

PLANNING APPLICATION REPORT



Application Number 14/01103/FUL

Date Valid 24/06/2014

Item 1

Ward St Peter & The Waterfront

Site Address MILLBAY MARINA VILLAGE, CUSTOM HOUSE LANE PLYMOUTH

Proposal 142 residential apartments with communal facilities in three blocks, with associated car parking, infrastructure and landscaping and remedial works to pier structure

Applicant Linden Homes Ltd

Application Type Full Application

Target Date

31/03/2015

Committee Date

Planning Committee: 12 March 2015

Decision Category

Major - more than 5 Letters of Representation received

Case Officer

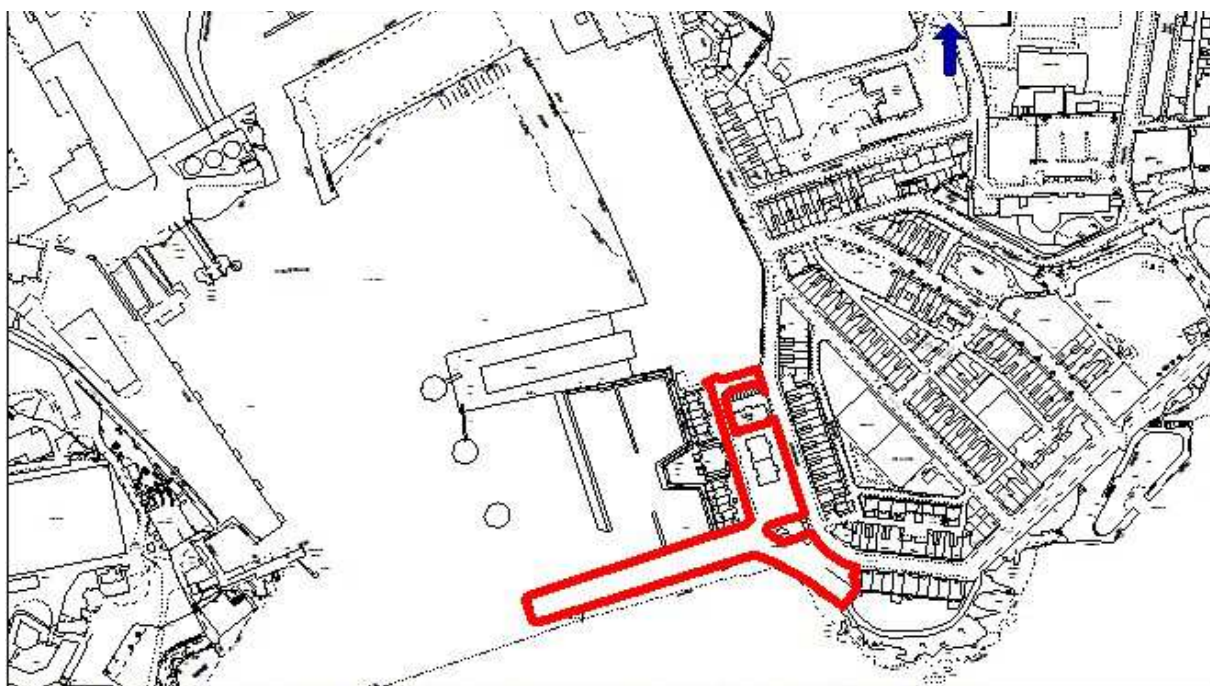
Janine Warne

Recommendation

Grant conditionally subject to S106 agreement delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date or other date agreed through an extension of time

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I. Description of site

The far south east corner of Millbay provides a 0.88ha (approx) waterfront site.

The application includes Millbay Pier, a long (approx. 165m) narrow (approx. 20m) jetty which protrudes into Millbay - the water to the north is Millbay, that to the south is the Sound. The application site also includes a largely derelict area of land located to the base of the cliff known as the 'Rusty Anchor'. A navigation beacon and a three storey, octagonal shaped, customs house are located roughly in the middle of the site. The isolated Customs House building is grade II listed and is occupied by the RNLI and, despite its central location, is not included as part of the application site.

Of the original planning consent granted for the site, only three residential blocks were completed, located within the north and north-west of the application site. This includes the eight-storey apartment block known as 'The Bridge', and two separate blocks of 3/4-storey mews houses facing the marina (30 dwellings in total) which are predominantly brick and render buildings with intricate steep pitch roofs. 'The Bridge' contains seven storeys of flats, on a garage podium, with balconies and windows facing in all directions. The Marina Village is accessed from a private road, known as Custom House Lane, which stems from Great Western Road. Marina berths occupy the adjoining water in the outer basin. Originally intended to be occupied in conjunction with the new residential development, the majority of the berths have become disconnected and occupied separately.

The undeveloped land has been left redundant, which has created an unsightly derelict area which is currently being used as an unauthorised car parking area. The eastern boundary of the site comprises a stone retaining wall. The level difference between the site and the pavement level of Great Western Road is approximately 2.2m. This stone retaining wall continues to the south towards Grand Parade where the level difference between the pavement and the site is approximately 3.3m.

On higher ground to the east are two historic local streets: Great Western Road and, where it turns the corner, Grand Parade. These streets form part of West Hoe, a distinctive part of the City containing large rendered houses many of which are used as hotels/guest houses or have been subdivided into flats. The boundary of the Hoe Conservation Area falls to the south-east of the application site, including 23-39 Grand Parade and continuing around the corner towards the Hoe.

The site to the west of Great Western Road, to the north of the private carriageway (Custom House Lane) is the subject of an outline planning application for mixed use development comprising up to 600 dwellings (Class C3), up to 8,600sqm Class A1, A2, A3, A4, A5 and D1, up to 12,500sqm office use (Class B1), hotel (Class C1), multi-storey car park for up to 600 cars, with associated engineering works, highway improvements, public realm and landscaping. Part of these proposals include a new access road stemming from Custom House Lane. This will provide access to and from part of the adjacent site. This application is currently being considered by the Council.

Three-storey rear tenements of houses fronting onto Garden Crescent, further to the east, occupy the opposite landward side of Great Western Road. They contain windows on their western elevations that face towards the application site and the sea beyond. Grand Parade, as its name suggests, is bounded by suitably large and impressive terraced houses and is included in the Hoe Conservation area. As the road turns the corner from Great Western Road into Grand Parade, development resumes on the seaward (southern side) in the form of listed Witun Terrace. An immovable South West Water (SWW) pumping station in the far south east corner provides an unwelcome constraint to the site.

2. Proposal description

This application seeks consent for 142 residential apartments within three separate blocks: a pier building (Block A); a building on Grand Parade (Block B) and a building on Great Western Road (Block C) and a total of 194 associated parking spaces (145 allocated to the proposed residential accommodation, 41 visitor spaces and 8 spaces allocated to the RNLI).

