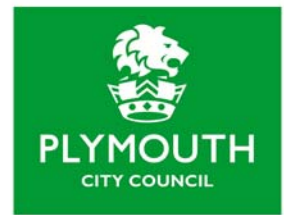


# PLANNING APPLICATION REPORT



**ITEM: 04**

**Application Number:** 11/01570/FUL

**Applicant:** Sutton Harbour Services Ltd

**Description of Application:** Construction of 179 berth marina with associated two storey facilities building (comprising marina offices, shower and toilet facilities, storage areas and either first floor marina yacht club restaurant (class A3) or retail unit (class A1) or office unit (class B1 or A2)) and associated vehicular parking (75 spaces) and cycle spaces

**Type of Application:** Full Application

**Site Address:** INNER BASIN, MILLBAY DOCKS, MILLBAY ROAD  
PLYMOUTH

**Ward:** St Peter & The Waterfront

**Valid Date of Application:** 26/09/2011

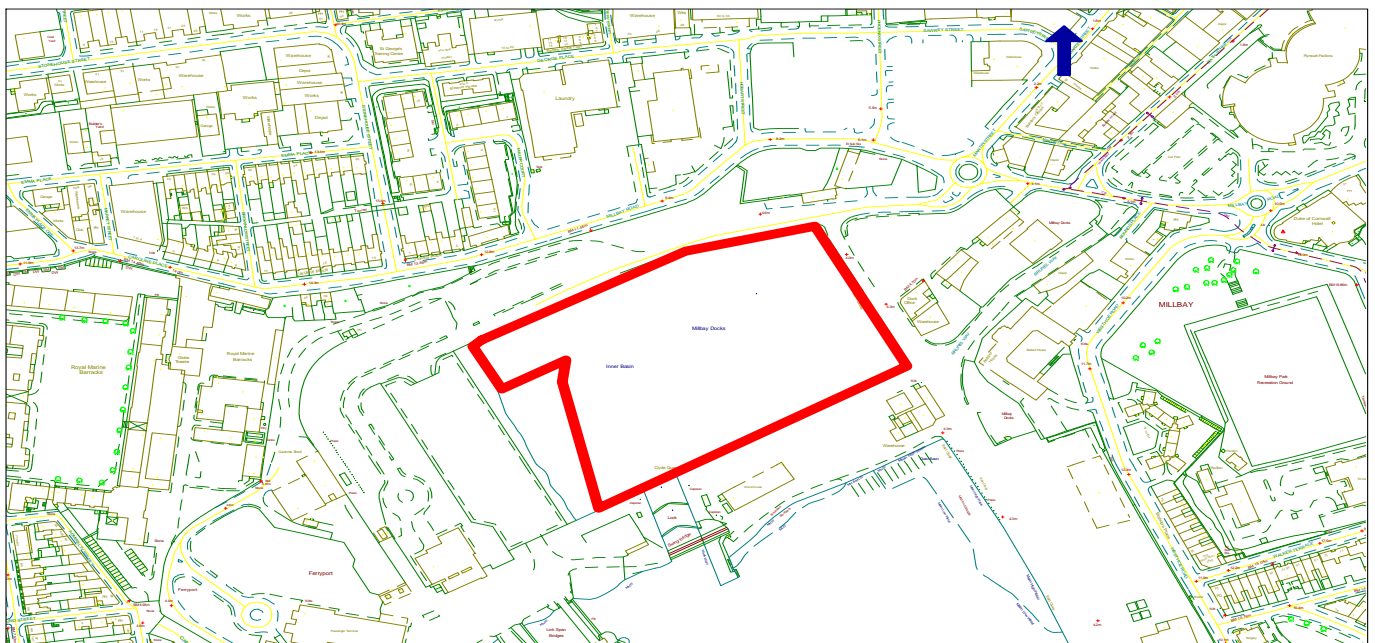
**8/13 Week Date:** 26/12/2011

**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 27 January 2012

**Click for Application Documents:** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



## **Officer Report**

### **Site Description**

The site is located in Millbay on an area of re-claimed land formed within the Millbay Inner Harbour adjacent to Plymouth Ferry Port.

### **Proposal Description**

Construction of 179 berth marina with associated two storey facilities building (comprising marina offices, shower and toilet facilities, storage areas and either first floor marina yacht club restaurant (class A3) or retail unit (class A1) or office unit (class B1 or A2)) and associated vehicular parking (75 spaces) and cycle spaces.

