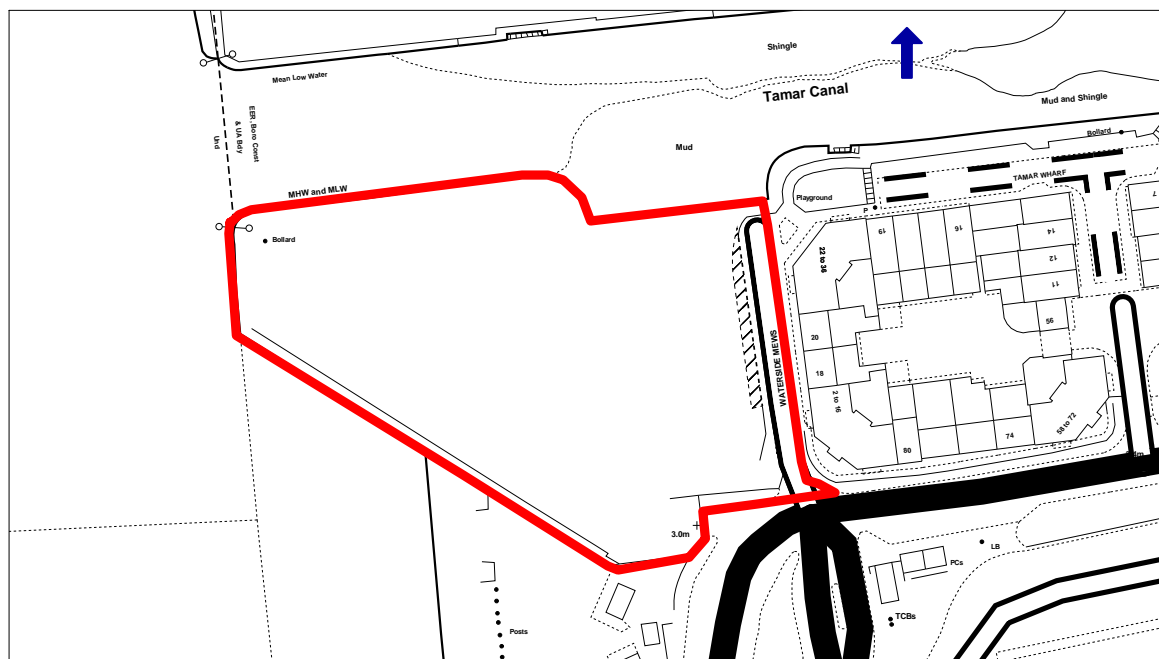


# PLANNING APPLICATION REPORT



**ITEM: 02**

<b>Application Number:</b>	12/00116/FUL
<b>Applicant:</b>	Hadley Property Group
<b>Description of Application:</b>	Mixed use development comprising 73 dwellings and 100sqm of commercial use
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	POTTERY QUAY, POTTERY ROAD PLYMOUTH
<b>Ward:</b>	Devonport
<b>Valid Date of Application:</b>	25/01/2012
<b>8/13 Week Date:</b>	<b>25/04/2012</b>
<b>Decision Category:</b>	Major - 5 or more Letters of Representation received
<b>Case Officer :</b>	Jeremy Guise
<b>Recommendation:</b>	Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 28 September 2012
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## **Deferment**

Members may recall that this application was deferred at the Planning Committee on 31<sup>st</sup> May 2012 local employment opportunities, parking, noise and accessibility. The applicant has been asked to respond and the response will be reported in the addendum report.

## **OFFICERS REPORT**

### **Site Description**

The application site is a roughly triangular shaped piece of land (approximately 0.54 hectares) projecting westwards into the river Tamar.

The Torpoint ferry terminal is located immediately to the south. It comprises queuing lanes, bus stop, public toilets and a small café/ refreshment kiosk. Vehicular access, and the main pedestrian access, is off Pottery Road, which also serves the terminal and the social housing estate developed by West Country and Guinness Housing associations as 'part of this site' (- see history) to the east. Tamar dock / Tamar canal is located immediately to the north, with MoD estate and the large frigate sheds on the opposite side of the channel, further to the north. Further to the east is Devonport Park.

### **Proposal Description**

Planning permission is sought to redevelop the western part of the Pottery Quay site with 73 dwellings, a mix of houses and flats, and a 100sqm commercial /retail unit.

