

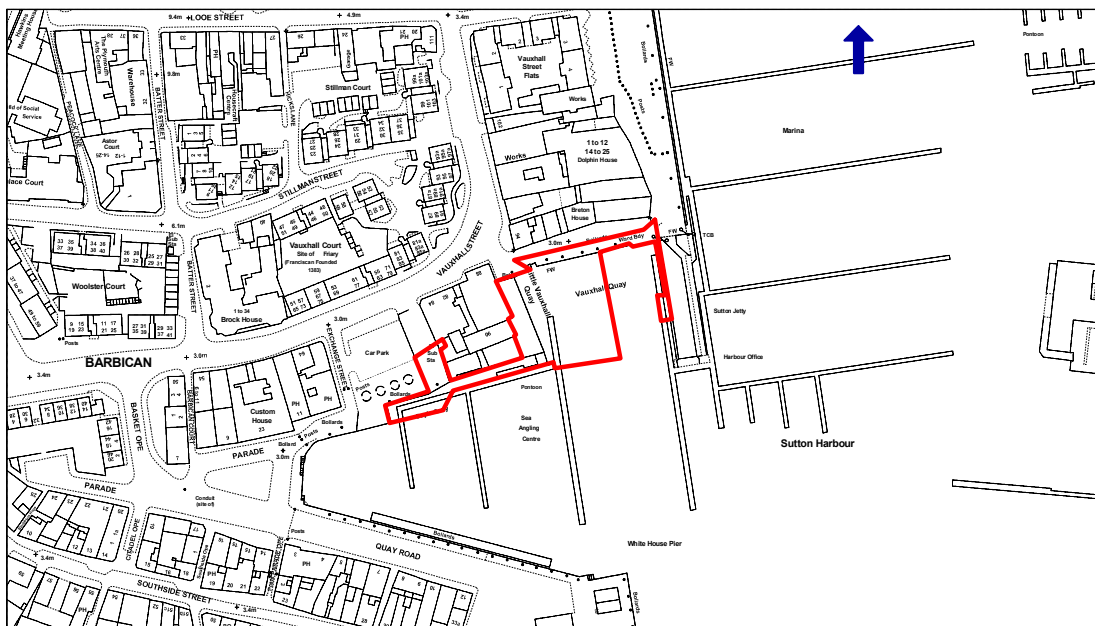
PLANNING APPLICATION REPORT



Application Number	14/02332/FUL	Item	6.4
Date Valid	11/12/2014	Ward	St Peter & The Waterfront

Site Address	VAUXHALL QUAY PLYMOUTH		
Proposal	Boardwalk with 2 single-storey buildings containing 3 shop/restaurant/café units (A1/A3), works to electricity substation, pontoon access to harbour ferry and associated works		
Applicant	Sutton Harbour Services LTD		
Application Type	Full Application		
Target Date	27/02/2015	Committee Date	Planning Committee: 12 February 2015
Decision Category	Assistant Director of Strategic Planning and Infrastructure Referral		
Case Officer	Matt Coombe		
Recommendation	Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 30/04/2015		

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This planning application has been referred to Planning Committee by the Assistant Director for Strategic Planning and Infrastructure because of the level of public interest in this proposal.

1. Description of site

The site is located within and adjacent to the Barbican Conservation Area at Sutton Harbour and extends west from Guy's Quay in front of the Exchange Street Car Park, to Vauxhall Quay at the east. It includes areas of open-water, marina berths, pontoons, as well as hard landscaped areas of the quayside. The water in Vauxhall Quay is understood to be relatively shallow and a small beach is visible at the northwest corner, particularly at low tide.

Vauxhall Quay forms an existing vehicular and pedestrian link inland west to Vauxhall Street, which in turn links towards Bretonside, Exeter Street and the eastern side of the City Centre. To the east the quayside continues into Sutton Wharf, which links to North Quay and the East Quays of Coxside.

Vauxhall Quay faces south and is bounded to the north partly by Grade II listed historic warehouse buildings and a pub. The warehouses have been converted to flats, with garages on their ground floors fronting the quayside.

The western side of Vauxhall Quay is fronted by Little Vauxhall Quay. West of Little Vauxhall Quay is a block of buildings which include a bar/restaurant, dive shop, nightclub, offices and Jamaica House, the Grade II listed former Barbican Antiques building and an electricity sub-station.

To the east of the site is Sutton Jetty, an existing boardwalk structure, with a single storey building on top. Sutton Jetty formerly contained a railway goods shed, and now includes sales offices for Princess Yachts.

The quay itself is a Grade II listed structure.

2. Proposal description

The proposal is for a boardwalk over the harbour, providing a pedestrian link over water from Guy's Quay at the west to Vauxhall Quay at the east – a stretch of waterfront which is currently inaccessible to pedestrians walking around Sutton Harbour's quayside. The boardwalk is proposed to sit above a grid of piled columns set in the harbour bed, similar to the piles used for the existing marina pontoons and freestanding from the existing quayside. The applicant's intention is for the boardwalk to appear as separate from the historic quay wall and areas of open water have been retained around the larger pontoon deck at Vauxhall Quay. Walkway links to this deck are proposed to be gantry-like surfaces through which the water below will be visible. The boardwalk itself is proposed as a timber structure created with anti-slip decking boards.

Where access is provided from the existing quayside, the proposal is that existing cast iron railings are removed, altered and made good. The proposed stainless steel and mesh railings for the new boardwalk are proposed to abut the existing railings, but not join them, to emphasise the difference between new and old.

On top of the boardwalk structure, the applicant proposes three "family orientated" commercial units to contain A1 (retail) and A3 (restaurant) uses. Two single storey units containing 325sqm of retail space are proposed to the west of the site at Vauxhall Quay. One smaller single storey "pavilion" unit with 75sqm retail space is proposed at Guy's Quay at the western entryway to the boardwalk.

Adjacent to the existing Sutton Jetty boardwalk, is a proposal for a new publicly accessible landing stage accessible from Vauxhall Quay. The applicant proposes that this will serve a new ferry link to other waterfront sites around Plymouth, such as Commercial Wharf and Royal William Yard.

It is proposed that car parking be removed from the quayside as part of this application, along with the signage and chain barriers related to the parking, with the quay finish being made good.

The applicant proposes to repair and enhance Little Vauxhall Quay as part of this scheme, to bring it to a standard that is in keeping the best of the historic quayside. Little Vauxhall Quay is currently shored up with gabions – a temporary repair. It is proposed that reclaimed granite setts (often referred to as cobbles) be used resurface the quayside to reflect historic surfaces elsewhere in the Barbican. The marina gate and pontoon access to the end of this quay is proposed to be relocated.

Along Little Vauxhall Quay, two flag banners are proposed, together with a new bench. On Vauxhall Quay, it is proposed that three existing street lamps are adapted to receive banners, and that two new benches, and four cycle stands be installed.

The proposals also include the replacement and upgrading of the existing electricity sub-station located at the rear of Grade II listed Jamaica House, adjacent to the Exchange Street Car Park.

3. Pre-application enquiry

Further to the applicant's decision to withdraw the previous two planning applications officers had pre-application discussions with the applicant's team including measures to address issues raised by English Heritage and the Design Review Panel.

4. Relevant planning history

Two previous planning applications were submitted for earlier versions of this proposal on this site. The first on the 23rd January 2013 and the second on the 5th September 2013, both were withdrawn before a decision had been reached:

13/00116/FUL & 13/00118/LBC - New boardwalk with 4 two-storey retail units and 3 one-storey retail kiosks - WITHDRAWN

13/01675/FUL & 13/01676/LBC - New boardwalk with 4 two-storey shop / restaurant / café units (A1 / A3) and 2 one-storey shop / hot food takeaway (A1 / A5) units and associated works - WITHDRAWN

Both previous applications raised concerns about design and layout from various parties. The second planning application was presented to the South West Design Review Panel. In response to comments from Design Panel, the Council, English Heritage, local residents, businesses and other stakeholders, the applicant decided to withdraw and revise the proposal.

5. Consultation responses

Highways Authority

No objection, subject to conditions.

Public Protection Service

No objection, subject to conditions.

Police Architectural Liaison Officer

No objection. Contribution of £5,000 towards CCTV system agreed with applicant.

Environment Agency

No objection, subject to conditions. Contribution of £5,000 agreed with applicant towards a Sutton Harbour Flood Risk Management Strategy

English Heritage

English Heritage comment as follows:

“We have commented previously on similar proposals for this site, and remain of the view that construction of built form within a significant portion of Plymouth’s earliest surviving harbour will have a harmful effect. We acknowledge that the proposed buildings are significantly reduced in scale and massing than those previously tabled, but this does not address the fundamental issue that introducing built form into a historic harbour where a view of water would be expected will have a harmful effect.

Unfortunately the consultation for this application has been received immediately before the Christmas break, and I am unable to offer detailed comments and analysis without first having had the benefit of a site visit. However, our initial view is that while we support the proposed bridge between land at Exchange Street and the site, we feel that the proposed piled structure will harm the character and appearance of the Vauxhall Conservation Area [sic], and the settings of the Grade II listed warehouses adjacent to the site whose physical and visual relationship with the water will be diluted.

We have long expressed an ambition to see a masterplan for the Sutton Harbour and Barbican area. Viewed in isolation, these proposals are damaging to the historic environment with insufficient justification for that harm. However, if articulated as part of a wider masterplan it might be possible to demonstrate wider public benefits that outweigh the harm. Unfortunately this is not the case at present.”