The proposed marina building is a two storey contemporary design constructed from a simple materials palette including white render at the ground floor and timber cladding at the first floor, accentuated by stainless steel features such as signage and balustrading.

### **Relevant Planning History**

11/01571/LBC - Removal of galvanised railings; construction of new vehicular and pedestrian accesses and associated works over historic quay walls; refurbishment of historic mooring bollards and associated works – APPROVED

10/01882/OUT - 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. APPROVED SUBJECT TO SATISFACTORY COMPLETION OF S106 OBLIGATION (AWAITED)

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. 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

### **Consultation Responses**

Environment Agency  
Views Awaited

Queens Harbour Master  
No objections

Associated British Ports  
Views Awaited

Marine Management Organisation  
Views Awaited

Natural England  
No objections subject to conditions relating to the protection of the Plymouth Sound and Estuaries Special Area of Conservation.

Public Protection Service  
No objections subject to conditions

Highway Authority  
No objections subject to conditions

Architectural Liaison Officer  
Supports the application.

### **Representations**

One letter of representation received. Comments can be summarised as:

Support the use of the inner basin as a marina with associated facilities however consideration should be given to the following issues:

1. The siting of the proposed building will impact significantly on public views across to Millbay and the Sound from Millbay Road. As the site is visible from the South West Coastal Footpath it is important that adequate and sensitive consideration is given to the roof detailing and to screening of roof outlets and harsh sight lines when the building's north elevation is viewed from Millbay Road.
2. Conditions should be imposed to protect the character and amenity of the Millbay area including relating to a) no permission to use the building's terraces or car park areas for the playing of music, staging of concerts or other events, or the broadcast and / or showing of music, films and tele-visuals; b) no permission to use the roof or other parts of the building for the siting of aerials, antennae or advertising hoardings; c) lighting at the marina, marina building and car park to be sensitive to nearby residential properties and public amenity; d) the building's height to be permanently restricted to no more than 2 storeys and / or not more than of a height which is equal to or below the wall adjoining the footpath on Millbay Road.

### **Analysis**

A material planning consideration is the grant of outline consent for a marina within the inner basin on this site in 2006 (Ref: 06/01533/OUT) and the Planning Committee's resolution to grant the subsequent renewal of this planning application

in 2011 (Ref: 10/01882/OUT) subject to the satisfactory completion of a S106 Obligation (Awaited).

The key issues on this application are:

1. The impact upon the appearance, character and amenity of the area;
2. The impact upon the highway network;
3. The impact upon the marine environment;
4. The impact of the development upon the appearance, character, setting and historic fabric of the Grade 2 Listed quay walls.

The application stands to be considered in the context of the following key policies of the adopted City of Plymouth Core Strategy: CS01, CS02, CS03, CS18, CS19, CS21, CS22, CS28, CS32, CS33 and CS34, together with the policies and objectives of the adopted Design Guidelines Supplementary Planning Document, Development Guidelines Supplementary Planning Document and Planning Obligations and Affordable Housing Guidelines Supplementary Planning Document.

In addition, Central Government guidance contained within PPS1 (Delivering Sustainable Development), PPS5 (Planning for the Historic Environment), PPS9 (Biodiversity and Geological Conservation), PPG13 (Transport), PPG20 (Coastal Planning), PPS23 (Planning and Pollution Control) and PPS25 (Development and Flood Risk) is of relevance, as well as taking account (with appropriate weight attached) of the Draft National Planning Policy Framework.

#### The impact upon the appearance, character and amenity of the area

Planning Policy Statement 1 (PPS1) sets out the overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces *Planning Policy Guidance (PPG) Note 1, General Policies*. PPS1 establishes the Government's firm commitment to creating sustainable communities. It emphasises that good planning is critical to realising this commitment through delivering this objective. Guidance on quality of design is clear: *Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning'* (para 33)

*Good design should contribute positively to making places better for people (para 34)* Thus planning authorities should plan positively to secure high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted: *High quality design ensures usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is not just about the architecture of individual buildings, but also about the functionality and impact of the development on the overall character, quality and sustainability of an area including resources efficiency (for example energy consumption) There should be no acceptance of ill-conceived designs which do not contribute positively to making places better for people.*

The design, scale and massing of the building has been carefully considered so as to respond to the local and wider context and is in keeping with the appearance and

character of the area. The proposed simple materials palette, including white render at the ground floor and timber cladding at the first floor, accentuated by stainless steel features such as signage and balustrading, is considered positive and locally distinctive.