The accommodation is arranged in three parallel residential blocks above a storey of underground parking (112 spaces- Average of 1.5 spaces per residence). The three blocks are of various sizes: the northern is the largest, and the southern the smallest. The northern block is seven storey in height on the waterfront, reducing to three where it neighbours the social housing, to the east. The middle block is six storeys in height on the waterfront reducing to three storeys to the east and the southern block is also six storeys in height reducing to two to the east

- Northern block: - terrace of 10 houses +20 two bed flats on the front (two on each storey and a penthouse on the top)
- Central block – terrace of 12 houses +16 two bed flats on the front (two on each storey and a penthouse on the top)
- Southern block – terrace of 5 houses+ 8 two bed flats on the front. (two on each storey)

Access is off Pottery Road, to the south, via a new cul-de-sac, Waterside Mews, located between the existing affordable housing and the proposed new development. The commercial unit is shown as a small convenience store with its own parking on the same level as the parking.

A pedestrian footway, adjacent to the water, is provided right the way around the site from the proposed convenience store to link up with the existing development. It is linked to the podium deck by two sets of steps along the waterfront and another adjacent to the ramped car park access.

Externally the buildings are predominantly rendered with extensive glazing and metal panels. Since submission some minor amendments have been made to improve the appearance and security of the blocks.

A number of associated reports have been included with the application including: a report on 'Employment Space in proposed development at Pottery Quay prepared by Stratton Creber Commercial; a Transport statement, residential travel plan; a visual structural survey; a phase I environmental assessment; an air quality assessment, a noise report; a flooding and drainage assessment and a statement of community involvement.

### **Relevant Planning History**

- Ref.- 02/01345/OUT Outline application to demolish existing housing, warehousing and storage buildings. Replacement with new social housing, flats, communal facilities, shop and workshop/employment uses Conditional Planning permission granted subject to a Section 106 legal agreement 16th October 2003
- Ref.- 05/00925 Mixed use redevelopment 203 residences (53 houses and 150 flats) with assoc. parking, play and amenity space, approx. 890sqm of commercial space (Use Class A4 and B1) - Reserved matters application pursuant outline permission ref 02/01345 GRANTED CONDITIONALLY 25-Nov-2005

The social housing element, on the eastern part of the site, has been implemented. Permission to build the remainder of the approved development on this part of the site therefore exists in perpetuity. The 'fall back' position of the owner, and successors in title, being able to implement this permission without further planning permission is an important material consideration in the assessment of this and any future application upon this site.

**Pre-Application Enquiry** – A formal Development Enquiry Service request was made.. The reduction in density and building mass adjacent to neighbouring social housing was welcomed. The viability issue and difficulty of delivery was appreciated, but some concern was expressed at the non delivery of employment uses.

### **Consultation Responses**

**Defence Infrastructure Organisation (DIO)** this application relates to a site outside of Ministry of Defence (MoD) statutory safeguarding areas. We can therefore confirm that the MoD has no safeguarding objections to the proposal.

**Economic Development Unit** - Although Economic Development regrets the removal of the business space and subsequent loss of employment land from the original proposal, it accepts the final proposal for a 100 sq m convenience store and £79k contribution from the developer in mitigation for that loss.

**Highway Authority** - It is noted that the principle of a mix of residential and commercial uses on this site is accepted following the grant of outline planning

permission for an earlier application (no 02/01345/OUT). Highway observations on the current proposal are as follows:-

The Transport Statement submitted with the application compares trip movements generated by the proposed scheme to that associated with the previously consented development. The assessment suggests that the proposed development would generate a similar number of movements (28 in the am and 31 in the pm) to that associated with the extant permission (26 trips in both the am and pm peak hours). Consequently there are no concerns in respect of the traffic movements associated with the new development.

A total of 117 spaces have been provided, with 6 of these spaces being allocated to the operation of the convenience store. The 3 bed townhouses will have two allocated, off-street, parking spaces. All other units will have one dedicated car parking space. This will result in a 'surplus' of 16 spaces made available for purchase. The practice of 'selling' car parking spaces (rather than just allocating them to properties regardless) is an approach that is welcomed by the Highway Authority as it encourages residents to consider: whether or not they need to own/run a second car and whether alternative, more sustainable modes of transport (walking, cycling, public transport etc) would be better instead. The double-parked, tandem spaces should be allocated to the 3 bed townhouses.