Natural England

Request further information about construction impacts on the Plymouth Sound and Estuaries Special Area of Conservation and the Dartmoor Special Area of Conservation.

The Devon Design Review Panel

The planning application was considered by the Devon Design Review Panel on 20/01/15 and the comments from their report are as follows:

“The clear and concise presentation was welcomed by the Panel. The Panel also welcomed the thoroughness of the information provided in advance of the session, including the Urban Design Analysis and Heritage Appraisal.

Generally, subject to the comments made within this report being addressed, the Design Review Panel is very supportive of the proposals.

The Panel recognised and supported the aspiration to create better city links to the waterfront and to help to draw footfall towards the east Quay. The aspirations to create links and wider waterfront interconnectivity, for example between Sutton Harbour, the Barbican and the Royal William Yard were also strongly supported. The Panel felt that the proposed family friendly usage was appropriate and that this was evident in the proposed form and aesthetic of the design. It was considered that the proposed development may have a positive impact upon existing businesses in the vicinity as well as the neighbouring built form, as the development would most likely increase footfall and demand for other activities. As a result the Panel felt

that, appropriate, development of this type may act as a positive catalyst to ensure the long term prosperity and therefore conservation of the historic setting.

It was felt by the Panel that whilst there would be some harmful impact on the historic setting, this was clearly outweighed by the overall benefit. Therefore the Panel advised that it felt the proposals were acceptable in regards to the historic setting.

The Panel was particularly supportive of the aspiration for the proposals to act as a catalyst for the creation of a 'history trail' throughout the harbour.

In regard to the form and design of the proposals, the Panel suggested that the proposals would benefit from a simplification of the proposed built form, particularly in relation to the design of the roof. It was suggested that the removal of the proposed roof lantern should be investigated.

Notwithstanding the historic and conservation considerations, careful detailing and high quality materials were advised to be crucial to the success of the proposals. It was felt that the proposals may act as a catalyst to other development within the harbor and as such should be of an extremely high quality in order to set the minimum standard. Consideration should be given to the proposals coastal location in terms of weathering and maintenance when specifying and detailing materials.

Whilst the Panel felt that the overall design was appropriate, it was advised that it may be beneficial to the overall design for the proposals to incorporate a contemporary twist in regards to detailing and materials. In particular the highly glazed nature of the proposals was supported, as this resulted in a simple, elegant and contemporary form, that allowed for sight of the activity within.

The Panel was supportive of the 'lightness of touch' approach described by the applicant in regard to the historic fabric of the surroundings and felt that, subject to appropriate detailing, this could constitute a repair and be of benefit to the existing fabric.

Appropriate external lighting design was also advised to be a crucial consideration and it was felt that this would be a key factor to assess the success of the proposals. Appropriate lighting design would also ensure any concerns in regards to the creation of antisocial spaces were addressed.

The Panel recognised the constraints in regard to moorings, however suggested that the proposals would benefit from widening the boardwalk where possible to ensure that there was room for external table and chairs as well as for pedestrians.

As above, the Panel supported the creation of improved links across the harbour and improved access to the waterside. Therefore the Panel advised that their support for the proposals is dependent upon the boardwalk remaining accessible 24hrs a day to the public, and not just be accessible to customers visiting the proposed units.

The stated aim to incorporate the provision of locally sourced public art was strongly supported by the Panel and the applicant was encouraged to engage with local artists to ensure a sense of local cultural identity and distinctiveness.

It was suggested that the proposals would result in the simplification of 'street clutter'/street furniture and this was supported by the Panel, as it was considered to be of benefit to the wider setting.

Based upon the information presented, the Panel did not consider that the proposals would result in any significant ecological harm. However it was advised that there may be an opportunity to incorporate elements within the design to encourage greater biodiversity around the proposal site. In particular the Panel advised the incorporation of habitat boxes to encourage birds such as swifts and house martins.

SUMMARY OF RECOMMENDATIONS

In summary the main recommendations of the Panel were:

- Generally subject to the comments within this feedback document being addressed the Panel is very supportive of the proposals

- The Panel supported the aspiration to create better city links to the waterfront, to help to draw footfall towards the east key and to create wider waterfront interconnectivity
- The proposed family friendly usage was evident in the proposed & aesthetic of the design, which was supported
- There would be some harmful impact on the historic setting, however it was considered that this was outweighed by the overall benefit
- The proposals would benefit from a simplification of the proposed built form, particularly in relation to the design of the roof
- Careful detailing & high quality materials were advised to be crucial to the success of the proposals
- It may be beneficial to the overall design for the proposals to incorporate a contemporary twist in regards to detailing & materials
- The 'lightness of touch' approach described by the applicant in regard to the historic fabric of the surroundings was supported
- Appropriate external lighting design would be a key factor to assess the success of the proposals & may help to avoid the creation of anti-social spaces at night
- Proposals would benefit from widening the boardwalk where possible
- Support for the proposals is dependent upon the boardwalk remaining publicly accessible 24hrs a day
- The stated aim to incorporate the provision of locally sourced public art was strongly supported by the Panel
- Opportunity to incorporate habitat boxes for birds such as swifts and house martins"

Marine Management Organisation (MMO)

The applicant reports that an updated marine licence application was submitted to the MMO and accepted on 19/12/14 (reference MLA/2013/00462).

6. Representations

A total of about 460 letters of representation have been received in respect of this planning application. A small number of duplicate representations have been received – about the same in number for and against the application. A relatively small number of representations include comments for or against the application. With such representations, officers have made a judgement about whether these are overall for or against the application.

Approximately 190 letters support the application and the comments within them can be summarised as follows:

Plans, Visions and Strategies

- *Complies with the Council's aim to become one of Europe's finest waterfront cities, as envisaged in the Mackay Vision, Core Strategy and draft Plymouth Plan.*
- *Designed to take in to account Sutton Harbour Area Action Plan (2008) and Barbican Conservation Area Management Plan (2007).*

Land Use

- *Delivers efficient use of land as the area is physically constrained for mooring, specifically at low tide.*

Historic Character

- *Repairs and enhancements to the historic quayside together with the removal of street furniture will enhance the character and setting of historic buildings and structures.*

Design

- *Great addition to the area that has been tastefully designed and will make it more attractive.*
- *Design has been amended to respond to the concerns raised in previous applications in consultation with the council, ward councillors and other statutory consultees. The design is now in keeping with the locality.*

Public Access to Waterfront

- *Improves access to the waterside by providing an accessible waterfront walkway which will help Sutton Harbour to feel less isolated.*
- *Provides new signposting and interpretation of heritage trails and assets to help highlight the Harbour's principle role in Plymouth's colonial past and global maritime heritage.*
- *Helps the elderly and disabled to access the waterfront as they may find it difficult on the cobbles in the Barbican.*
- *Promotes a seamless walkable positive experience, linking the blue, the city centre and the green space, for both residents and visitors alike.*
- *Will complement the facilities being proposed for Bretonside, providing a link between the Waterfront and the City Centre.*
- *Improves links and integration between the commercial fishing port and tourist infrastructure.*

Image of Area

- *Will help to raise status of the area so it can compete with the Royal William Yard.*
- *Celebrates the naval and fishing heritage of the city.*
- *Focus on family-oriented operators supports the aspirations of bodies such as Plymouth Waterfront Partnership to make areas of the Barbican and Sutton Harbour more attractive to families.*

Transport

- *New cycle facilities will be incorporated in to the development.*
- *Will tie-in with the new cycle bridge across Laira Bridge.*
- *Located in close proximity to the bus hub on Royal Parade.*

Water Transport

- *Water accessibility will be further improved by the introduction of a ferry which will launch from the boardwalk, supporting the recommendations of the Tamar Estuaries Consultative Forum report in 2004 "Plymouth Sound and Estuaries Water Transportation Study" which will link in with Mountbatten and Royal William Yard ferry services.*
- *The development will provide better water-borne access.*

Economy and Tourism

- *Will bring financial investment and improve the visitor experience.*
- *Will improve the status of "Britain's Ocean City" and help secure other international events such as the America's Cup and Solitaire du Figaro, which have taken place in the city.*
- *Helps to support existing businesses and charitable organisations through increased footfall.*
- *Helps to attract further leisure and business use to Sutton Harbour and the wider City.*
- *Will regenerate the waterfront, creating jobs and increasing tax base.*
- *Will act as a catalyst for further investment and delivery of the Harbour Vision.*
- *Good if brown road signs will now be erected for "The Barbican" following this development.*
- *Will strengthen the economy of the wider South West.*
- *Supports the Mayflower 400 celebrations.*

Public Safety

- *CCTV and other initiatives will be included as part of the proposal to create a safe and secure environment.*

In some letters of support some additional comments have also been raised as detailed below:

- *Concern about noise to existing office accommodation.*
- *Is the local road infrastructure going to support this? If so, how?*
- *Car parking is already extremely difficult. Is this going to put even more pressure on a system where I can already only park for a maximum of 3 hours, or face paying?*
- *Will the boardwalk become a hazard when wet (slipping). I would like to see how this has been taken into account?*
- *Are the restaurants going to be severely overpriced in the same way as the Royal William Yard, thereby excluding most of the residents of Plymouth?*
- *Some of the artistic interpretation drawings do not appear to show Salt Quay House. Is it the intention that this building is removed?*
- *What is meant by a "pavilion"? Might it be a nice idea to have somewhere for folk to sit and take in their surroundings without having to be in a restaurant?*

The Action Group for Sutton Harbour (AGSH) have submitted a letter of representation which includes an attachment of 41 questionnaire forms completed by people who attended AGSH's own consultation event considering alternative options for the site. The AGSH representation is treated as a single letter of representation and the issues within it are considered below.