The proposed development is not considered to have an adverse impact upon the residential amenity of the area. Appropriate conditions are recommended to control the use and hours of use of the outside areas by patrons and for musical entertainment, and also to control the hours of use, noise and mechanical extract ventilation to the kitchen of the restaurant / café use.

Third party concerns regarding the treatment of the roof are acknowledged. A condition is recommended to ensure that the specific detail of the roof design including that of any roof mounted equipment or ventilation intake/extracts, etc, is approved in the interests of the appearance and character of the building.

The development therefore accords with adopted policies CS01, CS02, CS03, CS32 and CS34, the Council's adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009), adopted City Centre Area Action Plan, Government guidance contained in draft National Planning Policy Framework and Government guidance contained in PPS1, PPS23 and PPG24.

#### The impact upon the highway network

The creation of a marina within the inner basin area at Millbay is consistent with the outline permission that was granted for the re-development of the area and consequently there are no 'in principle' objections to the proposal from a highway viewpoint.

The traffic impact associated with the proposed marina is not considered to be significant during the peak traffic hours on the local highway network (those hours being 8.00am - 9.00am and 5.00pm - 6.00pm). A review of marina sites included in the Trip Rate Information Computer System (TRICS) database reveals that the peak hour associated with such a use occurs on a Saturday between 3.00 and 4.00pm. This is well outside the traditional peak hours on the highway network, with traffic movements on the highway network during weekends generally being lighter than during the week.

The predicted low number of vehicular movements would not therefore be likely to give rise to any capacity issues on the local highway network.

The 75 car parking spaces proposed to serve the site are considered acceptable taking into account the opportunities that exist which would allow for the use of sustainable modes of travel for journeys being made to and from the site. Furthermore there is a large pay and display car park situated within a short distance of the site which would provide additional all-day car parking, should it be required.

Minor design changes recommended to address minor concerns regarding the proposed access to the bin stores, access to the site by pedestrians and those on bicycles have subsequently been adequately addressed by the applicant.

On the basis of the above, the impact of the development proposal on the highway network is considered to be acceptable and complies with adopted policies CS01, CS28 and CS34 and relevant Government guidance contained in PPG13.

#### The impact upon the marine environment

The development is only 400m from the Plymouth Sound and Estuaries Special Area of Conservation (SAC), a European Marine Site (EMS) which exists within Plymouth Sound and environs.

The proposed 179 berth marina represents an increase in the total number of moorings in the Plymouth and Tamar “complex” of 5%.

It is recognised that recreational boating can impact on the European Marine Site and that this impact can be significantly reduced by educating marina users regarding the impacts that their activities can have and encouraging them to avoid potentially dangerous impacts on the site itself and the marine wildlife within its environs. It is also considered necessary to include advice on anchoring guidance for eelgrass beds, how to minimise pollution from vessels, issues regarding marine litter and how to avoid disturbing wildlife.

It is therefore recommended that conditions are imposed to ensure that interpretation boards and leaflets are produced to provide information and advice regarding the European Marine Site (EMS). These will be placed at the entrances to the pontoons and within the marina building. The information shall include guidance to marina users regarding the impacts that their activities can have on the EMS and encouraging them to avoid dangerous impacts. To include anchoring guidance for eelgrass beds, minimising pollution from their vessels, issues regarding marine litter, waste recycling and avoiding disturbing wildlife.

In the interests of public safety, it is also recommended that a condition be imposed to ensure that any marina external lighting is designed to avoid any conflict with Plymouth Sound / harbour navigational lighting.

A financial contribution towards mitigating the impact of the development on the Plymouth Sound and Estuaries European Marine Site is also required in the form of a Section 106 Obligation in accordance with the adopted Planning Obligations and Affordable Housing Supplementary Planning Document. This will include enabling the development of an educational strategy and assessing the scale of threats to seagrass beds and other key habitats and species caused by anchoring.

On this basis the impact of the development on the marine environment is considered to be acceptable and complies with adopted policies CS01, CS02, CS19, CS22 and CS34 and relevant Government guidance contained in PPS9, PPG20 and PPS23.

#### The impact of the development upon the appearance, character, setting, historic fabric and internal layout of the Grade 2 Listed Quay Walls

The removal of the unsightly galvanised steel balustrading is considered to significantly improve the appearance, character and setting of the listed quay walls.