A considerable number of cycle parking spaces are proposed (100 spaces serving the residential and 8 allocated to the convenience store). In order to ensure that there are no security issues surrounding their use, it is essential that the cycle parking area serving the residential units is both secure and covered.

#### Layout

- The applicant has addressed the concerns previously raised by the Highway Authority regarding the lack of a continuous pedestrian route from the junction of Pottery Road/Waterside Mews around to the Torpoint Ferry bus stops by providing a footway crossover type arrangement at the point of access into the customer car park that serves the convenience store. The alignment of the footway crossover should be straight rather than being on a slight angle as currently shown.
- In order to prevent cars from parking kerbside outside the convenience store on Pottery Road a section of visi-rail has now been provided at the back of the footway. The visi-rail should be set back a minimum of 450mm from the back edge of the kerb.
- The length of the loading bay serving the convenience store has been increased so that it can now accommodate small to medium-sized HGV's delivering to the store. The loading bay should be constructed by lowering the footway (rather than using full height kerbs) so that a pedestrian route is maintained along this side of Waterside Mews when the loading/unloading bay is not in use. If Waterside Mews will not be offered for adoption details should be provided relating to how the use of the loading/unloading bay will be managed in the longer-term.
- In order to prevent vehicles from right-turning into Waterside Mews from Pottery Road works to the central island shown on the revised highway layout plan will need to be secured through a Section 278 Agreement along with alterations to the footway outside the convenience store.

The revised Travel Plan (TP) addresses the majority of the Highway Authority's concerns. The inclusion of a free 2-month travel pass for each unit on the site is welcomed and should certainly help to assist in encouraging a shift away from the use of the private car to public transport. Some residual concerns remain at reference to the TP co-ordinator only being in post for a period of 5 years. Clearly the development will be in place for a much longer period of time and therefore the Highway Authority will need to know who will take ownership of the TP after the first 5 years. However this can be addressed by way of a Travel Plan condition.

As Section 106 receipts were received in respect of the granting of the outline permission for this site, there is not scope to request further contributions which could have assisted in delivering a zebra crossing on Ferry Road and which would aid residents wishing to access the existing shopping facilities at Marlborough Street.

**Environment Agency (EA)** - Consider that this application will be acceptable if planning conditions are included on any subsequent permission which ensure flood risks are appropriately managed for the lifetime of the development. The EA's suggested wording for these conditions is provided. The conditions are required to manage the following aspects:

- The floor level of the commercial development is lower than that required by planning policy, therefore a scheme is required to manage flood risk to this part of the development.
- The development is located on a quayside location surrounded on three sides by low ground levels. The development has proposed a suitable access/egress route in times of flood and we need to ensure that this is in place prior to occupation of the dwellings.
- The car parking area is located below the 1 in 200 year flood level, including an allowance for climate change and as such as a flood defence wall and ramp has been proposed surrounding the car park. A pump has also been proposed in the area of the car park with the lowest floor level to manage any water that collects. These defences provide an adequate level of protection to the car park however the EA require confidence that these have been designed appropriately and remain in place for the lifetime of the development.

**South West Water** - Have no objection subject to foul flows only being connected to the public foul / combined sewer. A public sewer does cross the site, no agreement to build over this has previously been given and South West Water policy is to not allow such or to build within 3m of it and therefore its diversion will be required should it not be possible to meet this requirement.

**HSE Office for Nuclear Regulation (ONR)** – ONR would not wish to advise against this application unless concerns have been raised by the emergency planning authority. This decision is made without prejudice to the interests of other Directorates or Divisions of the Health & Safety Executive.

**Public Protection Service** – Do not have any additional comments regarding the amendments.

**Police Architectural Liaison Officer (PALO)** - The Devon and Cornwall Constabulary are not opposed to the granting of planning permission for this application, but would make the following observations;

The applicants have subsequently confirmed their intention to comply with Policy CS32- Designing Out Crime and are liaising with the PALO to achieve this.

**Tamar Bridge and Torpoint Ferry Joint Committee:-** raise a number of issues that they wish to see considered as part of the planning approval process;

Noise - States that the Acoustics report that accompanies the application understates the audibility of noise associated with the normal operation of the 24hour ferry particularly the chain transmission, setting down of loading ramps and associated traffic noise. Recommends that further noise survey work is undertaken at suitable locations within the site with the northernmost ferry operating and at a range of times covering a range of ambient noise conditions.