Approximately 270 letters object to the application and the comments within them can be summarised as follows:

Planning Policy

- *The application is contrary to Policy SH06 of the Sutton Harbour Area Action Plan (AAP) as the walkway will be achieved by harbour infill.*
- *There is no policy support for the commercial development, although there is for the walkway.*

- *The site is not included in the AAP and there is no policy basis for commercial infilling of the harbour, especially for non-marine related development.*
- *The applicant's interpretation of the NPPF is questioned – there are no public benefits to this scheme.*
- *The application is contrary to Core Strategy Policy CS03 (Historic Environment).*
- *The platform will block a lot of the public views across the harbour identified in the Barbican Conservation Area Appraisal and Management Plan (BCAAMP) as important elements requiring protection to preserve the historic value of the Barbican Conservation Area.*
- *The development will block views of the listed buildings on Vauxhall Quay surrounding the harbour identified in the Barbican Conservation Area Appraisal and Management Plan (BCAAMP) as important elements requiring protection to preserve the historic value of the Barbican Conservation area.*
- *The development is inconsistent with the Sutton Harbour Plan.*
- *There is no plan or programme to properly enhance the harbour heritage trail.*

Principle of Retail

- *Development like this should be concentrated in the City Centre.*
- *The boardwalk could be constructed without the need for retail development.*

Existing Restaurants

- *Existing empty restaurants should be tackled before new facilities are built.*
- *There are already two places to eat on Vauxhall Quay (the Stables and The Marina Bar) and there is no need for more.*
- *There is already an excess of licensed premises and restaurants in the area causing side effects for local residents e.g. broken glasses.*
- *Do not want more chain restaurants.*

Impact on Existing Water Uses

- *The development will limit the ability of the harbour to carry out its intended function of “water uses” e.g. by reducing moorings.*
- *The “beach” in the corner of Vauxhall Quay is protected for the “drying out” of local small fishing boats and the supporting information is incorrect in saying that it is no longer used.*
- *Detrimental impact on commercial fishing activity.*

Impact of Historic Environment

- *Detracts and destroys historic waterfront legacy of the City.*
- *Detrimental impact on the setting of several listed buildings, including the harbour wall.*
- *Diminishes and harms the character and appearance of the Conservation Area.*
- *Contemporary materials proposed are out of keeping with historic buildings.*
- *Banners have no place on a listed quay.*

Archaeological Impacts

- *Excavation work that will be part of the development may disturb archaeological artefacts.*

Design

- *Design is unsympathetic and an eyesore, with the buildings appearing as sheds.*
- *The chimneys (extracts) from the restaurant kitchens will be unsightly and contribute to air and water pollution.*

Scale of Development

- *Proposal is overdevelopment.*
- *This application is approximately 30% larger than the previous proposal that was rejected, therefore why would this be considered acceptable?*
- *The area of infill is underestimated in the supporting information.*

Precedent of Building over Harbour

- *The application will set a dangerous precedent for building over the harbour.*

Public Access

- *There is no defined public access route through the boardwalk or any guarantee of its status.*
- *Section 6 of the application form appears to indicate that the development will not create a new "public right of way".*
- *Fails to encourage pedestrian flow around the harbour by concentrating retail activity in to one corner of the harbour.*

Pollution

- *Affects natural habitat and environment of the harbour with noise pollution, air pollution, litter pollution and odour pollution, affecting local species in the water and on land.*
- *Concern about contamination of sea bed.*

Noise

- *The proposal would result in additional late night noise which would disturb existing residents. The noise report identifies that there is already excessive noise in the area.*
- *Noise from the platform will reverberate around the harbour due to echoing caused by the structure sitting above the water.*

Transport, Servicing and Parking

- *The existing narrow, one-way road is already subject to major traffic problems and the development would exacerbate this problem.*
- *The application suggests that large vehicles (10m lorries) will need to negotiate the road and there is a concern about the safety of pedestrians.*

- *No consideration has been given to the impact on parking. There is already insufficient parking in the area.*
- *The highway is already in a poor state of repair and this would only exacerbate the situation. The road should be repaired before further work takes place.*

Economy

- *The applicant has made over-optimistic claims that cannot be supported in terms of the number of jobs that will be created.*
- *There is insufficient information about the jobs to be created.*
- *Jobs created are likely to be part-time, low skilled and low paid.*
- *The applicant's claim that they are acting in the local interest should be disregarded as they have allowed buildings in the area to become derelict.*
- *Detrimental to existing businesses in the area. They are already struggling due to competition from other areas in the city and economic conditions.*

Viability of Development

- *The development is likely to stand empty as no named operators have been detailed.*
- *The development could be a burden to taxpayers if the development decays and Sutton Harbour Holdings go bankrupt.*
- *Is the scheme viable considering the number of empty units in the area?*

Public Safety

- *Will encourage further anti-social behaviour and area is already under-policed.*

Flood Risk

- *Placing piles will disturb the flow of water and could result in flooding or the grounding of boats.*
- *Concerns regarding submitted flood risk assessment.*

Alternative Development Suggestions

- *Guy's Quay and Jamaica House should be refurbished and brought back into use instead of this development going ahead.*
- *The development is unnecessary and a cheaper alternative is possible as highlighted by the Action Group for Sutton Harbour (AGSH) – an alternative cantilevered walkway link which would have the least possible impact on the historic environment. There is public support for the AGSH scheme demonstrated by an AGSH consultation event held in October 2014. Included as attachments to the AGSH letter of objection are details of their proposed alternative scheme, the Local Planning Authority's pre-application letter of response to it and questionnaire results from a consultation event held by the AGSH in October 2014.*
- *Should build a replica of the Mayflower instead to encourage tourism.*

Consultation

- *Local residents were consulted by Sutton Harbour Company but the feedback has not been correctly published by the applicant.*
- *Local residents have not been properly consulted.*

Construction Phase Disruption

- *The construction phase is likely to cause significant disruption to residents.*

Waste

- *Waste management will be difficult, if not impossible, to control.*

Loss of Light

- *Sunlight/natural light will be reduced to buildings and walkways in the area.*

Public Health

- *No provision has been made for smokers.*
- *More food and drink outlets are not required given increasing obesity levels.*

Other matters that have been raised but are not material planning considerations are:

- *The development will devalue my property.*
- *Loss of views from private residence.*
- *Contrary to deeds of surrounding properties and original Act of Parliament in 1847 (and subsequent revision in 1964) forming Sutton Harbour Improvement Company.*

A total of 48 letters of representation were received on the accompanying Listed Building Consent (LBC) application (12/02334/LBC). The comments relating to the LBC are detailed in the LBC report.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan is the Local Development Framework Core Strategy (adopted 2007) and the Sutton Harbour Area Action Plan (adopted 2008)

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One: Consultation Draft was approved by Cabinet for consultation purposes on 9 December 2014. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at an early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The draft policies of the Plymouth Plan are currently subject to consultation, although the general direction taken by the plan and key issues and options relating to it have been subject to consultation.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

City Vision

Plymouth's vision is to be one of Europe's most vibrant waterfront cities where an outstanding quality of life is enjoyed by everyone. This has long been at the heart of policy and plan making in the city. It was included in the Mackay Vision, adopted in the Core Strategy and is now being taken forward into the new Plymouth Plan.

Core Strategy

The adopted Core Strategy contains many policies relevant to this planning application as set out in this report, including the following:

- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS03 - Historic Environment
- CS04 - Future Employment Provision
- CS12 - Cultural / Leisure Development Considerations
- CS13 - Evening/Night-time Economy Uses
- CS19 - Wildlife
- CS20 - Resource Use
- CS21 - Flood Risk

- CS22 - Pollution
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration

Core Strategy Area Vision 5 (Sutton Harbour) is particularly relevant and includes the following:

“To consolidate and develop the Sutton Harbour area as an attractive and sustainable mixed-use city quarter creating a unique, high quality environment that will attract investment and new residents.