Pier Building – Block A

The positioning of Block A is largely dictated by the long, narrow form of the existing pier, combined with the necessity for a mobile crane to reach the end of the pier and a vehicle to gain access to the lifeboat refuelling station on the northern (marina) side of the pier. Furthermore, with consideration of a large ferry or vessel losing control and hitting the pier side on, it has been previously agreed (in accordance with the Spencer Report which accompanies this application) that any building constructed on the pier should not extend beyond a line 2 metres back from the southern (seaward) edge of the pier and the western extent of any building here should be no closer than 35m to the end of the pier.

This block contains 64 residential units:

- 54 x 2bed
- 10 x 3bed.

The proposals also include a ‘resident’s communal meeting room’ and associated facilities situated at the eastern end of the second floor.

The proposed building steps up gradually towards the end of the pier to form an eleven-storey landmark structure. The character of the building has been designed to represent the ribs of a ship, with curved structural spars supporting an expanse of balconies on all elevations, creating a nautical reference and contemporary form.

64 parking spaces have been allocated to Block A, 44 of which are located within an enclosed ground-floor car park; the other 20 allocated spaces are external. The integral car park has been designed with a double height roadway running through it so that a crane can travel through the building to access and maintain the end of the pier when required.

Grand Parade Building – Block B

The design of Block B responds to the bend in the road between Great Western Road and Grand Parade. It comprises of a faceted block with wide frontages on the seaward facing side resulting from the tapering plan-form of each apartment. All the residential units benefit from a southwest aspect towards the sea.

This block contains 34 residential units:

- 4 x 1bed,
- 27 x 2bed,
- 3 x 3bed

A gym is also proposed within the south-eastern end of the first-floor.

This building occupies the south-eastern corner of the site, where Great Western Road turns into Grand Parade. Four entrance atriums are proposed from Great Western Road. Vehicular access is achieved via the lower level of the Marina Village site. The building comprises five storeys of residential accommodation above a ground-floor car park containing 37 spaces dedicated to Block B (including 6 double-banked spaces).

Great Western Road Building – Block C

Block C is situated to the north of the site on an area of hardstanding which is currently used as an unauthorised car park, adjacent to the existing block of apartments known as 'The Bridge'.

This proposed building contains 44 residential units:

- 2 x 1bed,
- 38 x 2bed,
- 4 x 3bed

This seven-storey building includes six floors of residential accommodation over a ground floor car park. Pedestrian access can be achieved via one entrance point from Great Western Road. Vehicular access is achieved via the lower level of the Marina Village site.

Four small units are proposed to be used as two 'leisure facilities' and a marina workshop and a store. These are sited within the ground floor, western frontage. The rest of the ground floor is occupied by car parking – Block C has 44 allocated spaces, including 28 internal spaces (8 of which are double-banked) and 16 external spaces.

Other

The application also seeks to provide public access to the site via a raised walkway connecting the existing South West Coast Path, south of Grand Parade, to the site. A new opening is proposed in the existing boundary stone wall enabling pedestrians and cyclists to access the site, approximately 2m below the level of the South West Coast Path. Furthermore, a raised walkway has been proposed alongside Block A to provide a scenic pedestrian route to the end of Millbay pier for members of the public. The western end of the pier will provide a high quality public realm with views across the marina or out over the Sound to Mt Edgecombe and Drakes Island. One other new pedestrian access point is proposed towards the southern end of the site adjacent to the RNLI building. This walkway will be taken from Great Western Road down a new flight of steps.

The proposal also includes details of a new flood protection wall.

3. Pre-application enquiry

Pre-application discussions took place (ref: 13/01119/MAJ), commencing in June 2013. In summary, early advice referred to the design of the proposed buildings – a tall, landmark building was encouraged and the design developed in accordance with this advice. The opportunity for integration with existing and proposed cycle and walking paths and the facilitation of public access to the pier was explored and achieved. The ability to provide active frontages along the site was also discussed in detail but this was not secured due to covenant restrictions. Meetings were held with various key external consultees, including the Queens Harbour Master to discuss navigational safety and the Environment Agency to discuss flood protection measures. The environmental concerns were also discussed in great detail, in conjunction with the Marine Management Organisation. Affordable housing requirements were outlined and transport/parking requirements were reviewed by the Highways Authority. As the scheme progressed, other material planning considerations were highlighted and discussed including the historic environment, sustainability, etc. Officers stressed that this site is very important within the context of Plymouth's waterfront and it is of paramount importance that a high quality development is delivered here.

4. Relevant planning history

The site has an extensive history of applications. The following are relevant to the consideration of this application:-

- 88/01258 – Erection of 87 dwellings (32 houses, 51 flats and 4 apartments - 65 parking spaces) and marina (Granted) – Implemented in part and thus extant.
- 89/00251 – Amended application for block 1:9 of 88/01258 to provide an additional 2 flats (Granted) – Implemented in full.
- 00/00642/FUL – Erection of 81 residential units inclusive of 1 concierge apartment together with associated car parking. Refused 22nd December 2004 on the following grounds:-
 - inappropriate design,
 - impact on residential amenity,
 - impact on listed buildings,
 - lack of public access (to the waterfront and pier),
 - Impact on Plymouth Sound & Estuaries Area of Conservation (SAC); and
 - Impact on Navigation lights.
- 07/00009/FUL – 94 residential apartments, in three blocks, with associated car parking areas, infrastructure and landscaping works (Granted) – works commenced and thus extant.
- 13/01881/ESR10 – Request for EIA Screening Opinion for development of 144 residential apartments in three blocks, with associated car parking areas, infrastructure and landscaping works – Environmental Statement required.
- 14/00145/ESR10 – Request for scoping opinion for Environmental Impact Assessment for development of 144 residential apartments in three blocks, with associated car parking areas, infrastructure and landscaping works – Formal scoping opinion provided identifying the issues to be included in the Environmental Statement.

As outlined above, the site benefits from two extant consents for development (i.e. planning permissions that are still valid and therefore could be implemented).

5. Consultation responses

Highways Authority – (comments received on 23/02/15) (observations summarised): would not wish to raise any highway objections to this application now the applicant has sought to increase the number of visitor car parking spaces serving the site. However the provision of a Parking Management Strategy will be critical in terms of effectively managing the car parking provided on-site.

Public Protection Service (PPS) (revised comments, dated 23/12/14) (observations summarised)

Noise

Paragraph 10.6.4. of the Environmental Statement Addendum note (submitted on 29th October 2014) regarding noise sets out that various standards for internal levels can be met. This along with the comments in the covering letter (dated 27th October 2014) specifying that the glass for the dwellings will be “bombproof” as per specifications from the MOD leads the Council’s PPS to believe that the internal levels for noise which are proposed in the recommended conditions should be easily achievable.

The construction phase of the development has the potential to disturb nearby residential dwellings and as such it is recommended that a Code of Practice is submitted to deal with this. The Code of Practice should cover all potential aspects of nuisance with regards to the development and should acknowledge that the development of three large buildings whether at the same time or separately has the potential to impact others. Should the development be constructed in a phased approach it may be beneficial to submit separate plans for each phase, taking into account any previously completed phases.