Construction phase – raises concern that the operation of the ferry could be disrupted if access is required to the boundary wall of the proposed development whilst the northernmost Torpoint Ferry slipway is being used. Recommends a condition requiring applicants to obtain prior written approval of the Tamar Bridge and Torpoint Ferry Joint Committee before disrupting the operation of the ferry.

Traffic – The Transport Statement underestimates the traffic flows from the development. There are distinct surges in the morning and evening peaks. Improvements were made to the Ferry Road / Park Avenue junction. The impact of the proposed development may adversely affect the function of the junction causing tailbacks and congestion.

### **Representations**

Surrounding neighbours have been notified of the application and two site notices posted. This has resulted in receipt of 6 letters of representation (LORs), including one petition style letter. The comments and objections can be summarised as follows:-

#### Overdevelopment

The proposed development will overcrowd what is a relatively small area of land. The area of land is quite small for the number of units proposed. The developer appears to be maximising potential income versus cost of development by building upwards and upwards. I do not believe this is in line with the existing Devonport Development Framework.

#### The design and appearance not sympathetic.

The proposal is not in keeping with the rest of Pottery Quay. The buildings are too high. The largest building will be twice the height of the existing corner block of flats. The design contrasts badly with the existing development: it proposes grey uPVC windows, the existing are wooden and white; a wooden finish is proposed the existing is cream. A lot of glass is proposed primarily in the south and west that will take the full brunt of rough weather.

The parking areas will not be able to cater for the range of vehicles expected to be able to park safely and will certainly not provide for deliveries such as lorries (moving etc) and this will cause an additional problem of where will these go without either obstructing the ferry traffic and adding to the congestion which already causes problems when ferries are offloading. It will also cause a problem as no doubt those vehicles not suitable for parking will try to park elsewhere on the estate, how does the developer plan to accommodate this?

#### Noise nuisance and traffic generation

An additional 450 vehicles movements will create pollution, noise and disturbance and impact on my right to quiet and peaceful enjoyment of my home. The Health & Safety Executive should give consideration as to how the increase in vehicle traffic and noise will impact upon existing development, as this has not been considered. The underground car parking will amplify noise nuisance.

#### Loss of direct sunlight

The development will block direct sunlight to houses and gardens. We have very little direct sunlight at the rear of our property and the building of the development based on the proposed heights will block what little direct sunlight we have for 3 months of the year.

#### Loss of sea views

Many properties will lose their sea views - where purchases have been made because of this factor. Whilst this may not be an objectionable point, it nevertheless is an important point to be aired and known.

#### Invasion of privacy

The proposal will overlook existing properties, intruding upon privacy.

#### Inadequate Consultation

Consultation has not properly been undertaken: only two very small notices have been posted. Not all neighbours have received notification and neither have the two social landlords. The consultation event did not facilitate local participation or take into account views of local people, ward councilors the police etc.

#### General comments

The artists impressions of the development drawing look fetching, albeit too high, and it would be lovely to have a local shop here as Pottery Quay is rather cut off from local amenities, but this is not sufficient to agree the development.

### **Analysis**

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.

The key issues in this case are:-

- The principle of redevelopment to provide a mixed use, essentially residential redevelopment of the site (Policies CS01, CS05, CS15, CS22 and CS16 of the Core Strategy)
- The quality of residential accommodation provided (Policies CS15 and CS34 of the Core Strategy)
- The design and appearance of the proposed development (Policies CS02 and CS34 of the Core Strategy)
- Impact upon the amenities of neighbouring properties and the character of the surrounding area (CS34 of the Core Strategy)
- The adequacy of access and parking arrangements (Policy CS28 of the Core Strategy)

### **The principle of redevelopment to provide a mixed use, essentially residential redevelopment of the site**

The principle of mixed use, mainly residential redevelopment, of this site was established in 2003 when 02/01345/OUT granted subject to a Section 106 legal agreement. By constructing their social housing on the eastern and central parts of the site, Westcountry and Guinness housing associations have established the principle of mixed use, mainly residential, development upon this site in perpetuity and satisfied all the social housing requirements of Policy CS15.