The Council’s objectives to deliver this vision are:

- 1. To promote the positive mixed-use regeneration of disused or under-used land and buildings, including where appropriate, tall buildings.*
- 2. To conserve and enhance the special historic character of the Barbican, Bretonside and Coxside for future generations - capitalising on historic assets while respecting the character of existing communities, uses, buildings and structures that make the area distinctive.*
- 3. To create a safe, high-quality environment that capitalises on the waterfront setting. This should include a linked network of attractive public spaces including a vibrant, publicly and visually accessible waterfront – enlivened with entertainment, leisure and cultural uses.”*

Sutton Harbour Area Action Plan (2008) (AAP)

The planning policy which has the greatest weight with regards to this proposal is Policy SH06 (Sutton Harbour Heritage Trail) in the adopted Sutton Harbour Area Action Plan (2008):

“The Council will support proposals to deliver and enhance the Sutton Harbour Heritage Trail around the complete length of the harbour including:

- 1. Allowing active uses at ground floor level at appropriate locations, having regard to residential amenity, including a limited number of small scale food and drink kiosks.*
- 2. The review and possible rearrangement of quayside parking to facilitate use of the Heritage Trail whilst safeguarding the operational requirements of the Sutton Harbour Company and other commercial and recreational users.*
- 3. The provision of a new waterfront walkway link connecting Vauxhall Quay to Guy’s Quay and Exchange Street.*
- 4. The removal of quayside structures that do not enhance the special character of the harbour and the creation of a safe, high quality environment.*
- 5. Public realm enhancements through landscaping and improvements to surface treatments.*
- 6. The incorporation of public art and heritage interpretation along the quays.*
- 7. Improvements to the existing Sutton Harbour Heritage Trail Room or the creation of a new high-profile, accessible facility.*

Pedestrians walking around the harbour currently have to detour inland between Exchange Street / Guy’s Quay and Vauxhall as there is no quayside walkway around this part of the harbour. This limits public enjoyment of the waterfront and also discourages people from walking from the Barbican towards the north

and east quays. The policy will help to create an opportunity to complete this missing link in the waterfront walkway around the harbour. The new link route must be designed to be sensitive to the historic quay wall - with a boardwalk or cantilevered walkway structure, for example, but not through infill of the harbour.”

Barbican Conservation Area Appraisal and Management Plan (2007) (BCAAMP)

The development site is largely just outside the Barbican Conservation Area boundary, but the development's impact on the latter is a key issue. The Barbican Conservation Area Appraisal and Management Plan (2007) (BCAAMP) was a Supplementary Planning Document which was used as part of the evidence base for the Sutton Harbour Area Action Plan (2008) – the adopted Development Plan Document. As an adopted Development Plan Document, the SHAAP has greater material weight than the BCAAMP, but the BCAAMP is nevertheless a material consideration.

Views to and from Vauxhall Quay and Quay Road are identified as important. The current gap in public access around the harbour's waterfront at the site is illustrated and the document identifies the barrier to public enjoyment of the waterfront presented by car parking at the quay edge. Vauxhall Street itself is identified as a busy road forming a barrier to pedestrian movement in the Conservation Area.

The document supports the principle of a walkway link from Vauxhall Quay to the Exchange Street car park - *“Completion of the harbourside walkway from Vauxhall Quay to Exchange Street would also be highly desirable as an enhancement of public enjoyment of the Conservation Area, though the impact on the listed harbour walls would need very careful consideration.”*

Plymouth Plan

The emerging Plymouth Plan will eventually replace the SHAAP. Central to the document is the aspiration to enhance Plymouth as *“an international city, renowned as Britain's Ocean City, harnessing the benefits of the city's outstanding waterfront and maritime heritage.”*

Improving access to and along the waterfront and capitalising on waterfront opportunities is a strategic objective in the document and the vision for Plymouth in 2031 is set out:

“Plymouth provides an internationally competitive cultural and visitor offer, optimising the value of existing destinations such as the National Marine Aquarium, Sutton Harbour and the Theatre Royal, and linking them to new destinations such as the Plymouth History Centre, so that the city is recognised as a 'must do' visitor destination on any visit to the UK.”

“Plymouth's unique waterfront has been transformed through improvements to public spaces and key heritage assets, such as The Hoe and The Barbican, as well as hosting major events for art, culture and sport.”

“Water transport improvements have improved access to and opportunities at key locations such as Mount Batten, Sutton Harbour, Millbay, Royal William Yard, Devonport and Mount Edgcumbe country park.”

“The Mayflower 2020 celebrations have created a strong legacy both for the visitor economy and for local people, through improved public realm and waterfront access and lasting economic benefits.”

“Plymouth has built on its reputation for excellent hospitality and food and drink, with major new investment in quality hotels and visitor accommodation.”

“The design of new buildings and of public spaces in the City Centre, along Plymouth’s waterfront and at gateways to the city reflect the quality to be expected from Plymouth’s Britain’s Ocean City status.”

Policy 44 of the Plymouth Plan states that *“Limited retail development may be permitted at the waterfront locations of Millbay and Sutton Harbour provided that they are complementary to the City Centre's prime role and specifically support the visitor economy and the regeneration of these key destinations.”*

Policy 46 of the Plymouth Plan (Managing and enhancing Plymouth’s waterfront) includes the following:

- 3. Safeguarding and further enhancing public access to and along the waterfront particularly at the land / sea interface, especially to provide increased opportunity for its enjoyment by people who live in the city's waterfront neighbourhoods.*
- 4. Safeguarding water access points along the waterfront*
- 6. Improving key waterfront destinations for the local community and to grow the visitor economy, including The Barbican / Sutton Harbour, The Hoe, Millbay and the Royal William Yard.*
- 7. Safeguarding and enhancing the natural environment and key historic heritage features, including the city's marine archaeology.*
- 8. Ensuring that waterfront development is of high quality design, safeguards the waterfront's primary functions, improves use of and access to underused waterfront sites, delivers marine recreation opportunities where appropriate, and supports the regeneration of waterfront communities.”*

“Sutton Harbour, The Hoe, parts of Millbay and the Royal William Yard are key parts of the waterfront that have been identified for their recreational and visitor role and opportunities will be sought to enhance this function by creating vibrant areas which make full use of their historic features.”

National Planning Policy Framework (2012) (NPPF)

The NPPF is an important material consideration in relation to this planning application and particularly the paragraphs below:

“132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.”

“133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”.

“134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

“137. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”

8. Analysis

Principle

- 8.1 The principle of creating a walkway link over the water from Guy's Quay to Vauxhall Quay is supported by Sutton Harbour Area Action Plan (AAP) Policy SH06 and by the Barbican Conservation Area Appraisal and Management Plan. It is considered that this will create a positive improvement to the Sutton Harbour Heritage Trail and will increase public enjoyment of the waterfront by adding an important, but currently missing, link in the quayside pedestrian route around the harbour. Many objectors agree with the principle of the walkway itself.
- 8.2 Some letters of representation raise objections on the basis that the scheme represents infill of the harbour and is therefore contrary to the AAP. Officers disagree that the proposal represents infill of the harbour. The Boardwalk sits, raised above the water on stilts (piles). Water will clearly be visible beneath and around the Boardwalk and underfoot in places (e.g. through the gantry-like linking walkways).

Uses

- 8.3 It is considered that AAP Policy SH06 also supports the commercial units on the Boardwalk *“The Council will support proposals to deliver and enhance the Sutton Harbour Heritage Trail around the complete length of the harbour including:*
- 1. Allowing active uses at ground floor level at appropriate locations, having regard to residential amenity, including a limited number of small scale food and drink kiosks.”*
- 8.4 The scale of the proposed commercial units within the scheme has reduced considerably from those in the previous versions of the proposal. The first planning application contained 1,812sqm of retail space. The current scheme contains 725sqm of retail space – less than half that in the original proposal – meaning that it is classed as a minor planning application. Officers consider that the retail units proposed are of a relatively small scale and limited in number and accord with AAP Policy SH06.
- 8.5 The A1 (shop) and A3 (restaurant) uses proposed are considered acceptable in this location with regards to residential amenity. The applicant states that their aspiration is for family-oriented restaurants. The family orientation of the restaurants cannot be secured by condition, but a change of use to a pub, for example, can be controlled as it would require a new planning application for a change of use to A4. Officers consider that any impacts as a result of the proposed uses can be adequately mitigated, including by the proposed conditions as set out below. The external seating areas are set well away from existing residential dwellings.

- 8.6 As well as accepting that the commercial units are enabling development that helps to fund the creation of the Boardwalk, officers consider that the retail units are a positive addition in terms of drawing pedestrian footfall from the busy Quay Road and encouraging pedestrians to enjoy a previously inaccessible stretch of waterfront and allowing them to explore further north and around to the east of the harbour - areas which are currently relatively quiet in terms of activity (there is little in the way of active ground floor frontage along Vauxhall Quay), but important in terms of unlocking Plymouth's vibrant waterfront potential as enshrined in planning policy and the city vision.
- 8.7 The creation of a new ferry / water taxi link is considered to add positively to the critical mass of activity to draw pedestrians to and around the site and will contribute towards the site's role as a destination and the wider Ocean City agenda, tourism and visitor offer.