Air Quality

PPS have considered the applicant’s justification for not including the committed Millbay Masterplan developments within the air quality assessment (see Ch.II in Environmental Statement Addendum, dated October 2014). Although it would be normal practice to include all committed development, PPS acknowledge that the assessment includes those units that have been built. During the course of this application, PPS have received an air quality assessment for the new Millbay Masterplan application (ref: 14/01448/OUT). PPS acknowledge that including traffic generated by the larger Millbay application would serve to dilute the impacts of this development and because the air quality impact has been assessed for all committed development within the larger application, PPS do not have any outstanding concerns.

Land quality

The following reports have been submitted in support of the application:

Whole site:

- Yeandle Geotechnical Phase I Desk Study, February 2008, Ref; BC7384A. The consultant recommendation was for further intrusive site investigation including ground gas monitoring. This recommendation was accepted and further investigations have taken place as below:

Block B:

- Hydrock Desk Study and Ground Investigation, March 2014, Ref: R/13908/001. This investigation included ground gas monitoring. The consultant recommendation, for areas of soft landscaping is for mitigation in the form of a clean cover system. This recommendation is agreed.

Block C:

- Yeandle Geotechnical Ltd, Phase 2 Preliminary Geo-environmental Investigation, February 2008, Ref: BC7384B. Although further ground gas monitoring was recommended, the lead consultant Hydrock in their Environmental Statement have proposed on the basis of ground gas monitoring results relating to Block B and C, that no further work is required. This conclusion is agreed.

Given the remaining presence of hardstanding in some areas, lack of topsoil across the site as a whole, and the presence of elevated contamination levels at surface in areas that have been investigated across the site, PPS advise the need for site wide remediation in soft landscaped areas.

As such, pre-commencement conditions are recommended to support the necessary remediation scheme submission, plus other remediation and verification work that will subsequently be required.

English Heritage (revised comments, dated 28/8/14) – Although there is harm caused to the historic environment by these proposals, that harm is relatively minor, and it is for PCC to weigh that harm against any wider public benefits offered by the proposals.

In the context of the Hoe Conservation Area, the proposed tall building on Millbay Pier will be visible. As demonstrated in the applicant's wireline images, the tower element of the building will remove views of the tip of the Stonehouse Peninsular from certain viewpoints, and the tip of the building will rise above the hillside backdrop of Mount Edgecombe's Grade I registered landscape. This will cause some harm to the Hoe Conservation Area; as part of its character is derived from the ability of the viewer to read and appreciate the Plymouth coastline, and this will be compromised. That compromising of views, however, would be restricted to a relatively small part of the conservation area. From other areas the ability to read the coastline would be unaffected.

The proposed building identified in the plans as Block B may also have a minor adverse impact on the character and appearance of the Hoe Conservation Area. Grand Parade, Grade II listed and within the Conservation Area, is a Palace-fronted terrace designed to have visual primacy in the context of views towards the city from Plymouth Sound. The proposed buildings will rise slightly higher than Grand Parade, diminishing its visual primacy to the detriment of the conservation area's character and appearance. It may be possible to mitigate this effect through good design and subtlety in materials but it would be preferable for Block B to be reduced by one storey.

Queen's Harbour Master (QHM) (revised comments, received on 17/11/14) – QHM is content with the planning application subject to the conditions and safeguards being included in any consent.

The proposed development has the potential to effect navigation in 2 key areas – the ability to monitor vessels/activities from Longroom Port Control Station and the degradation of the navigation aids installed to aid pilotage of vessels using the main channel.

The new design is significantly higher than previous proposals, particularly at the western end. It is assessed that the new building will result in the loss of direct sight of a section of the Cobbler Channel. The developer has proposed to mitigate this loss of direct oversight through the provision of a modern CCTV system which will be integrated into the existing Vessel Traffic Services Management equipment.

The applicant has submitted updated information which includes details of a CCTV system which is of a satisfactory specification. QHM request that any grant of planning consent does not tie the developer to a specific supplier and would require provision of an agreed CCTV system funded by the developer to be a condition of any planning consent. Any CCTV system should be compatible with the VTS equipment installed in the port control station when the development is constructed. QHM would also seek assurance that free access would be allowed for maintenance and that there would be no enduring charges for the sighting of the equipment on the property. The detailed sighting of the equipment would need to be agreed between QHM, the CCTV contractor and Liden Homes plc as part of the detailed design for Block A.

For previous applications the developer has commissioned a lighting report which considered the impact of the proposed development on navigation aids, with particular reference to Asia Pass directional light beacon. Such a report has not been provided within the current application. Whilst it is considered that the overall layout of the site will minimise the impact on the visibility of the

beacon, previous lighting reports have included important recommendations regarding the technical specifications for external lighting and conditions restricting the type, intensity and colour of interior lighting in rooms with windows facing the sea. QHM would require similar safeguards to be included as conditions of any new consent.

For reference, the previous requirement was that the following conditions be written into all Owner/Tenant agreements for properties with windows facing the sea:

In order to facilitate the safe navigation of vessels at night, the following restrictions apply to interior lighting in rooms with windows facing the sea:

- a. No flashing lights permitted.
- b. No lights with bare lamp intensities greater than 100cds (or light output above 1,500 lumens) to be directed towards/out of the windows.
- c. No lights coloured red or green to be displayed.

Environment Agency – (responses received on: 31/7/14, 24/10/14, 19/11/14) Holding objection issued. Awaiting further comments, see Section 3 of this report.

Natural England (NE) (received on 17th July, no further comments required based on the revised information) (observations summarised) – Confirm that the proposed works are located adjacent to Plymouth Sound and Estuaries Special Area of Conservation (SAC). Natural England advises that providing the works are carried out in strict accordance with the details of the application which have been submitted, it can be excluded that the application will have a significant effect on any SAC, Special Protection Areas (SPA) or Ramsar site, either individually or in combination with other plans or projects. Therefore, it is NE's view that an Appropriate Assessment of the implications of this proposal on the site's conservation objectives should not be required. Natural England recommend that the conditions are attached to the planning permission to ensure that no piling takes place within the tidal waters and no percussive piling takes place.

Marine and Coastal Access Act 2009

Having reviewed the evidence relating to the site, NE are satisfied that the proposed operations will not pose a significant risk of hindering the achievement of the conservation objectives stated for the Tamar Estuary Sites Marine Conservation Zone (MCZ), and in particular the designated feature of smelt (*Osmerus eperlanus*). NE advise that the distance between the proposed works and the area of the estuary primarily used by this species (approximately 8 km further upstream) is great enough for construction noise not impact the species.

Wildlife and Countryside Act 1981 (as amended)

NE confirm that the proposed works are located in close proximity to Western King Site of Special Scientific Interest. Natural England have not identified a pathway by which impacts from the development would affect the interest features of the site. Therefore, if the works are carried out in accordance with the application, in Natural England's view they are not likely to damage any of the flora, fauna or geological or physiographical features for which the site is designated.

Designated Landscapes

No Natural England Comment – Advise consultation with AONB partnership.

Cornwall and South Devon AONBs – consulted in accordance with the above advice from NE. No comments received.

Associated British Ports (revised comments, received on 24/2/15) – No objections.