The social housing was built years ago and is occupied. However, since then the market for two bed flats in the city has deteriorated, particularly in a relatively peripheral location like Pottery Quay. The site has high construction costs associated with: flood defence measures, piling foundations, warship radar pulse safeguarding, decontamination etc. Consequently it is very unlikely that the unimplemented part of the reserved matters approval would be built in the foreseeable future. The current developers argue, persuasively in officers' opinion, that the extant approval is unviable and undeliverable - the density is too high the dwelling mix wrong and there is no demand for the employment. They argue that its existence creates an unrealistic 'expectation' value that blights the site and keeps it as an eyesore at this prominent gateway location. Their current proposal is to reduce the number of units, provide some units as houses, and not include most of the commercial space. The viability argument is accepted by officers. The proposal to complete a mixed use development in the Pottery Quay development area, will help to ensure the long term sustainability of the community. Open market housing will increase tenure mix in the area and widen its socio economic profile.

The significant reduction in on-site commercial space - from 890sqm to 100sqm - is more problematic as it is one of the principle objectives of the Core Strategy and Devonport AAP to create sustainable linked communities. The applicants have submitted evidence to show that there is no market for commercial floor space in this area at the moment, but in the middle of a double dip recession and given the fragility of Plymouth's commercial market, this is not surprising and not, in itself, sufficient reason to accept the non provision



The decisive consideration in this case is the very high density of development previously approved for this part of the site and the physical constraints of actually providing usable commercial space sandwiched, as it is, between the underground car park and the above residential accommodation. The quality of commercial development that could be provided in this space would be severely constrained. Therefore, in this exceptional case, it is considered, on balance, better to accept a contribution towards off site provision than risk leaving the site vacant for the indeterminate future.

The proposal includes measures to satisfy Policy CS20 (Sustainable Resource Use) and '...incorporate onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016.

### **The quality of residential accommodation provided**

The high density of the development proposed for this site makes it quite challenging to provide a really good residential environment. However, the reduction in overall numbers, in comparison with the extant permission, is a significant improvement that officers consider would improve the quality of the residential environment. The internal arrangements are acceptable and meet the recommended minimum design standards, as set out in the Design SPD. The layout makes efficient use of the available space to provide the houses with small yards/gardens and flats with balconies. Since submission this proposal has been amended to improve natural surveillance of the communal areas, including the communal agreement, although there remain some residual, intractable, concerns around the car park and podium walkways.

The provision of 26 units 36% to Lifetime Homes standards is welcomed.

### **The design and appearance of the proposed development**

The site occupies an important sub regional gateway into the city from Torpoint ferry, to the west. The design SPD, recognizes that '*recent developments (the Westcountry / Guinness Housing Association blocks) provide a more positive image around the ferry port*'. This re-iterates Policy CS02 (Design) of the Core strategy which states:-

*New development should be well designed to respect the character, identity and context of Plymouth's historic townscape and landscape and in particular Plymouth's unique waterfront, its moorland setting and the settlement pattern.*

*New development should also:*

- 1. Promote the image of the city, through enhancement of international, city local gateway locations and key approach corridors.*

The broad footprint, scale and massing of the proposal can be supported, as can the provision of town houses within the scheme.

The provision of retail space within the scheme is welcomed. The extension of the pedestrian walkway around the entire perimeter of the site is also very welcome in terms of providing public access to the waterfront.

The overall architectural language is considered positive and potentially elegant, subject to successful detailing acceptable.

### **Impact upon the amenities of neighbouring properties and the character of the surrounding area**

Because this site has been implemented in phases, with a significant time lag between the construction of the first phase of social housing in the central and eastern parts, and the private sector housing its impact on neighboring residential property has been experienced as separate parts.

The original concept for the site always envisaged high density development on western end. Earlier considerations of design principles safeguarded the connection with the waterfront and strived to maintain some unity of the whole site, by requiring a layout that provided connections between the two parts. This translated into a footprint for three tall blocks of diminishing size located parallel with Tamar canal, with underground parking and an 'open' podium providing both physical and visual connection between the two parts of the site. The proposal maintains these principles and would actually result in a better relationship with neighbouring residential properties than the extant proposal. The overall height and mass of the proposed buildings, where they are adjacent to the social housing, is less than the extant permission

### **The adequacy of access and parking arrangements**

The proposed parking levels satisfy the Highway Authority standards, as i do access arrangements. The reduction in the overall number of dwellings and removal of much (790sqm) of the commercial floor space, and its associated traffic movements, mean that the impact of the development upon the surrounding area is less than previously planned. The proposal therefore satisfies the requirements of Core Strategy policies CS28 and CS34.