English Heritage Issues

- 8.8 Extensive negotiations have taken place between officers, English Heritage and the applicant's team with the various versions of this scheme at application and pre-application stage. The applicant has made significant changes to the scale and design of the scheme in an attempt to respond positively to the concerns raised. The applicant also commissioned a Heritage Appraisal and an Urban Design Study in response to requests from English Heritage. The applicant presented their new Sutton Harbour Vision document to English Heritage at the pre-application stage of the current proposal. Sutton Harbour's Vision document shows how the Boardwalk fits within the wider context of the applicant's plans for Sutton Harbour.
- 8.9 English Heritage's consultation response is as follows – *“while we support the proposed bridge between land at Exchange Street and the site, we feel that the proposed piled structure will harm the character and appearance of the Vauxhall Conservation Area [sic], and the settings of the Grade II listed warehouses adjacent to the site whose physical and visual relationship with the water will be diluted. [...] if articulated as part of a wider masterplan it might be possible to demonstrate wider public benefits that outweigh the harm”*. English Heritage have since clarified that they consider that *“the harm is less than substantial”*.
- 8.10 Officers consider that there are plans in place that demonstrate the wider public benefits of the proposal – chiefly the adopted Sutton Harbour Area Action Plan. Officers also consider that Sutton Harbour Holdings' Vision document also sets the wider context and is a helpful document in terms of showing how the proposal will fit with the applicant's plans, including enhancing the Heritage Trail and activity around the harbour and improving public access to the waterfront.
- 8.11 English Heritage's comments invoke the tests of the NPPF. The key NPPF test here is the weighing of “harm” to a heritage asset against the public benefits of the proposal. Officers do not consider that the current proposal results in “harm” or “less than substantial harm”. The only direct impact on a heritage asset is minimal, where the Boardwalk connects with the Grade II listed quayside. It is considered that the detail of how the structure is secured to the quayside can be adequately controlled by condition and is not dissimilar to the connection existing marina pontoons and landing stages already make to the listed quayside in the harbour.
- 8.12 Impacts on heritage assets are indirect – i.e. to the setting of the Barbican Conservation Area and the setting of the adjacent listed buildings. The proposal clearly represents a change to the setting of those assets and a change to the important views identified in the Barbican Conservation Area Appraisal and Management Plan. However, officers consider that this change is positive. It represents another layer in the evolution of Sutton Harbour; just as the creation of the built quaysides was a new layer beyond the historic shoreline along Vauxhall Street; just as the Sutton Jetty was a new layer over the harbour when a railway goods shed

was required during the Steam Age; just as the marina and pontoons are a new layer over the water now. Like many historic harbours, the Sutton Harbour and the Barbican Conservation Area has adapted and changed to as its function has changed and diversified over time. Vauxhall Quay has not been a working quayside for a long time. The function of the harbour has expanded to incorporate more leisure uses in the last few decades. Historic warehouses have been changed to accommodate new uses, different from their original function, including residential and retail. It is considered that the function of this site can also change to accommodate this proposal without detriment to the quality of the Conservation Area or the setting of the adjacent listed buildings. Officers consider that the proposal in fact enhances the Conservation Area in many respects.

8.13 If Members consider that the proposal causes “harm”, officers would argue that this is outweighed by the substantial wider public benefits offered by the proposal, including the following:

- Delivery of improved public access for all along a previously missing link in the Sutton Harbour Heritage Trail as sought by the adopted Sutton Harbour AAP.
- Creation of a new public realm destination and a new experience in terms of being able to walk on a boardwalk with water below.
- Delivery of a new publicly accessible ferry/water taxi service for the benefit of local people and visitors alike - contributing to Plymouth’s Ocean City agenda and tourism offer.
- Repair of the Grade II listed quay wall at Little Vauxhall Quay, which is currently temporarily held up with gabions.
- Resurfacing of Little Vauxhall Quay with reclaimed granite setts (cobble) in keeping with historic surfaces in the Barbican Conservation Area.
- Public realm improvements, landscape enhancements and de-cluttering of Vauxhall Quay.
- Contribution of £5,000 towards strategic flood protection work to protect the harbour.
- Contribution of £5,000 towards CCTV surveillance for the site.

Design

8.14 Officers consider that the footprint and massing of the proposed scheme is positive in design terms. The footprint of both the Boardwalk and the retail units has been reduced significantly in response to concerns with the previous planning applications.

8.15 Officers support the concept of separation of the structure from the historic quay walls on Vauxhall Quay and Little Vauxhall Quay. This gives clear definition between old and new and allows the listed quay walls to be seen. The gantry-type linking walkway sections which connect to the main boardwalk reinforce this separation as water will be visible through them below.

8.16 The height of the proposed retail units at Vauxhall Quay has been reduced from two storeys to one storey. This height is considered acceptable, as is the height of the “pavilion” building which is also a single storey structure. At one-storey, the two main retail units result in less change to the historic view from Quay Road towards the site and reveal more of the listed warehouses beyond than the previous scheme.

- 8.17 Parts of the Barbican are characterised by single storey buildings set in front of taller warehouses inland (e.g. the Barbican Glassworks / former fish-market building and Sutton Jetty).
- 8.18 The three-dimensional form of the main two retail units, and their architectural expression, makes obvious reference to the Barbican Glassworks / former fish-market building. The applicant changed the architecture of the buildings to something more traditional in style in response to comments about the previous withdrawn application, which was very futuristic in style, with leaning walls and flat roofs. The applicant has sought to redesign the scheme to make its architecture more sensitive to its Barbican Conservation Area context. Officers consider that the design of the current proposed scheme can be supported. It will be important that the material specification and detailing of the buildings and Boardwalk are completed to a high quality, appropriate for the Conservation Area and this is proposed to be secured by condition.
- 8.19 The scheme was considered by the Devon Design Review Panel on 20/01/15. The Panel were unanimous in their support for the proposal, and this is reflected in the comments in their report as set out above. The Panel's report states that they considered that there is some harm to the historic setting, in reference to the NPPF tests, but that this is "*clearly outweighed by the overall benefit*". The Panel state that their support for the proposal is dependent on the Boardwalk remaining accessible to the public 24 hours a day. A condition is proposed to safeguard public access.

Transport

- 8.20 The principle of improved pedestrian access and the new walkway link is supported in sustainable transport terms and the new ferry / water-taxi link is welcomed. The site lies within convenient reach of public transport facilities.
- 8.21 With regards to the proposed retail units, in total 725 sqm of new A1 and A3 floor area is proposed and considering the nature of the uses that are proposed, the total floor area and the fact that no dedicated off-street car parking is provided, the traffic impacts associated with the proposed development are likely to be minimal and would not give rise to any capacity issues on the local highway network. Officers consider that the peak hour in terms of traffic movements associated with A1-A3 uses is likely to be low and will mainly occur during evenings and weekends. Many of the trips will also be linked to other attractions in the area.
- 8.22 No dedicated off-street car parking is proposed to serve the development with reference being made in the Transport Statement to reliance upon the use of existing public car parking within the area such as Exchange Street etc. and while these car parks are busy at certain times, the impact of these developments on the operation of these car parks is likely to be small.
- 8.23 The applicant states that they will promote the use of the Harbour Car Park to customers. Since the applicant first proposed the idea of the boardwalk, they have increased the opening hours of the Sutton Harbour lock bridge and it now remains open until 11:00pm rather than 9:30pm, allowing people greater access to the Harbour Car Park which has historically been underused at times. For clarification, the applicant cannot be held to these opening hours through planning conditions.
- 8.24 There have also been discussions regarding Travel Planning in the area and given the high demand for existing car parking in the area, it is considered that a Travel Plan should be prepared to advise visitors how to best access the area using alternative modes of transport to the private car and provide information on local car parks in the area.

- 8.25 Vehicle loading and unloading is proposed to take place along the edge of Vauxhall Quay, next to the proposal, which will require the removal of the existing railings and some minor alterations to the existing street furniture adjacent to the proposed development. Some, but not all of this land, is highway maintained at public expense and further details should therefore be submitted of the proposed details to ensure servicing takes place without impacting on local access. Some cycle parking is proposed within the site - up to 11 spaces are proposed.
- 8.26 With regards to transport, officers recommend that the conditions be attached to any grant of consent with regards to the travel plan, cycle provision and provision and use of loading areas.

Relocation of existing car parking along Vauxhall Quay

- 8.27 The applicant states that their intention is to relocate the existing car parking on Vauxhall Quay to other car parking areas under their control, including the Harbour Car Park (formerly known as the Coxside / Barbican Car Park) and to other sites around the quayside. Officers support the aim of moving car parking away from the quay edge to enable pedestrians to enjoy being closer to the waterfront as it is consistent with the Policy SH06 of the Sutton Harbour Area Action Plan.

Environment Agency (EA) Issues

- 8.28 The Environment Agency (EA) issues relate to flood risk and pollution prevention. The EA state that this proposal will be acceptable if;
- i. a Section 106 planning obligation is agreed to secure an appropriate contribution towards a Sutton Harbour Flood Risk Management Strategy,
 - ii. a condition is included on the subsequent permission to ensure that flood resilient construction techniques are incorporated in to the buildings and a flood risk management plan is provided future occupants; and,
 - iii. a condition is included on the subsequent permission requiring the preparation and submission of a pollution prevention method statement to ensure the protection of the water environment.
- 8.29 The applicant has agreed to contribute the sum of £5,000 towards a Sutton Harbour Flood Risk Management Strategy. This is to be included within a Section 106 agreement.
- 8.30 The proposal is located within a defended area of Flood Zone 3 (high probability) but would be defined by the Planning Practice Guidance as a “Less Vulnerable” use in flood risk terms. The EA acknowledges that the principle of this type of development around Sutton Harbour is supported in the Sutton Harbour Area Action Plan. Nevertheless the EA states that, it is still necessary for this type of development to be as safe, resistant and resilient as possible from flooding over its lifetime.
- 8.31 The EA considers that the Flood Risk Assessment has adequately considered the flood risks to the site. The Flood Risk Assessment confirms that the proposed buildings will be at risk of coastal flooding should the Environment Agency flood defences (the Sutton Harbour lock gate) fail to operate correctly.
- 8.32 However, the Sutton Harbour Flood Risk Management Strategy, to which the applicant has agreed to contribute the sum of £5,000, will identify the works required to upgrade the standard of flood defence to ensure that additional protection is provided to protect against rising sea levels associated with the impact of climate change. The strategy will also identify the costs of these works, allowing the EA to identify the amount of Government Flood

Defence Grant in Aid funding that would be available and your Authority to devise a fair contributions scheme for new development around Sutton Harbour to ensure the future costs of the necessary upgrade works can be met.