The proposed works, including new vehicular and pedestrian accesses over a small section of in-situ quay walling together with the retention and refurbishment of the

historic quay wall bollards are considered to preserve and enhance the appearance, character, setting and historic fabric of the listed quay walls, and will enable the redevelopment of the basin and surrounding area to create a 179 berth marina. As such the works are considered to accord with Policies CS01, CS02, CS03, the objectives of the adopted Design Guidelines Supplementary Planning Document and Government advice contained within PPS5.

#### Human Rights Act

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

#### **Section 106 Obligations**

The proposed development will have direct impacts on the Plymouth Sound and Estuaries European Marine Site requiring mitigation. This mitigation will be achieved through a combination of planning conditions and a planning obligation identified in a S106 agreement. The planning obligation has been tested to ensure that it complies with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

The following financial contributions are therefore required in connection with the development under the parameters of the Planning Obligations and Affordable Housing Supplementary Planning Document as a Negotiated Element:

1. £3,850 financial contribution towards off-setting the impact of the development on the Plymouth Sound and Estuaries European Marine Site (EMS), payable upon commencement of development.

This amount can be broken down as:

(i) £3,500 Contribution towards the protection and management of the Plymouth Sound and Estuaries European Marine Site. This will include developing the educational strategy and assessing the scale of threats to seagrass beds and other key habitats and species caused by anchoring.

(ii) A Planning Obligations Management Fee of £350. This management fee will be used to meet the Council's costs in administering and monitoring implementation of the Section 106 Agreement.

#### **Equalities & Diversities issues**

The development will be available to men and women, people of all faith and race groups. The building will be designed to be fully accessible in accordance with Part L of the Building Regulations. The development is not considered to have a negative impact on any group.

## Conclusions

The impact upon the appearance, character and amenity of the area, the impact upon the highway network, the impact upon the marine environment and the impact of the development upon the appearance, character, setting and historic fabric of the Grade 2 Listed quay walls is considered to be acceptable and accords with the objective and policies of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Conditional approval is therefore recommended subject to the satisfactory completion of the S106 Obligation. Delegated authority is sought to refuse the application if the S106 Obligation is not signed by 27 January 2012.

## Recommendation

In respect of the application dated **26/09/2011** and the submitted drawings 2920-005-Rev C, 2920-010-Rev B, 02920-011-Rev B, 02920-211, 02920-210-Rev B, 02920-300, 02920-400, Heritage Statement, Design and Access Statement and Appendices, 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 27 January 2012**

## Conditions

### DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

### DEVELOPMENT IN ACCORDANCE WITH APPROVED PLAN NUMBERS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2920-005-Rev C, 2920-010-Rev B, 02920-011-Rev B, 02920-211, 02920-210-Rev B, 02920-300, 02920-400.

Reason:

To ensure that the development accords strictly with the submitted plans hereby approved in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy.

### CODE OF PRACTICE DURING CONSTRUCTION

(3) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.



Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### FURTHER DESIGN DETAILS

(4) Notwithstanding the details submitted, no work shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

(i) Details of the design, materials and finish of the proposed glazed curtain walling and timber louvre system (to include frame sectional profiles);

(ii) Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes, extracts, natural ventilation units, air conditioning units, any solar thermal equipment, window cleaning apparatus, satellite dish/antenna or other accretions to the roof or elevations;

(iii) Detailed design of the treatment of the junctions between the timber cladding and render systems;

(iv) Details of the design, materials and finish of the proposed balcony railings and main building security access gate;

(v) Details of the design and materials of the pontoons and bridge;

(vi) Design, materials and finish of the boardwalk terrace fence/screen and inset "twisted feature"; and

(vii) Details of the design, materials and finish of all building soffits.

Such agreed details shall be strictly adhered to during the course of development and thereafter so maintained.

Reason:

To enable the Local Planning Authority to consider the above details in the interests of the appearance and character of the development and locality, in accordance with Policy CS01, CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### EXTERNAL MATERIALS

(5) No development shall take place until samples of the materials to be used in the construction of the external facade of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Notwithstanding the submitted details, the timber cladding and timber louvres shall be first constructed and subsequently maintained with a pre-treated finish (unless written consent is given to any alternative material and finish), the details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SURFACING MATERIALS

(6) No development shall take place until samples of all surfacing materials to be used in the areas around the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

#### Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### ACCESS

(7) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

#### Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PEDESTRIAN/CYCLE ACCESS

(8) The use of the marina facility shall not commence until a means of access for both pedestrians and cyclists has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

#### Reason:

To ensure that an appropriate and safe access is provided for both pedestrians and cyclists 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

(9) No work shall commence on site until details of the sight lines to be provided at the junction between the means of access to the site and the Ferryport Access Road have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before the access to the marina 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.