Health and Safety Executive (HSE) – (updated response, received on 19/1/15) –

As HSE has set a zero consultation distance in relation to the hazardous substances consent for the Brittany Ferries Fuel Terminal at Millbay Docks (application reference: 14/01347/HAZ), the proposed development sites involved in this planning application does not lie within the consultation distance of a major hazard site or major accident hazard pipeline. In these circumstances, there is no need for Plymouth City Council to consult HSE on this planning application and therefore HSE has no comments to make.

Police Architectural Liaison Officer (received on the 3/7/14, no additional comments required based on revised information) – No objections.

Marine Management Organisation (received on the 21/10/14) (observations summarised) – the MMO has considered:

- the environmental sensitivity of a number of protected features in the area that surround this project,
- the potential impacts on these features from the proposed works,
- all mitigation measures that would be required to remove or reduce to an absolute minimum any such impacts on these features

The overall conclusion is that the proposed Millbay Marina project will not have a significant effect on the marine environment that surrounds the proposed development, nor on the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and the Tamar Estuaries Complex Special Protection Area (SPA) in particular.

Ministry of Defence (MOD) (additional comments received on 19/11/14. Confirmed no additional comments to be made on 23/2/15) (observations summarised) -

The location of this proposed development occupies the statutory explosives safeguarding zone surrounding MOD buoys in Plymouth Sound. Buildings within this zone should be 'non-vulnerable' that is of robust construction and design so that should an explosion occur at the buoys, buildings nearby will not collapse or sustain damage that could cause critical injury to the occupants.

The MOD agree and accept that a condition requiring details of the glazing specification be submitted to the MOD for review is included in any planning permission granted.

The MODs consultation response, dated 19/08/14, provided dynamic loadings to which the buildings will need to be designed to. As such, a second condition regarding the design requirements previously outlined will also need to be included in any planning permission granted.

The design requirements can be addressed with 2 conditions:

- I. Provide details of the specification of the glazing

2. Provide details of the loading parameters for the overall design of the structure as per my previous letter

The MOD would need to review and verify these details when provided to discharge conditions to ensure MOD requirements are met. The planning authority would be advised accordingly.

Civil Aviation Authority – no comment received.

Cattewater Harbour Commissioner (received on 23/2/15) (observations summarised) – The location is adjacent to waters within the pilotage district. The development should avoid confusing mariners by using coloured or bright lights which may confuse mariners or impair the ability of a vessel to be navigated safely in the area.

South West Water (received 30/6/14, no additional comments required based on revised information) – No objection in terms of capacity being available to support the development within the water supply and drainage infrastructure for which we are responsible.

The foul drainage strategy does however involve the connection of foul flows to a private sewage pumping station over which South West Water has no control and cannot therefore comment upon its suitability or capacity to accommodate such.

Duchy of Cornwall – No comments received.

Royal National Lifeboat Institute (RNLI) (initial comments received on 16/7/14) – principle concerns are:

1. Access and Parking

Depending on the resources required there will be 8 – 10 vehicles requiring to pass down Tollhouse Lane and park in the vicinity of the station. This facility is vital to providing an effective response and depending on the circumstances the vehicles may be left for several hours.

It is necessary that during the development phase, and after the development is complete, that adequate parking provision is available, and that after completion the allocated RNLI car park spaces are clearly identified.

Additional comments received on 20/2/15: The changed plans for the car parking provision insofar as they affect the RNLI allocated parking have been discussed with us and we are content with the provision. Although the proposed eight spaces are collected into one block, the plan is considered to be acceptable since it allows the RNLI control over access to the bulk diesel tank by delivery tankers. It should be understood by all parties however that, in the event of a call-out, there will not be time to park up neatly, and some vehicles may well be left temporarily outside marked parking spaces. In this event our crew members will make every effort not to block access to parking for residents.

2. Fuelling Facilities and Bulk Fuel Supply

Fuel is stored in a bulk tank situated behind the Lifeboat Station close to the boundary wall. A filling line, buried at a depth of approximately 1 metre passes in front of the Boathouse building, across the car park, and on to the pier where a hose reel passes fuel to the ALB. The developers are aware of this line and have identified the need to map its exact location before starting work. In discussions

with the developers it has been verbally agreed that when development work takes place on the pier this filling line will be reinstalled under the pier, and the hose reel re-sited, when the works take place to install mains services for the projected block of flats.

From time to time there will be a requirement to resupply the bulk tank and this will entail providing access for the road tanker. During construction work this means leaving sufficient room beside the boundary fence to allow the tanker access, and on completion there must be sufficient room to allow the same access (see additional comments above). Health and Safety rules require that the tanker driver can monitor both his own vehicle and the bulk tank while filling operations take place. It has been verbally agreed that once construction work commences the Lifeboat Coxswain and the site manager will work together to keep the site informed of expected deliveries.

3. Access to the Lifeboat Berth and alternative berthing arrangements

Access to the lifeboat berth is via the pontoons which make up the existing Millbay Marina. It is clearly important that no work limits this access and that on completion of development that access is preserved. Also, planning officials should note that the marina is a designated landing place for casualties, and occasionally, the deceased. This requires access to the Marina environs for ambulances and police vehicles.

It is understood that when the major works commence on the pier the lifeboat pontoon will not be tenable for a period of time. Alternative berths which have the necessary accessibility are few along the Plymouth waterfront. Storm gates, sills, draught limitations, and the effects of winter weather severely limit the options available to a vessel which requires to launch at any time and in any conditions. The preferred option would be to occupy another berth in Millbay Marina using temporary fuelling facilities and the support of the developers to achieve this would be a major benefit.

In discussions with representatives of the developer, the RNLI have expressed a wish for the developers to provide an access directly from the finished pier on to the lifeboat pontoon. This would help expedite the manning of the boat as well as providing other benefits (see below). This access would need a gangway, similar to that used for access to the marina, which would allow for the rise and fall in water level. At the top a suitable secure gate to prevent unauthorised access to the berth.

4. Other Matters

It is considered that careful and considerate support in the development on the pier area could bring significant benefits to the RNLI and the City of Plymouth. Public access to the pier area as is proposed would be enhanced by the ability to see the lifeboats and, on occasion, visit onboard. At present access via the marina pontoons is potentially hazardous unless visitors are few and under close supervision. Discussions have considered the possibility, in addition to providing direct access to the pontoon, of having a PR facility which would allow visitors to see a display of RNLI information. We have also suggested that a room facility would provide an excellent site for presentations to groups and schools, and it could be used for other purposes such as resident's meetings. Such a facility would not only sit well with the RNLI initiative to improve visitor experience of lifeboat stations but would also allow presentations to school groups

Planning authorities should be aware from the outset that the operation of the Lifeboat Station will cause occasional disturbance to new residents. This is unavoidable especially if emergencies occur during the silent hours. While every effort is made to restrict unnecessary noise, the fact remains that some operations are essential to prepare the boats for further services.