8.33 To ensure that flood risks to the building are managed appropriately a condition is considered necessary by the EA, to ensure that flood resilient construction techniques are incorporated in to the development and a flood risk management plan is provided for future occupants of the development. Officers recommend inclusion of these conditions in the grant of any planning permission accordingly.

8.34 The proposal is within 1km of the Plymouth Sound Special Area of Conservation, and approximately 1.5km from the Bathing Waters at Plymouth Hoe East and Plymouth Hoe West.

8.35 The EA states that while they do not have any in principle objections to these small-scale works if best working practices are adhered to, it is possible that they may have a local impact:

“We are unsure of the methods and mitigation used with regards to the alteration of the quay wall although stainless steel railings are not a concern. However, should the works involve direct contact with the surrounding water-body, disturbance of sediments should be avoided to prevent the release of contaminants associated with harbour sediments.

Mitigation measures should be put in place to ensure environmental disturbances and pollution incidents do not occur, and should they occur, do not impact water quality.

We advise therefore that method statements for any alteration of the quay wall and piling should be prepared and submitted for review as soon as possible. If this cannot be done prior to the grant of planning permission then we would advise that this matter be covered by a condition.”

8.36 The pollution from sediments issue has also been raised by Natural England and a condition is recommended accordingly.

Natural England Issues

8.37 As well as the sediment from piling issue and the need to mitigate impacts of construction impacts on the Plymouth Sound and Estuaries Special Area of Conservation and the Dartmoor Special Area of Conservation, Natural England has also raised concerns about the noise impact of piling on migratory Atlantic Salmon. It is considered that these matters can adequately be dealt with by means of conditions enabling the piling works methodology to be agreed with Natural England before the development can commence.

8.38 Economic Benefits

8.39 The Council's Economic Development Department supports the proposal and consider that it has potential to offer significant employment and skills benefits and request a condition to secure an “Employment and Skills Strategy”.

8.40 Peter Brett Associates have undertaken an Economic Benefits Statement (Dec 2014) on behalf of the applicant. Officers in the Economic Development Department consider that the methodology underpinning the figures in the Economic Benefits Statement seems robust:

- The A1/A3 premises could generate 50 jobs, including 39 direct jobs (employed in the new units). It could also add an estimated £1.3m in GVA per annum to the Plymouth economy. Once allowances are made for leakage and displacement, the Plymouth economy could benefit from 34 net additional jobs supported by the development and £893,000 in GVA per annum.

- The proposal is part of the overall redevelopment of Sutton Harbour (overall 1,326 gross jobs, of which 900 are new to the Plymouth economy). £34m extra GVA to the Plymouth economy.
- The boardwalk will act as attraction in its own right.
- The Economic Benefits Statement includes letters of support from two consultants, who state they are aware of a number of national brands interested in this development.

8.41 This proposal helps meet key objectives in the Visitor Plan and will assist as an attraction on the build up to Mayflower 2020.

Public Protection Issues

Sale of Alcohol and Entertainment

- 8.42 The proposed uses would require licensing permission for the sale of alcohol and for regulated entertainment, such as music. These licensing processes are separate to the planning application process. Because these separate licenses would be required, it is not necessary to put planning conditions in place to control entertainment or the sale of alcohol. The use of any of the units could not be changed to a pub within the limits of this planning application – a new planning application to add the separate use class A4 would be required. It is not therefore necessary to add a condition in this respect.
- 8.43 It is recommended that a condition be added requiring the submission of a management plan to demonstrate how impacts on the amenity of the local area will be mitigated.

Operating Hours

- 8.44 The operating hours of 7am until midnight are considered to be acceptable for the retail units, provided a satisfactory management plan is put in place. The operating hours for the external seating areas of 8am until 11pm is considered to be acceptable, again subject to an acceptable management plan being implemented. Conditions are proposed to restrict the operating hours accordingly and to require the submission and agreement of a management plan for the external areas.

Ventilation and Other Plant and Machinery

- 8.45 The residential units adjacent to the proposed development are 5 storeys in height and the proposed development is one storey, it is therefore important to mitigate the impact of extract odours or noise on residential amenity.
- 8.46 The applicant has stated that kitchens within the two A3 units will be installed centrally within the two restaurant units and that louver wall panels will be fitted where the kitchen extract ventilation systems will expire, although these are not shown on the submitted plans. As the systems will be installed retrospectively to the development by future unknown tenants, no supporting information on the type of equipment that will be installed, the noise that will be emitted from it, or the odour control systems that will be incorporated within it, have been submitted at this stage. The submitted noise assessment states that the pavilion will have only limited noise emitting plant and due to the extra distance to the nearest residential properties has not been included in the noise assessment.
- 8.47 The consultant's noise assessment recommends a noise mitigation strategy requiring that future tenants of the two A1/A3 units be contracted to ensure the equipment they install does not contribute to noise in the locality above those mentioned within the assessment.

- 8.48 Officers have no control over the contracts that will be issued by the applicant to future tenants of the two A1/A3 units, and no information is available with regard to the operation and equipment at the pavilion. Conditions have therefore been included to ensure that any systems fitted to the two units and the pavilion after the development has been completed do not cause noise or odour problems.
- 8.49 Officers have also required by condition that a noise verification report be submitted once the development is fully operational. This will not only assist the applicant in demonstrating that, not only does the cumulative noise effect of equipment installed by its tenants meets the criteria, but that additional cumulative noise from the upgraded sub-station and any other equipment that may be required, such as drainage pumps, also has no unacceptable impact on the amenity of the area.

Waste Arrangements

- 8.50 Bin storage is shown as integral to the retail units on the proposed plans and this is supported. It is understood that it is the applicant's intention to de-clutter and improve the appearance of Vauxhall Quay and Little Vauxhall Quay from the existing situation, by keeping commercial waste bins off the quayside. This aspiration is welcomed as it will improve the appearance of the Conservation Area. The waste management arrangements can be controlled by the management plan that is proposed as a condition.

Drainage and Toilet Arrangements

- 8.51 It is considered that the drainage and toilet arrangements for the units can be satisfactorily addressed through the Building Control process in the normal way and no conditions are therefore considered necessary in this respect.

Construction Phase Impacts

- 8.52 A condition is proposed requiring the applicant to submit for approval a Construction Environmental Management Plan. It is expected that this will detail measures to control and mitigate construction phase nuisances such as noise. The document will be expected to detail hours of work in line with those found in the Plymouth City Council Code of Practice for Construction and Demolition. Given the marine nature of the site it is considered that piling or other works that are dependent upon the tide will still need to adhere to the recommended timeframe for construction and this should be factored in to any build schedule that is proposed.

Land Quality Observations

- 8.53 A preliminary risk assessment (Red Rock Geoscience, Phase I Geotechnical and Geoenvironmental Desk Study Report, December 2014, Reference: RP5440-v4) has been submitted in support of the application. The recommendation is for a Phase II site investigation to determine the level of contamination of the existing soils on the bottom of the harbour and water quality in order to characterise the site from a geo-environmental perspective and to provide information for an adequate construction and remedial / mitigation plan. Conditions are proposed to support the further necessary site characterisation works, plus any other remediation and verification works that may subsequently be necessary. These conditions detail particular actions and a set of works that will need to be submitted and approved by the local planning authority before any

development takes place. Once an approved remediation strategy is in place (if required) the pre-commencement part of these conditions may be lifted.

Other Issues Raised in Letters of Representation

- 8.54 Material planning issues raised in the letters of representation, but not covered elsewhere in this report are considered below:
- 8.55 *“There is no plan or programme to properly enhance the harbour heritage trail”*. Officers must consider the planning application before them here, rather than the delivery and enhancement of the whole harbour heritage trail. However, it can be noted that Policy SH06 for the Sutton Harbour Heritage Trail is in place in the adopted Sutton Harbour Area Action Plan and the applicant’s own Vision for Sutton Harbour sets out their aspirations for improvements to the route. Officers consider that this proposal will enhance the Sutton Harbour Heritage Trail.
- 8.56 *“Development like this should be concentrated in the City Centre”*. Small scale retail and leisure related development at Sutton Harbour is supported by local planning policy. The Council’s Economic Development Officers have advised that the proposal is not considered to have a negative impact on retail in the City Centre. Officers have included a condition to prevent the two main retail units being combined into one larger retail unit in the future, to safeguard against impacts on City Centre retail.
- 8.57 *“The boardwalk could be constructed without the need for retail development.”* Officers must consider the proposal before them. The applicant states that the retail component is enabling development which helps fund the Boardwalk and the reconfiguration of the marina and that the purpose of the retail is also to draw pedestrian footfall around the harbour. Officers support the idea of active uses on the Boardwalk, to generate activity in a relatively quiet part of the quayside, and to encourage people to enjoy walking around the Sutton Harbour Heritage Trail.
- 8.58 *“Existing empty restaurants should be tackled before new facilities are built”*. Tackling existing empty restaurants is beyond the remit of officers. Officers support the Sutton Harbour Area Action Plan aspiration of enlivening the quayside with active ground floor uses.
- 8.59 *“There are already two places to eat on Vauxhall Quay (the Stables and The Marina Bar) and there is no need for more.”* Officers consider that Vauxhall Quay can benefit from more than two restaurant uses.
- 8.60 *“There is already an excess of licensed premises and restaurants in the area causing side effects for local residents e.g. broken glasses.”* It is considered that the proposed management plan for external areas and the contributions towards improvements in CCTV coverage will help to mitigate negative impacts on local residents.
- 8.61 *“Do not want more chain restaurants.”* The types of restaurant cannot be controlled through the planning process.
- 8.62 *“The development will limit the ability of the harbour to carry out its intended function of “water uses” e.g. by reducing moorings.”* It is understood that Vauxhall Quay itself has limited potential for mooring, particularly at its western corner, because of its relative shallowness. In order to make space for the proposed walkway, the applicant proposes to reconfigure the private marina pontoon arrangement. Any impact on water uses is considered to be outweighed by the wider benefits generated by the scheme, including improved public access to the waterfront.
- 8.63 *“The “beach” in the corner of Vauxhall Quay is protected for the “drying out” of local small fishing boats and the supporting information is incorrect in saying that it is no longer used.”* This issue is

outside the planning process. The applicant says that as harbour authority it directs this activity to the beach on the other side of the harbour near Marrowbone Slip and Shepherd's Wharf.

