests of highway safety and in accordance with adopted Policy CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.*

#### **INFORMATIVE - PAYMENT OF TRAFFIC ORDER COSTS**

*()The applicant shall be required to pay the costs associated with the preparation and advertisement of the Traffic Regulation Orders and then implement, as required, the amendments to the on-street car parking bays. The required sum shall not exceed £10,000.*

## **Ministry of Defence Consultation Response (Explosives Safeguarding):**

The consultation response of the Ministry of Defence (MOD) has now been received.

This advises that the MOD has no safeguarding objections to this development subject to the implementation of an appropriate planning condition requiring MOD verification that the building meets set dynamic loading criteria should planning approval be granted.

The reason for such a condition is that the site of the proposed development falls within the outer statutory explosive safeguarding zone surrounding Plymouth Sound. All buildings within this zone should be 'non-vulnerable' that is of robust construction and design so that should an explosive incident occur, buildings nearby will not collapse or sustain damage that cause critical injury to the occupants.

The principal concern of the MOD relates to the development of buildings exceeding three storeys, structures incorporating large clear spans, large areas of glazing and buildings that are constructed out of timber. In the event of an explosive incident, buildings incorporating these features can be prone to disproportionate damage.

It is acknowledged however, that drawings showing the frame and internal construction materials are not yet available. Without this information it is difficult for the MOD to determine whether or not this building should be deemed a vulnerable structure. As the application proposes a 5 storey multi use building with large amounts of glazing the MOD therefore considers it necessary to require the following condition:

### **CONDITION – MOD EXPLOSIVES SAFEGUARDING**

*() No development shall be commenced until a report (to include detailed technical and structural drawings) has been submitted to and approved in writing by the Local Planning Authority providing verification that the development has been designed to withstand structural collapse or damage that could cause critical injury, in the event of an explosion within the statutory explosive safeguarding zone surrounding Plymouth Sound.*

*Prior to use of the development commencing, the applicant shall provide written confirmation verifying that the building has been designed and constructed to the above criteria unless otherwise agreed previously in writing with the Local Planning Authority and the approved details shall thereafter be so retained and maintained unless the written consent of the Local Planning Authority is given to any variation.*

*The use of an experienced blast consultant is recommended.*

*Reason:*

*The site of the proposed development falls within the outer statutory explosive safeguarding zone surrounding Plymouth Sound. All buildings within this zone should be 'non-vulnerable' that is of robust construction and design, so that should an explosive incident occur, buildings nearby will not collapse or sustain damage that cause critical injury to the occupants. Further information is therefore required to demonstrate that the development is not a vulnerable structure in accordance with adopted Policy CS02 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.*

**Revision of Condition (26) wording – Use of Rear Public Access Steps**

In order to ensure continued public access to West Hoe Park from the rear Pier Street Service Lane is maintained, it is recommended that the wording of condition (26) is revised as follows:

**“USE OF REAR PUBLIC ACCESS STEPS**

*Unless otherwise agreed previously in writing, the existing public access steps from the Pier Street Service Lane to West Hoe Park shall not be demolished or closed to the public until the new pedestrian access steps from the Pier Street Service Lane to West Hoe Park have been constructed in accordance with the approved plans and opened to the public. For the avoidance of doubt, the new public access steps shall be provided prior to occupation of any residential unit, and shall be kept permanently open and available for public access to the park unless an alternative public access link is provided in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.*

*Reason*

*To ensure an adequate pedestrian access link is retained from Pier Street Service Lane to West Hoe Park in accordance with adopted Core Strategy Policy CS34.”*

**Conclusion:**

It is recommended that in accordance with the details outlined in the officer report, conditional approval is granted with the addition of the above additional Traffic Regulation Order condition and informative; Additional MOD Condition; Revised Toilet Facilities Condition 20; Revised Rear Public Access Steps Condition (26) and 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 7th October 2011.