The proposed provision of public access around the whole of the site is an improvement on the partial waterfront access proposed in the extant permission, but this is partially offset by the proposed reduction in permeability through the site represented by the private rear gardens of the proposed central and southern blocks. On balance, the proposal is considered to represent a slightly different, - rather than improved public access package - although both schemes represent a significant improvement to the historic and existing situation, where no public access is provided.

### **Section 106 Obligations**

The original outline planning permission for the whole Pottery Quay development, the social housing, as well as the private sector (ref 02/01345/FUL) has a section 106 legal agreement attached envisaging various contributions totalling £189,000, with payment falling due upon commencement of the 100 private sector dwellings and 890sqm employment space development on the western end. The contributions were decided are ten years ago. They do not reflect the measures necessary to offset the impact of the current development. However, because part of the outline permission has been implemented years ago (the social housing) they remain as basic 'fall back' position for the applicants, and a factor in the assessment of contributions associated with the current application.

The current proposal is for a lesser amount of development. It is proposed that the sum of £173,000 is sought reflecting current priorities in the area: for employment, transport (pedestrian safety) and education.

- That PCC will be formally advised of commencement of development
- That upon commencement of development to pay £79,000.00 contribution towards the provision of employment space in the wider Devonport area (Devonport or adjoining wards) payable on commencement.
- Transport contribution to design and construct a pedestrian crossing on Ferry Road £50,000 payable on commencement
- Contribution towards local schools £44,000 payable on commencement.

These contributions comply with Regulation 122 (CIL regulations)

Agreement to be concluded by 30<sup>th</sup> September 2012.

### **Equalities & Diversities issues**

The site is accessible to people who use wheelchairs, although in some places the routes to access areas are indirect as a result of flood defence requirements.

### **New Homes Bonus**

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £469,000 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

### **Conclusions**

Ten years ago complex land swap arrangements and public sector investment secured the removal of the commercial yard which occupied the western part of Pottery Quay and the replacement of the run down council estate, which occupied the eastern part, with new housing. The amount of development, including the number of residential units, was agreed by the Local Planning Authority at that point, as were the clauses of the Section 106 legal agreement, to mitigate the impacts of the development. Unusually this leaves the undeveloped part of the site (the current application site) with a part unimplemented permission for 100 flats and 890sqm of commercial space which exists in perpetuity. The applicants argue, convincingly, that this is undeliverable in the foreseeable future and propose a lesser form of development for this part of the site which reduces the overall number of dwellings, their height, adjacent to the existing housing, and the amount of commercial space – with a contribution offered in lieu of the employment space. This site occupies an important sub regional gateway location into the city, the proposal as configured is considered to be acceptable.

## **Recommendation**

In respect of the application dated **25/01/2012** and the submitted drawings Small detailed changes materials security window sets, 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 September 2012.**

## **Conditions**

### **APPROVED PLAN NUMBERS**

(1) The development hereby permitted shall be carried out in accordance with the following approved plans

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

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

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

Reason:

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

### **EXTERNAL MATERIALS**

(3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development 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.

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**

(4) No development shall take place until details of all surfacing materials to be used 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.

## STREET DETAILS

(5) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No unit of accommodation shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason: To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) adopted April 2007.

## ACCESS (CONTRACTORS)

(6) 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 City of Plymouth Local Development Framework Core Strategy adopted April 2007.

## CAR PARKING PROVISION

(7) The development shall not be occupied 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 a maximum of 117 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The use and management of the on-site car parking provision shall be in strict accordance with the approved Car Parking Management Plan.

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

## CYCLE PROVISION

(8) No unit of accommodation shall be occupied 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 100 bicycles to be parked.

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

## CYCLE PROVISION

(9) The use of the convenience store hereby proposed 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 8 bicycles to be parked.

Reason:-In order to promote cycling as an alternative to the use of private cars for staff and customers visiting the convenience store in accordance with Policies CS28

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

#### CYCLE STORAGE

(10) 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 City of Plymouth Local Development Framework Core Strategy adopted April 2007.