- 8.64 *"Detrimental impact on commercial fishing activity."* Officers are not aware of any evidence to support the claim that the proposal would have a major or unacceptably negative impact on commercial fishing activity in the harbour.
- 8.65 *"Contemporary materials proposed are out of keeping with historic buildings."* Officers consider that contemporary materials can contribute positively to historic buildings. Officers consider that the use of glass, for example, within the converted historic Barbican Fish Market illustrates a positive precedent.
- 8.66 *"Banners have no place on a listed quay"*. It is considered that the use of banners can be appropriate on listed quays if they are designed to be of a suitably high quality – and this is proposed to be controlled by condition.
- 8.67 *"Excavation work that will be part of the development may disturb archaeological artefacts."* Officers consider that any archaeological impacts can be adequately mitigated by condition.
- 8.68 *"Proposal is overdevelopment."* Officers consider that the scale of the development is appropriate for its context.
- 8.69 *"This application is approximately 30% larger than the previous proposal that was rejected, therefore why would this be considered acceptable?"* The current proposal is smaller than the previous planning applications.
- 8.70 *"The area of infill is underestimated in the supporting information."* Officers disagree that the proposal represents infill as discussed above. Officers consider that information submitted by the applicant allows an informed judgement to be made about the acceptability of the proposal in planning terms.
- 8.71 *"The application will set a dangerous precedent for building over the harbour."* Any proposal would be considered on its own merits. The idea of a boardwalk on this particular site is proposed by the adopted Sutton Harbour Area Action Plan.
- 8.72 *"There is no defined public access route through the boardwalk or any guarantee of its status."* Officers consider that the plans indicate a publicly accessible route and that this can be safeguarded by condition.
- 8.73 *"Section 6 of the application form appears to indicate that the development will not create a new "public right of way"."* Access around much of the harbour is currently by license rather than public right of way. However, officers are keen to ensure the route remains publicly accessible and propose to secure this public access by means of condition.
- 8.74 *"Affects natural habitat and environment of the harbour with noise pollution, air pollution, litter pollution and odour pollution, affecting local species in the water and on land."* *"Concern about contamination of sea bed."* Officers consider that any impacts in relation to these issues can adequately be mitigated by the conditions proposed.
- 8.75 *"The proposal would result in additional late night noise which would disturb existing residents. The noise report identifies that there is already excessive noise in the area."* *"Noise from the platform will reverberate around the harbour due to echoing caused by the structure sitting above the water."* Officers consider that any impacts in relation to these issues can adequately be mitigated by the conditions proposed.
- 8.76 With regards to alternative development suggestions put forward in letters of representation, it is not the purpose of this report to consider alternative proposals. Those proposals would be considered on their own merits were they to be submitted as planning applications.

- 8.77 Representations have made reference to Sutton Harbour Company's own public consultation exercise and question how the feedback from this was published by Sutton Harbour Company. It is not the purpose of this report to comment on the accuracy of that document. In preparing this report, officers have considered the representations made directly in relation to this planning application. This planning application has been subject to appropriate public consultation in the normal way.
- 8.78 "*The construction phase is likely to cause significant disruption to residents.*" It is considered that this can be adequately mitigated.
- 8.79 "*Waste management will be difficult, if not impossible, to control.*" It is considered that waste management can be adequately controlled.
- 8.80 "*Sunlight/natural light will be reduced to buildings and walkways in the area.*" Officers do not consider that the proposal will result in an unacceptable loss of light to buildings and walkways.
- 8.81 "*No provision has been made for smokers.*" The proposal includes external space where provision could be made for smokers. A condition has been added for a management plan for the external areas and an informative sets out that this must include a smoking area management plan to control noise, litter, smoke drift and odour associated with this area.
- 8.82 "*More food and drink outlets are not required given increasing obesity levels.*" The type of restaurants that could potentially form part of the development cannot be controlled through the planning process, but could potentially sell healthy food. The improvements the development makes to the Sutton Harbour Heritage Trail could contribute positively to public health by encouraging exercise in terms of more walking people around the harbour.

9. Human Rights

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.

10. Local Finance Considerations

This proposal is exempt from the Community Infrastructure Levy.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations have been sought in respect of the following matters:

- Contribution of £5,000 towards CCTV system - agreed with applicant.
- Contribution of £5,000 towards a Sutton Harbour Flood Risk Management Strategy – agreed with applicant.

12. Equalities and Diversities

It is considered that the boardwalk will improve social equity and encourage diversity in the sense that it will allow public access and enjoyment of a stretch of the waterfront that is currently only accessible to private boat owners and marina users.

It will improve the diversity of experience in being the only publicly accessible boardwalk in Sutton Harbour where everyone can enjoy the experience of walking on a timber structure with water visible below - the only similar experience being for users of the marina pontoons and the existing Sutton Jetty boardwalk, both of which are private.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance.

As well as accepting that the commercial units are enabling development that helps to enable the creation of the Boardwalk, a key proposal in the Sutton Harbour Area Action Plan (2008), officers consider that the retail units and ferry/water-taxi facility are a positive addition in terms of drawing pedestrian footfall from the busy Quay Road and encouraging pedestrians to enjoy a previously inaccessible stretch of waterfront and allowing them to explore further north and around to the east of the harbour - areas which are currently relatively quiet in terms of activity but important in terms of unlocking Plymouth's vibrant waterfront potential as enshrined in planning policy and the city vision.

Officers consider that the scheme will be a positive addition to the Barbican Conservation Area and do not consider that the proposal results in "harm" to heritage assets in terms of the tests of the NPPF. If any harm did exist it would be less than substantial and outweighed by the wider public benefits the scheme will deliver as outlined above.

13. Recommendation

In respect of the application dated **11/12/2014** and the submitted drawings 12710 L01.02 F (Proposed Site Plan), 12710 L02.01 D (Ground Floor Plan), 12710 L02.02 B (Pavilion Floor Plan), 12710 L03.01 D (Section AA), 12710 L04.01 D (Proposed North & East Elevations), 12710 L04.02 D (Proposed South & West Elevations), 12710 L04.04 K (Pavilion Elevations), 12710 L04.11 (Existing & Proposed Substation), 12710 L06.01 (Quay Connection Detail 1), 12710 L06.01 A (Proposed Refuse Stores Plan), 12710 C01/FIX 01.01, 1530 - Weaver Casting Drawing, Design & Access Statement, 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 30/04/2015**

14. Conditions

CONDITION: 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 12710 L01.02 F (Proposed Site Plan), 12710 L02.01 D (Ground Floor Plan), 12710 L02.02 B (Pavilion Floor Plan), 12710 L03.01 D (Section AA), 12710 L04.01 D (Proposed North & East Elevations), 12710 L04.02 D (Proposed South & West Elevations), 12710 L04.04 K (Pavilion Elevations), 12710 L04.11 (Existing & Proposed Substation), 12710 L06.01 (Quay Connection Detail 1), 12710 L06.01 A (Proposed Refuse Stores Plan), 12710 C01/FIX 01.01, 1530 - Weaver Casting Drawing, Design & Access Statement.

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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: CONTAMINATED LAND

(3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition 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 section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall 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 survey of the extent, scale and nature of contamination;

(ii) 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
- archaeological sites and ancient monuments;

(iii) 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'.

Section 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 shall 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.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall 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 the replaced 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.

Section 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 shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 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 section 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land 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, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: SURFACING MATERIALS

(4) No development shall take place until details of all materials to be used to surface external areas 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, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: PROGRAMME OF ARCHAEOLOGICAL WORK

(5) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development allowed by this permission shall be commenced until the applicant (or their agent or successors in title) has completed a programme of archaeological work, in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme.

Reason:

The site is considered likely to contain archaeological deposits that warrant appropriate investigation and/or recording in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: EMPLOYMENT AND SKILLS STRATEGY

(6) No development shall take place until an Employment and Skills Strategy has been submitted to and approved by the Local Planning Authority. The Employment and Skills Strategy should demonstrate how local people and local businesses will benefit from the development in terms of job opportunities, apprenticeship placements, work experience opportunities, business supply chain opportunities and other employment and skills priorities. The Employment and Skills Strategy should cover both the construction and operation of the development.