Further observation (received on 17/11/15) -

The RNLI have no issues regarding the construction of blocks A to C. However, it is concerning to note that none of the plans show the marina "as is" and while we may allow a certain license to the artist it is important that at some juncture planners see an exact representation of the marina. This is

particularly so for the berths for the All Weather and Inshore Lifeboats, and the wave screen for the marina. The RNLI is expecting to return the lifeboat pontoon to its current position after construction of Block A is complete. It is important therefore that the securing arrangements for the pontoon are fully appreciated before construction starts, and that said, securing arrangements are properly reinstated by the completion of construction. It is noted from the drawings presented that the piling currently installed along the North side of the pier will remain, but clearly any extra constructive work along that frontage would need to accommodate the securing of the pontoon.

Civil Protection (Fire Service) (received on 30/6/14) – the Fuel storage tanks on the opposite quay adjacent to Brittany Ferries was recently designated a Lower Tier site under COMAH regulations. This is not considered to have any bearing given the distance to the proposed development but the COMAH status opposite should be considered.

Civil Protection (Flood Capability) (received on 17/2/15) – Current flood defences as outlined in the reports from Hydrock and AWP are sufficient to protect the building from the risk calculated by the Environment Agency. Additionally, consideration has been given to the risk of a south easterly wind and increased wave height. As experienced in the storms of 2013–14, the wave strength is somewhat dissipated as they reach this particular site and consideration has been given to overtopping at a predicted 0.2m and appropriate drainage mechanism will be employed to carry away excess water. In addition a detailed flood management plan will be provided to construction. The only assumption I make is that the sites flood defences will be maintained by the developer or land management once the site is fully operational. In closing, I cannot raise any objection from a Local Authority Emergency Planning and Response perspective to the planning in respect of the evidence provided as part of the planning application.

Brittany Ferries (revised observations, received on 9/1/15) – (observations summarised) Brittany Ferries welcomes the proposed by the Council's Public Protection Service to include a planning condition defining the internal noise levels to be achieved and also the requirement for pre-occupation verification of the works to achieve those internal noise levels (as recommended in the PPS consultation response dated 23rd December 2014).

Design Review Panel (review date: 23/7/14) – (observations/recommendations summarised):

- Generally supportive of the proposals subject to the panels concerns and recommendations being addressed:
- Wider contextual analysis should be carried out/provided, incorporating both the waterfront and wider city.
- Provision of further information recommended, including masterplan, street scene elevations, site sections and eye level 3D montage images.
- Concern over lack of demonstrable response to existing historical context.
- Further design development required for external spaces, this should include more robust and comprehensive soft landscaping and external lighting proposals.
- The proposals should incorporate publically accessible/community external spaces.
- Concerns expressed that the external space to block C is dominated by cars, and this is not supported by the panel.
- Proposed public access to the end of the pier supported.

- Seaward facing elevations supported, however concern that land facing elevations do not match and are not designed to the same standard.
- The majority of the panel support the proposal for a landmark building as per block A.
- The panel questioned the potential for incorporating other community or cultural uses in to blocks B & C.
- Careful consideration is recommended in regard to the potential weathering of the proposed external materials and the design should support an ongoing maintenance regime.
- The indicated proposed external hard landscaping materials are supported.
- The panel was very supportive and positive in regard to the applicants commitment to not disrupt the RNLI .
- The stated renewable energy strategy was supported.
- It was recommended the proposals should demonstrate how the design has responded to the potential for sever and extreme weather conditions.
- The proposals should incorporate measures to prevent seagulls from nesting on the roofs.

Economic Development (received on 4/11/14) – If planning approval is granted for this development, as part of the Council’s growth agenda the Council requires the submission of an Employment and Skills Strategy, in line with Strategic Objective 6 of the Core Strategy.

6. Representations

A Statement of Community Involvement accompanies this planning application to explain that, prior to the submission of this application, a series of newsletters, one-to-one meetings and public exhibitions were carried out by the applicants to inform and engage with immediate neighbours (approximately 470 addresses), other local residents groups, local stakeholders and businesses close to the site, as well as Councillors from Plymouth City Council. The feedback – both positive and negative – is summarised within the submitted Statement, which concludes that the feedback was ‘broadly positive’ although ‘consultation has demonstrated concerns for onsite parking provision’.

During the course of this planning application, three public consultation periods have been necessary to allow members of the public to review and comment on revised information. The initial consultation period commenced upon the validation of the application. Subsequently, further information was submitted at the end of October to attempt to address several points raised by local residents and internal and external consultees. A revised parking layout; updated Spencer Report regarding navigational safety; proposed CCTV system; elevational design revisions; details of additional hard and soft landscaping; an addendum to the noise assessment and air quality assessment; an Ecological Mitigation and Enhancement Strategy, etc. Members of the public and consultees were re-consulted at this time. Most recently, revised information has been submitted relating to a revised flood protection scheme and parking layout. The LPA has re-consulted to give everyone the opportunity to review and comment upon this information. At the time of writing this report, the consultation period is still underway but will expire before the application is considered by the Planning Committee. All letters received at the time of writing this report are summarised below. Any additional representations will be presented by written/verbal addendum.

50 letters of objection have been received from neighbouring landowners and local residents, including occupiers at Grand Parade, Custom House Lane, The Bridge, as well as residents living elsewhere in the City, primarily the Stoke area. In addition, 6 letters of observation have been

received from immediate neighbours, Stoke residents and their representatives. In addition, 1 letter of support has been received from a resident living in the Mannamead area of the City.

As noted above, one letter of support has been received. In addition, several positive points were raised in other letters as summarised below:

- The development/transformation of the Millbay area is commended.
- The proposed development provides a great gateway building for the City that will be seen by ferry passengers as they enter the harbour. It will 'show off' what Plymouth is about – a modern city that is not afraid to have unique and interesting modern buildings.
- The site has been derelict/wasteland for far too long and the pier has been an eyesore for years. There is much general support for the principle of developing the site and the completion of Millbay Marina Village
- The proposed design of the buildings is admired - a ground breaking modern design should be supported. Specifically, the design of Block A; it is deemed impressive and adds a unique structure to Plymouth's coast line and creates a positive landmark for the City. With regards to Block B, it has a great curve to it when viewed from above and from the sea and seems appropriate in design as a link between the existing village buildings and Grand Parade.
- It is considered that development on Millbay pier should mirror Mount Batten Pier and be open to the public with access joining the coastal path – it should provide a continuation of the waterfront with the added advantage of the general public being made aware of the work of the RNLI and a view of the old railway station site.
- The development provides an opportunity for the water taxi to serve this area.
- The site is served by a nearby bus route.

The objections raised have been summarised under the following headings:

Parking and Highway Considerations

- There is a short-fall in parking provision for the various users of this site, including occupiers of existing and proposed residential units and their visitors, the RNLI, and users of the marina berths. Consequently, there will be a negative impact on existing residents and a major overflow to West Hoe. The parking requirements have not been meaningfully addressed in the proposals.
- Marina berths are sold/let to non-residents – this generates a parking demand. Boats are sailed by more than one person. This issue has not been adequately assessed in the submitted information and no regard has been given to the number of non-resident berth-holders' cars parked in Millbay Marina. The Weymouth case study used by the Transport Consultants is not representative of Millbay Marina and has its own parking problems. Some support the notion that the remaining berths should be only allocated to properties within the site (as per the S106 agreement associated with permission 07/00009/FUL).
- Millbay Marina is not well served by public transport.
- The existing site is used as a car park, this will be lost.
- This is a private estate and road, maintained by residents. Access should be for residents and their visitors. Proper controls on parking will be required to prevent the public parking in privately allocated areas. Some request barrier access to the Marina Village making it a gated community allowing permitted vehicles only.