#### CAR PARKING PROVISION

(10) Notwithstanding the submitted details of the proposed car park area, the use of the marina hereby proposed shall not commence until the car parking area (for a

total of 75 cars) has been drained, surfaced and the bays marked-out with appropriate lining in accordance with details which shall be submitted to and approved by the Local Planning Authority. The agreed details shall be strictly adhered to during the course of development and that area shall not thereafter 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.

#### CYCLE PROVISION

(11) The use of the marina shall not commence until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 10 bicycles to be parked.

Reason:

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

#### CYCLE STORAGE

(12) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LOADING AND UNLOADING PROVISION

(13) Before the marina use hereby permitted is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable such vehicles to be loaded and unloaded off the access road which serves the Ferry Port 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.

#### LAND QUALITY

(14) Development other than that required to be carried out as part of an approved scheme of remediation must not commence until points 1 to 3 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected

contamination to the extent specified by the Local Planning Authority in writing until point 4 has been complied with in relation to that contamination.

### 1. Site Characterisation

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

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

### 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3.

##### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring and are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### MECHANICAL EXTRACT VENTILATION

(15) Prior to use of the restaurant/café commencing, a mechanical kitchen extract ventilation system shall be installed on site to control the emission of fumes and smell from the premises in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

##### Reason:

To protect the residential and general amenity of the area from odour emanating from the operation of any mechanical extract ventilation system and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### KITCHEN EXTRACT NOISE

(16) Prior to the installation of any mechanical kitchen extract ventilation system, information on the equipment and an installation scheme, including methods to reduce any noise caused by the operation of any proposed extract ventilation system, shall be submitted to, and approved in writing by, the Local Planning Authority. The noise emanating from equipment (LAeqT) shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the facade of the nearest residential property. The approved extract ventilation system shall be installed and the approved scheme shall be implemented prior to any commercial use of the kitchen commencing. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

##### Reason:

To protect the residential and general amenity of the area from noise emanating from the operation of any mechanical extract ventilation system and avoid conflict

with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PLANT AND MACHINERY NOISE

(17) Prior to the installation of any plant and machinery, such as air conditioning compressors or other similar plant and machinery, information on the plant and machinery and an installation scheme, including methods to reduce any noise caused by their operation, shall be submitted to, and approved in writing by, the Local Planning Authority. The noise emanating from plant and machinery (LAeqT) shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the facade of the nearest residential property. The approved plant and machinery shall be installed and the approved installation scheme shall be implemented prior to use of the building commencing. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

#### Reason:

To protect the residential and general amenity of the area from noise emanating from the operation of any plant and machinery and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### HOURS OF OPENING

(18) Any part of the site operated under the use class A3 shall not be open to customers outside the following hours on any day: 08.00 to 23.00.

#### Reason:

To protect the residential and general amenity of the area from noise and odour emanating from the operation of any mechanical extract ventilation system and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### HOURS OF OPERATION

(19) No machinery, including any mechanical kitchen extract system or air conditioning systems shall be operated on the premises outside the following hours on any day: 08.00 to 23.00.

#### Reason:

To protect the residential and general amenity of the area from noise emanating from the operation of any machinery and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### USE OF OUTSIDE AREAS BY PATRONS

(20) Use of the outside areas shall not be used for the consumption of food and drink outside the following hours on any day: 08.00 to 22.00.

#### Reason:

To protect the residential and general amenity of the area from noise caused by the general operation of the premises and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## USE OF OUTSIDE AREAS

(21) The use of the outside areas of the site for musical entertainment shall be restricted to the provision of non-amplified music only. The provision of such entertainment shall be restricted to the hours between 10.00 and 22.00 and be no longer than 2½ hours in duration in any one such period.

### Reason:

To protect the residential and general amenity of the area from noise from the general operation of the site and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## EUROPEAN MARINE SITE INTERPRETATION BOARDS/LEAFLETS

(22) Prior to any use of the marina commencing, interpretation boards and leaflets providing information and advice regarding the European Marine Site (EMS) shall be produced and placed at the entrances to the pontoons and within the marina building, the precise number, design (including text and illustrations) and siting of which shall have been previously submitted to and agreed in writing with the Local Planning Authority. The information shall include guidance to marina users regarding the impacts that their activities can have on the EMS and encouraging them to avoid dangerous impacts. To include anchoring guidance for eelgrass beds, minimising pollution from their vessels, issues regarding marine litter and avoiding disturbing wildlife. The agreed details shall be implemented on site prior to any use of the marina commencing and shall thereafter be so maintained and retained unless written agreement is given to any alternative.