#### USE OF LOADING AREAS

(11) The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the cartilage of the site is provided for loading and unloading with the prior consent in writing 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 City of Plymouth Local Development Framework Core Strategy adopted April 2007.

#### RESIDENTIAL TRAVEL PLAN

(12) The development hereby permitted shall not be occupied until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the Local Planning Authority. The said RTP shall seek to encourage residents to use modes of transport other than the private car to get to and from the development including details of those measures required to deliver agreed modal shift targets which shall include the provision of a 2-month duration travel pass for each residential unit. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the RTP; and the name, position and contact telephone number of the person responsible for it's implementation. From the date of the occupation of the units, the developer shall operate the approved RTP.

#### REASON:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policies CS28 and CS34 of the City of Plymouth Local Development Framework Core Strategy adopted April 2007.

#### CODE OF PRACTICE DURING CONSTRUCTION

(13) Before any development is commenced, 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, dust and traffic generation 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;

e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

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

Reason:

To protect the amenity of the surrounding area.

#### FLOOD RESILIENT & RESISTANT CONSTRUCTION FOR COMMERCIAL UNIT

(14) No development approved by this permission shall be commenced until a scheme to minimise flood damage to the proposed commercial unit by utilising flood resilient and resistant construction techniques to an appropriate level has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details for the lifetime of the development.

Reason:-To minimise the damage to the commercial unit from flood events.

#### EMERGENCY ACCESS & EGRESS ROUTES

(15) No residential development approved by this permission shall be brought into use until a flood evacuation plan has been submitted and approved by the Local Planning Authority and that all dwellings have a safe access route available. This route shall remain available for occupants of all dwellings for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: - To minimise risks to users of the dwellings during times of flood by providing a safe route to access and egress the building during times of a 1 in 200 year flood.

#### LOWER GROUND LEVEL FLOOD DEFENCES

(16) No development approved by this permission shall be commenced until details of the flood defences to the lower ground floor have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details for the lifetime of the development.

Reason:- To ensure that the car park is defended from flood events to an appropriate standard.

#### RENEWABLE ENERGY

(17) Notwithstanding the submitted information, and unless otherwise agreed previously in writing with the Local Planning Authority, no dwelling should be occupied until the applicant has provided on site renewable energy equipment to generate a minimum of 15% of the carbon emissions for which the development is responsible .

Reason:

To ensure that, the development incorporates, onsite renewable energy production equipment to off-set at least 15% of the carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained in the National Planning Policy Framework.

#### REMOVAL OF PD

(18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A, B, C, D or E of Part I of the Schedule to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to control future changes to the appearance of the buildings and ensure that this high density urban area is not overdeveloped, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LIFETIME HOMES

(19) Notwithstanding the submitted drawings, unless otherwise previously agreed in writing with the Local Planning Authority, at least 20% of the residential units hereby permitted shall be first constructed and subsequently maintained to Lifetime Homes standards in accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed previously in writing with the Local Planning Authority, the approved details shall be fully implemented prior to completion of the development and thereafter so maintained and retained.

Reason:

In order to deliver an adequate level of housing that is designed to the Lifetime Homes Standard that will be convenient for most occupants, including some (but not all) wheelchair users and disabled visitors, without the necessity for substantial alterations in accordance with adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 Objective 10, Policy CS15, and relevant Central Government advice.

#### INFORMATIVE SECTION 278 AGREEMENT

1) The applicant will need to enter into a Section 278 Agreement with the Local Authority in order to deliver the various alterations that are required to the existing highway in order to facilitate the development including the works to the central island on Pottery Road.



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

Having regard to the main planning considerations, which in this case are considered to be:

- The principle of redevelopment to provide a mixed use, essentially residential redevelopment of the site
- The quality of residential accommodation provided
- The design and appearance of the proposed development
- Impact upon the amenities of neighbouring properties and the character of the surrounding area
- The adequacy of access and parking arrangements ,, 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:

CS28 - Local Transport Consideration

CS32 - Designing out Crime

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

CS22 - Pollution

CS20 - Resource Use

CS03 - Historic Environment

CS05 - Development of Existing Sites

CS03 - Historic Environment

CS01 - Sustainable Linked Communities

CS02 - Design

CS15 - Housing Provision

CS16 - Housing Sites

NPPF - National Planning Policy Framework March 2012