- The area is dominated by small hotels, B&Bs and small flats and so parking in the area is already problematic, especially in the summer season.
- The application does not confirm whether existing allocated parking will remain/be protected.
- There is only one access road, which is private. This single road is insufficient to deal with the volume of traffic associated with the proposed development. Existing and proposed parking arrangements make driving down the road difficult. It is suggested that the disused road into the site should be brought back into use and consideration should be given to a one-way system along Custom House Lane
- So many additional vehicle movements will cause chaos within Millbay Marina Village and West Hoe. The present one-way traffic system on the exterior of the village is insufficient to accept the additional traffic proposed. Significant congestion is likely.
- No road improvements are proposed.
- The proposals are detrimental to conditions of highway safety, with particular reference to persons crossing the road within the village. Further, the application proposes the loss of pedestrian refuge at the junction of Great Western Road and Radford Road replacing it with a small roundabout. This would be detrimental to pedestrian safety.
- There is concern that there will be inadequate space for emergency vehicles to access the site during construction works.
- The cumulative impact of other surrounding developments should be considered. The submitted Transport Statement is inaccurate. It has been based on the 2008 extant permission for the redevelopment of Millbay (06/01533/OUT) being implemented in its entirety assuming all junction works specified in the 2008 permission will be delivered. A revised planning application has now been submitted for a smaller scale development and so it is not realistic to assume that the same level of junction improvements will be delivered. It is therefore important that the application assesses the cumulative highways impacts of the proposed development and the revised outline application, rather than the 2008 permission. A comprehensive traffic study of West Hoe should be prepared alongside English Cities Fund.
- The application does not address traffic/air pollution.

RNLI

- There is a parking demand from the RNLI. Parking provision for RNLI is unclear.
- The RNLI boat berths are not shown on submitted plans
- RNLI need clear access to the site at all times to respond to emergency call outs. Congestion will cause problems.
- Fuel tanks and service points are not illustrated on the plans.

Flooding

- The site was severely damaged by storms in 2014, waves reached fifth-floor windows and halfway to The Bridge – photographs have been provided. The site was hit by 30ft waves, huge stones and boulders. These storms are predicted to become more frequent with rising sea levels. Storm damage to the pier and sea wall remains un-repaired.
- This is an unsafe location for development and will pose a risk to future occupiers. How will safe evacuation be achieved?
- Public access to the pier would not be possible during a storm.
- Block A is at particular risk of severe winter storms. Windows will be smashed.

- Adequate protection is required. Queries have been raised as to whether sufficient consultation has taken place with experts in wave and storm damage.
- The Flood Risk Assessment is inadequate, particularly as regards waves and storm surges and has not been updated to review the recent storms. An up to date Flood Risk Assessment must be carried out, including predictions of the height of sea levels in the future.
- The land was reclaimed from the sea.
- Proposed construction materials are substandard for such an exposed waterfront site – the buildings will soon look worn and unkempt. Materials should reflect the waterfront location which is prone to flood and storm damage – plaster, wood and large areas of glass are inappropriate on the water's edge. The quality of fascias will be crucial.

Design/Visual Impact

- The development has been described as an 'eye-sore', 'monstrosity' and a 'blot of our waterfront'. It will be harmful to a naturally beautiful harbour and set a precedent for this kind of 'infringement' to obstruct the historic and panoramic views from the Hoe over the Tamar and Cornwall. Plymouth's waterfront has been gradually developed with a 'mishmash' of unimaginative, low grade blocks of various coloured flats and buildings which are inexorably and permanently destroying the iconic and historic views across Plymouth Sound. It will also have a poor visual impact when viewed from the southwest coastpath.
- Development is too large and dominates neighbouring developments – there should be a height limit of 6 floors, in keeping with the surrounding area. All proposed building are too high, particularly Blocks B and C. Block B appears too bulky. Block C should be reduced in scale – it is too high and too deep.
- The design of Block C is out of keeping with the existing building within the village. The proposed use of pre-patinated copper cladding is unsightly and will weather poorly. Stone facing would be more acceptable and more in keeping with the brickwork on existing buildings. Block C is utilitarian in design and its proposed size would mask The Bridge from continuing to be a landmark building. It would also screen the historic wall and result in its destruction.
- Block B is too close to the southwest coast path. The plans inaccurately reflect the width of the path.
- The Tall Buildings Report does not give an accurate impression of the visual impact that another tall building will have on the views from many homes and public places across the City. Millbay Pier is not designated as a site for a tall building (only Clyde Quay is designated in the Design SDP 2009 and Millbay and Stonehouse AAP). In the Inspectors' Report of the Examinations into the Millbay and Stonehouse and the Devonport AAPs, 11 July 2007, the Inspector recommended that all developments should take account of the views of Plymouth Sound from the surrounding land "which are an important and stunning component of the character of Plymouth". The height of Block A is contrary to the Local Plan. Furthermore, the Mackay plan advised against high rise buildings in prominent positions.
- The development has no regard to the style, quality, materials and density of existing development. The design is too modern – it should be more in-keeping with the grade II listed Grand Parade and the terraces on the Hoe. Others suggest that the development should be in keeping with the existing Marina Village.
- Overdevelopment/too dense.

- More open space should be provided.
- Materials and finishes must be high quality and weather well. No plastic or matchwood cladding should be used in the construction. Stone or brick would weather well. Minimal glass should be used as this causes dazzle to shipping and other residents.
- Proposed street furniture should match/compliment existing.
- Will destroy the ambience and character of the present village with its tree-lined street and raised planters of hardy maritime shrubs.

Impact on Neighbouring Amenity

- Loss of sunlight caused by Blocks B and C contrary to 45 degree guidance.
- Disturbance to existing residents during construction phase and beyond. Noise disturbance, particularly from increased traffic movements.
- The proposed windows and balconies in the west elevation of Block B will result in a loss of privacy to 39 Grand Parade.
- Block B is too close to Grand Parade and its communal garden space. It will be overbearing and will result in a loss of privacy.
- Loss of privacy and light to residents on the south side of The Bridge due to the proximity of Block C.
- Public access/extension of coastal path will result in the loss of privacy.

Planning History

- Increase in unit numbers following planning history – from 59 to 142 additional properties.
- Proposals ignore the ethos of the original planning consent to provide a cohesive maritime residential development.