### Reason:

To enable the Local Planning Authority to consider the details of measures to reduce the impact of recreational boating on the EMS in accordance with Policies CS01, CS19, CS20, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## WASTE RECYCLING FACILITIES

(23) Prior to any use of the marina commencing, waste recycling facilities (including oil waste) shall have been provided on site in accordance with details which shall have been previously submitted to and agreed in writing by the Local Planning Authority. The agreed facilities shall thereafter be retained and maintained on site.

### Reason:

To enable the Local Planning Authority to consider the details of waste recycling facilities that are required in accordance with Policies CS01, CS19, CS20, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## EXTERNAL LIGHTING RESTRICTION

(24) Prior to the installation of any external lighting, details of the design and siting of the lighting shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be strictly adhered to during the course of development and thereafter so retained and maintained unless written consent is given to any design variation.

## Reason

To enable the Local Planning Authority to consider the details of any proposed external lighting to avoid any conflict with Plymouth Sound and environs navigational harbour lighting in the interests of public safety in accordance with Policies CS02, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### INFORMATIVE - CUSTOMER TOILETS

(1) In the event that the commercial unit is used for use class A3 purposes, additional toilet and hand washing facilities are recommended within the unit for use specifically by the customers and staff of that unit. Approved Document G and BS 6465-1:2006 & A1:2009 should be referred to in order to determine the numbers of facilities required based on the number of covers and staff. The facilities must be adequately ventilated, with a minimum of 15 air changes per hour, to remove stale air and odour.

### INFORMATIVE - KITCHEN LAYOUT

(2) The applicant is advised to contact the Local Food Authority for advice on the requirements of food law prior to starting any development of the commercial unit for use class A3 purposes.

### INFORMATIVE - INTERNATIONAL CATERING WASTE

(3) The applicant should consider the requirement for the marina operator to dispose of catering waste originating from vessels arriving into the marina from non European countries in compliance with legislation. To this end the layout of the marina should facilitate the supervision by the operator of any visitor berths proposed.

### INFORMATIVE - CONTROL OF ANIMALS

(4) The applicant should consider the requirement for the final operator to supervise the movement of animals originating from vessels arriving into the marina from countries outside the UK in compliance with legislation. Animals from such vessels may not be allowed access to pontoons or land at any time. To this end the layout of the marina should facilitate the supervision by the operator of any visitor berths proposed.

### INFORMATIVE - PRIVATE WATER DISTRIBUTION SYSTEM PLAN

(5) The applicant is advised that water derived originally from a public supply i.e. a statutory water undertaker subsequently becomes a private water supply when the water supply to the boundary is further distributed. This will include all pipe work after the water meter that distributes water to the marina's landings and any buildings located in the marina. This is classed as a private water distribution network. The Local Authority is required to carry out a risk assessment of all private water distribution networks. In order to do this they will require access to plans of this system.

The applicant is therefore advised to submit plans of the distribution system to the Local Authority, to include the location of the distribution pipe work, any associated water storage tanks and connections. A copy of this plan will be required by the final



operator of the site upon completion of the project and made available to the Local Authority on request.

#### INFORMATIVE - CODE OF CONSTRUCTION

(6) The management plan required in connection with the Code of Practice During Construction Condition should be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.
- b. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking.
- c. Hours of site operation, dust suppression measures, and noise limitation measures.
- d. Details of an area to be created within the site for the parking of contractor's equipment and materials.
- e. All sensitive properties surrounding the site boundary should be notified in writing of the nature and duration of works to be undertaken and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

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

Having regard to the main planning considerations, which in this case are considered to be: the impact upon the appearance, character and amenity of the area; the impact upon the highway network; the impact upon the marine environment; and the impact of the development upon the appearance, character, setting and historic fabric of the Grade 2 Listed quay walls, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- PPG13 - Transport
- PPG20 - Coastal Planning
- PPS9 - Biodiversity and geological conservation
- PPS1 - Delivering Sustainable Development
- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife

CS21 - Flood Risk  
CS03 - Historic Environment  
CS01 - Sustainable Linked Communities  
CS02 - Design  
PPS25 - Development and Flood Risk  
SPD2 - Planning Obligations and Affordable Housing  
SPD1 - Development Guidelines  
SPD3 - Design Supplementary Planning Document  
PPS5 - Planning for the Historic Environment  
NPPF - Draft National Planning Policy Framework 2011