Reason:

To ensure that local people and businesses benefit from development within the City in accordance with the Council's growth agenda and Strategic Objective 6 and Policy CS04 of the Plymouth Local Development Framework Core Strategy (2006-2021).

PRE-COMMENCEMENT: HABITAT ENHANCEMENT

(7) Unless otherwise agreed in writing with the Local Planning Authority, no development shall take place until an Ecological Enhancement Scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with a timetable forming part of the submitted scheme.

Reason:

To ensure wildlife habitats are protected, to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 118 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: PROVISION OF LOADING AREA

(8) No development shall take place until details of the alterations to the layout, street furniture, materials and waiting restrictions on Vauxhall Quay associated with the provision of the new loading area have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the details of such work have been agreed in writing and completed 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) 2007.

PRE-COMMENCEMENT: FLOOD RESILIENCE AND MANAGEMENT

(9) No development approved by this permission shall commence until a scheme to minimise flood damage to all the permitted buildings utilising flood resilient construction techniques to an appropriate level has been submitted to and approved in writing by the Local Planning Authority.

Prior to first use of each building it shall be demonstrated to the satisfaction of the Local Planning Authority that the agreed measures have been completed and a Flood Risk Management Plan has been created for the future occupants of the building that includes information on the flood risks and details of the installed flood risk measures.

The flood risk measures agreed by this condition shall be maintained over the lifetime of the development.

Reason:

To minimise and manage the impact of flooding to the building and its occupants in accordance with Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-COMMENCEMENT CONDITION: POLLUTION PREVENTION METHOD STATEMENT

(10) No development shall take place until a working method statement to cover all works to the quay wall and within the harbour basin has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason:

To prevent pollution of the water environment in accordance with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

(11) Unless otherwise agreed in writing by the Local Planning Authority, prior to commencement of the development the applicant must submit for approval a Construction Environmental Management Plan. It is expected that this will detail measures to mitigate construction impacts on the Plymouth Sound and Estuaries Special Area of Conservation and the Dartmoor Special Area of Conservation as well as measures to control and mitigate construction phase nuisances such as noise. The document will be expected to detail hours of work in line with those found in the Plymouth City Council Code of Practice for Construction and Demolition.

Reason:

To mitigate pollution impacts on the environment in accordance with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Pre-occupation Conditions

PRE-DAMP-PROOF-COURSE-LEVEL: LIGHTING DETAILS

(12) No development shall take place above damp-proof-course level until details of the external lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be fully implemented before any building is first occupied and henceforth permanently maintained for the occupiers of the site.

Reason:

To ensure that adequate external lighting is provided for future occupiers of the site [and that it does not interfere with navigation], in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 125 of the National Planning Policy Framework 2012.

PRE-DAMP-PROOF-COURSE: ELEVATION AND ROOF MATERIALS

(13) No development shall take place above damp-proof-course level until details of the materials to be used in the construction of the elevations and roofs of the buildings 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, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

PRE-OCCUPATION CONDITION: OPERATIONAL MANAGEMENT PLAN

(14) Unless otherwise agreed in writing with the Local Planning Authority, prior to the first operation of any individual commercial aspect of the development by any operator, that operator must submit for approval to the Local Planning Authority a management plan in respect of the commercial aspect under their control within the development to which this grant of consent applies. The following information must be provided in full;

- Overview of proposed activities that will be undertaken at the unit both internally and externally including activities such as primary and ancillary uses, and details of proposed entertainment, events, etc.
- Details of the management of the outdoor seating area to control noise and in particular noise from the movement of outdoor furniture, use of furniture by patron, general noise made by patrons, glass policy, etc.
- The proposed time, duration and frequency of any entertainment, events, operation of external areas, operation of plant machinery and equipment installed, etc., and how noise and disturbance from these activities will be controlled.
- Details of the proposed maximum number of patrons for the venue, and whether this is seated and/or standing.
- Details of how arrivals and departures of patrons will be managed, including signage and the arrangements for taxi provision.
- Details of where and when deliveries to the premises will be made and how deliveries will be managed.
- Details and arrangements for the management of refuse disposal, and the refuse collection arrangements.
- Details of any proposed smoking area for patrons, and control of noise, smoke drift and odour associated with this area.
- A pest prevention plan (to include gulls) for any outside seating area to be used in conjunction with the commercial unit.
- A litter prevention plan for the outside seating area, and in particular how articles will be prevented from entering the adjacent water either intentionally or unintentionally.
- Details of the complaints handling procedure.
- Any other appropriate actions relating to the commercial operation as necessary.

Reason:

To protect the residential and general amenity of the area from odour and/or noise emanating from the operation of any plant, machinery and equipment installed and from disturbance or nuisance caused by the general operation of premises within the commercial aspect of the development and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

PRE-OCCUPATION - TRAVEL PLAN

(15) The building hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking/loading areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of [the commencement of the use][occupation] the occupier shall operate the approved Travel Plan.

Reason:

The Local Planning Authority considers that 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 Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

PRE-OCCUPATION: CYCLE PROVISION

(16)The buildings 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 11 No bicycles to be securely parked. The secure area for storing bicycles 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:

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.

Other Conditions

CONDITION: PUBLIC ACCESS

(17) The boardwalk, and the pedestrian routes across it, shall remain free, open and accessible for the benefit of all members of the public at all times throughout the life of the development, unless temporary closure is necessary in special circumstances, such as for essential maintenance and subject to the operational requirements of the statutory harbour authority.

Reason:

In the interest of safeguarding improved public access to and along the waterfront in accordance with Policy CS01 of the Plymouth Local Development Framework Core Strategy (2006-2021) and Policy SH06 of the Sutton Harbour Area Action Plan (2008).

CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT

(18) Notwithstanding the provisions of Article 3 and Classes A, B and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the development hereby approved.

Reason:

In order to ensure the design of the proposed development remains of an appropriate quality for the Barbican Conservation Area in accordance with Policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120-123 of the National Planning Policy Framework 2012.

CONDITION: OPENING HOURS

(19) The use hereby permitted shall not be open to customers outside the following times: 0700 hours to 0000 hours.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 123 of the National Planning Policy Framework 2012.

CONDITION: HOURS OF USE OF EXTERNAL AREAS

(20) The external seating areas shall not be used for the consumption of food or drink outside the hours of 0800 to 2300 on any day.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 123 of the National Planning Policy Framework 2012.

CONDITION - ODOUR FROM KITCHEN EXTRACTS

(21) Prior to the installation of any mechanical kitchen extract ventilation system, a scheme for the installation of the associated equipment to control the emission of fumes and odour from the premises shall be submitted for approved to the Local Planning Authority and the approved scheme shall be implemented. 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.

CONDITION - NOISE FROM FIXED PLANT

(22) The cumulative noise emanating from all fixed plant and machinery from the commercial units, including but not limited to fans, kitchen extract ventilation equipment, air-conditioning equipment, refrigeration condensing equipment, etc., shall not exceed the levels including the character and tonalities of the noise as prescribed in the applicants Environment Noise Assessment, document reference 5672/pja determined at any nearby noise sensitive residential properties.

- Opening Hours Plant 48-5 = 43dB LA90

- Non-opening Hours Plant 42-5 = 37dB LA90

The measurements and assessment shall be made in accordance to BS 4142:2014. If the noise levels are identified as exceeding this level during the stipulated hours, then noise mitigation measures shall be implemented on site within 28 days of the noise level recording, in accordance with details which shall have been submitted to and agreed 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 noise emanating from the business and to comply with policies CS22 and CS34 of the adopted City of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONDITION: VERIFICATION NOISE REPORT

(23) The applicant shall submit to the Local Planning Authority for approval a Noise Verification report to demonstrate that the combined fixed plant from the development meets the required standards as set out in the Condition relating to "Noise from Fixed Plant." The report should be submitted no later than 3 months from the commencement of operations of the two A3 units and the pavilion. Should the two units and the pavilion not all be in operation 6 months after granting of the permission the applicant should contact the LPA to discuss submission of an interim report.

The report should be carried out by a suitably qualified person and should show via measurement and calculation that the relevant levels have been achieved.

Reason:

To verify that the fixed plant meets the required noise standards as set out in the Condition "Noise from Fixed Plant"

CONDITION: USE OF LOADING AREAS

(24) 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 curtilage 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:- (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.

CONDITION: RETAIL UNITS MUST NOT BE COMBINED

(25) The retail units at Vauxhall Quay must remain as two individual retail units and must not be combined to make one larger retail unit.

Reason:

To safeguard the primacy of the City Centre in Plymouth's retail hierarchy in accordance with Policy CS07 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Informatives

INFORMATIVE: CONSTRUCTION CODE OF PRACTICE

(1) The Construction Environmental Management Plan shall 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. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.

INFORMATIVE: CONTAMINATED LAND - WARNING

(2) There is a possibility that the site is contaminated due to previous activities on the land. The responsibility for the safe development and secure occupancy of the site rests with the developer. The Local Planning Authority has determined this application on the basis of the information available to it at the time, but this does not mean that the land is free from contamination.

INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

(3) The applicant should be made aware that the property lies within a resident parking permit scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and purchasing visitor tickets for use within the scheme.

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(4) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.