Right of Way/Public Access

- Objections to proposed public right of way – unworkable for a private estate. Millbay Marina should be a gated community. Residents have shared financial responsibility for maintaining the estate; a public right of way will increase upkeep costs for residents, this is unjust, unreasonable and unworkable. Concerns about public liability insurance. Due consideration has not been given to residents' enjoyment of their private property. The existing coastal path is safer with conventional raised footpaths. Pedestrians will conflict with the already busy private road in the village – there are no footpaths here.
- With regard to public access to the pier, opinions vary – some are supportive, others are against and others see it as a one possible compromise rather than public access through the estate. Other comments include concerns that public access will result in fishing and associated marine litter impacting upon marine life and causing pollution. Access to the pier will harm the amenity of future occupiers of Block A and B.
- Who will be responsible for warning/closing the walkway in bad weather?
- Will the road/path be adopted?

Navigation/use of the port

- Has Brittany Ferries been consulted? How will the development affect navigation and how will ferries manoeuvre so close to the proposed development? Consideration should be given to future cruise liners and other vessels using the port/marina and the potential impact on navigational safety. The pier has previously been hit by vessels.

- Block A should be moved back to assist vessels visibility. Such a tall building will compromise safety at sea by obscuring visibility.
- The Spencer Report does not take account of sea level rise nor storm surges which may cause ship impacts in the future. The report doesn't consider the full fleet of Brittany Ferries. The report does not consider the effects of ship impacts on the pier structure with loads transferred to the building foundations, and the amplification effects of this at the higher levels of the building.
- Will the development effect wind direction?
- Local residents expect noise from other users of the docks in Millbay, as long as they are reasonable. To impose excessive restrictions on users (such as Brittany Ferries) for the benefit of new residents would be unreasonable. Reasonable mitigation should be provided by the developer but it will be residents' choice to live close to a working dock.

Other considerations

- The development does not take account of other users and uses of the waterfront and will 'cut residents off from the sea'.
- Impact on tourist industry – making the area less attractive for tourists, loss of waterfront views, parking problems
- The building will detract from the Millbay Harbour's commercial use.
- Some affordable housing should be included. Inadequate social benefits are provided. These 'luxury' apartments will only be available to the very rich.
- Plymouth's housing market does not need small one and two bed apartments. The proposal fails to provide a mixture of family housing.
- The building will be unsafe.
- The site should be used as a visitors' car park and amenities instead. The pier should be put into public or commercial use. The scheme should include some commercial uses/visitor attractions. Lost opportunity to provide good quality bars and restaurants.
- The pier is an important heritage asset. Part of the site stands on an old railway station and factory yard. The heritage of the site should be preserved and reference to the old docks and railway station should be made in the proposed structures and GWR colours should be used throughout the site.
- Lack of local facilities and infrastructure to support increase in housing. No improvements to infrastructure are proposed. The local Doctors' surgery will not be able to cope.
- If Block A is not delivered, the pier will remain a derelict eyesore. The Council must secure the completion of the scheme or ensure Block A is delivered first and the pier renovations.
- Residential units in Block A should overlook the marina as well as seaward.
- Proposals to pile through the pier structure will disturb and harm the existing pier structure which is vital for providing shelter and protection. Insufficient evidence that the structural integrity of the pier has been considered.
- Can South West Water deal with the additional sewerage. There are existing problems which will be made worse. South West Water should be consulted and held responsible for the acceptance of considerable flow of extra sewerage. The existing system cannot cope which existing sewerage and regularly requires maintenance at the 'Rusty Anchor' outflow causing smell.

- More information regarding the construction phase should be provided. How will Block A be constructed? Construction times should be fixed. The site should be accessed via Great Western Road during construction to avoid disruption to occupiers of Millbay Marina Village.
- Light pollution
- Pre-application consultation events were poorly advertised. Residents on Great Western Road should be notified. Inadequate time allowed for consultation period during summer.
- Disturbing bats and other wildlife.
- Will result in increase crime rate locally
- Ownership issues – site is owned by Pinwood Homes, not Linden. It is a private estate controlled by Pinwood Homes. Linden do not appear to own the site. Appropriate notice has not been served on a landowner.
- The submitted plans are inaccurate - the entrance to seaward is in the wrong place and the wave-screen is incorrect . The boat berths are not shown correctly.

Non-Material Planning Considerations

- Loss of sea views from local vantage points and elsewhere in the City, such as Stoke, Millbridge and the Blockhouse.
- Identified inaccurate descriptions in Environmental Statement
- Restrictions/entitlements in title deeds and lease agreements
- Oppose opening the site up to allow access from neighbouring proposed development (material to the consideration of application number: 14/01448/OUT).
- Depreciation of neighbouring properties. Property will be blighted.

As noted above, at the time of writing this report, the third consultation period is still underway. At this stage, two additional letters of representation have been received, as summarised below:

- Parking provision remains inadequate for residents and marina users
- The development will be subject to extreme weather conditions – the will affect the proposed buildings and the safety of persons. The proposed wall structure is inadequate to protect buildings, cars and people. Ongoing maintenance requirements are likely to result in difficulties in insuring homes.

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 comprises of the Local Development Framework Core Strategy (Adopted April 2007). In the case of this application, it also comprises the Millbay and Stonehouse Area Action Plan.

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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- the Planning Obligations and Affordable Housing Supplementary Planning Document (SDP) Second Review 2012,
- Development Guidelines SDP First Review 2013,
- the Sustainable Design SPD 2009

8. Analysis

I. Introduction

1.1 This application has been considered in the context of the development plan, the emerging Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

1.2 As noted in the 'Planning History' section above, this application was subject to the Town and Country Planning (EIA) Regulations 2011 and an Environmental Statement (ES) was required and submitted. Some amendments were made during the application process and under further technical information was informally requested to address various issues raised within the initial consultation responses received in respect of the application from the LPA and other external consultees. An Environmental Statement Addendum was provided to update the ES in order to reflect the amendments to the proposed development and address all of the elements raised. The content of which has been considered in preparing this report.

1.3 The primary planning considerations are deemed to be:

- The principle of residential development of this site (MS07 of the Millbay and Stonehouse AAP and policies CS01, CS15, CS16 and CS34 of the Core Strategy)
- Flood Risk (MS07 of the Millbay and Stonehouse AAP and policies CS21 and CS34 of the Core Strategy)
- Ecology – marine and terrestrial (policies CS18, CS19, CS20 and CS34 of the Core Strategy)
- Design of the proposed building and impact upon the character of the surrounding area (MS07 of the Millbay and Stonehouse AAP and policies CS02, CS16 and CS34 of the Core Strategy)
- The impact of the proposed development upon the setting and character of the listed building (policy CS03 of the Core Strategy)
- The quality of residential environment created (policies CS15 and CS34 of the Core Strategy)
- The impact upon the amenities of nearby residential property (policies CS01, CS15 and CS34 of the Core Strategy)
- The adequacy of proposed access and parking arrangements (Policy CS28 and CS34 of the Core Strategy)
- Public Access to the waterfront (MS07 of the Millbay and Stonehouse AAP and policies CS28 and CS32 of the Core Strategy)
- Sustainable Resource Use (policy CS20 of the Core Strategy)
- Affordable Housing (Policy CS15 of the Core Strategy)

Each of these planning considerations are discussed below.

2. The principle of a residential development of this site and housing supply

The Principle

2.1.1 The site has been allocated for residential development in the Core Strategy and Millbay and Stonehouse Area Action Plan. Specifically, proposal MS07 of the Millbay and Stonehouse area action plan 2006-2021 sets out the latest policy objectives:

The currently vacant land at Millbay Marina will be developed for in the region of 94 residential units. The development will add to the activity and attractiveness of Millbay and encourage public access to this part of the Millbay waterfront.

Any development should provide the following:-

- *High quality architecture and design, reflecting the site's prominent position on the waterside, its seaward entrance to Millbay and its relationship to West Hoe.*
- *Public access to the northern side of the pier linked to the wider public realm in Millbay.*
- *A high quality public realm to encourage public use of this part of Millbay.*
- *An appropriate contribution to affordable housing within the Millbay and west hoe area.*
- *A design solution that mitigates the flood risk that currently exists and is likely to become worse in future years. In particular this should be addressed by avoiding any residential development at ground floor level.*

2.1.2 The site benefits from two extant planning consents (i.e. planning permissions that are still valid and therefore could be implemented). Most recently, the development of planning permission: 07/00009/FUL commenced for 94 residential apartments in three blocks and the applicant has submitted evidence in the form of the following:

- (i) Letters from the developers' solicitors in 2010 setting out what commencement works had been undertaken.
- (ii) Photos which appear to indicate that works did commence. They appear to show the start of the foundations with piling and ground beam being laid.
- (iii) A letter from the Planning Case Officer confirming that, although the works were limited, there had been a start on site.

2.1.3 The submitted evidence has been considered by the Council's Legal team and accepted. This extant permission, alongside the adopted planning policy, establishes the principle of residential development on the site, including the principle of development on the pier.

2.1.4 The extant consent represents the applicant's 'fall back' position and, as such, must be considered as a significant material consideration in any assessment of an alternative development proposal. However, your Officers consider that this 2007 planning approval is of limited architectural merit and therefore welcome this application which takes a new and contemporary design approach for this prominent waterfront site.

Five year housing supply

2.1.1 When determining applications for residential development it is important to give consideration to housing supply.

- 2.1.2 Paragraph 47 of the NPPF stipulates that “to boost significantly the supply of housing, local planning authorities should...identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”
- 2.1.3 Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”
- 2.1.4 For the reasons set out in the Authority’s Annual Monitoring Report (December 2013) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2014-19 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 5,536 dwellings which equates to a supply of 3.16 years when set against the housing requirement as determined by the requirements of the NPPF or 2.64 years supply when a 20% buffer is also applied.
- 2.1.5 The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:
- Available to develop now
 - Suitable for residential development in terms of its location and sustainability; and
 - Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.
- 2.1.6 Paragraph 14 of the NPPF states “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking...”
- 2.1.7 For decision-taking this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:
 - a. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
 - b. specific policies in this Framework indicate development should be restricted”
- 2.1.8 As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as determined by the requirements of the NPPF, the city’s housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications.

3 Flood Risk

- 3.1 Since planning permission was first granted for residential development on this site, in the late 1980s, concern about flood risk, overtopping and sea level changes has increased and protection standards have become more rigorous. Further, in the wake of the storms of February 2014, we are all acutely aware of the damage that a storm event can cause here.
- 3.2 The Environment Agency (EA) has acknowledged that the site benefits from extant planning permissions for residential development and has confirmed therefore that they have no objection in principle. However, the current proposal must (in line with the National Planning Policy Framework and accompanying Planning Practice Guidance) be safe for occupants and users over its lifetime. At the time of writing this report, it is considered that the proposal does not achieve this and therefore the EA has issued a holding objection.
- 3.3 The EA has raised concerns with regard to proposed Block A and Block B and the related access/egress and parking. Block A is located on a breakwater, which is designed as a structure to reduce the impact of wave energy to the Millbay docks. It reduces wave energy by forcing waves to break against the structure and then flow over it. Block B is located very close to the foreshore and at a low level. During coastal storm events there is a great deal of energy in the waves that hit the shoreline in both of these locations. This wave action can flood the site resulting in hazardous conditions from the speed of the water, the quantity of water and the debris contained in the water. Pictures submitted by local residents in respect of this application support this.
- 3.4 Throughout the course of this application, the applicant has worked very positively with the Environment Agency and your Officers. However, unfortunately, at the time of writing this report, it is considered that the application does not achieve a proposed development which incorporates robust measures to mitigate and manage risks with regard to potential damage to the building, residents' car parking and pedestrian access and egress. Therefore the Environment Agency maintain their objection.
- 3.5 It is hoped that these issues can be addressed before the Planning Committee meeting and it is intended that the Committee will be updated by addendum report in this regard.

4 Ecology

Impact on Marine Environment including Habitats Regulations Assessment and Coastal Concordat

- 4.1.1 Due to this development requiring both marine and terrestrial consents, the development was deemed to come under the Coastal Concordat whereby the applicant was advised at an early stage of all the consents which would be required and the evidence which each would need.
- 4.1.2 As part of this, it was agreed that the Marine Management Organisation (MMO) would take the lead in consenting the marine works and in the assessment of impacts on the marine environment, including impacts on the Plymouth Sound and Tamar Estuaries European Marine Site with regards to:

- Marine Conservation Zone (MCZ) assessment
- Impacts on marine species
- Impacts on marine sediments
- Noise (affecting the marine environment)
- Impacts on coastal processes
- Impacts on navigation

4.1.3 Under guidance issued by the Secretary of State under Regulation 65(3) of the Conservation of Habitats and Species Regulation 201 (Habitats Regulations), one competent authority can adopt the assessment, reasoning and conclusions of another competent authority through the Coastal Concordat (para 5-7 of the Coastal Concordat). Through this, Plymouth City Council as the Local Planning Authority (LPA), has adopted the findings of the MMO with regards to the impact on the marine environment (as described in their consultation response dated 21st October 2014) with the exception of navigation. The assessment is outlined below:

4.1.4 **MCZ Assessment:** The MMO assessed the likely impact on the Witsand and Looe Bay Conservation Zone as required under Section 126 of the Marine and Coastal Access Act 2009. The MMO concluded that due to the location and size and nature of the proposed works, no pathway was identified for them to impact on the MCZ.

4.1.5 The MMO did not consider the Tamar Estuaries MCZ as part of their assessment. However, having reviewed the evidence relating to the site, the LPA is satisfied that the proposed operations will not pose a significant risk of hindering the achievement of the conservation objectives stated for the Tamar Estuary MCZ and in particular the designated feature of smelt (*Osmerus eperlanus*). Natural England has advised that the distance between the proposed works and the area of the estuary primarily used by this species (approximately 8km further upstream) is great enough for construction noise not to impact the species.

4.1.6 **Impacts on Marine Species:** The MMO identified that the proposed works are within the Plymouth Sound and Tamar Estuaries European Marine Site comprising of the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and the Tamar Estuaries Special Protection Area (SPA).

4.1.7 The MMO assessed the likely impact of the development on the designated species of the European Marine Site and other species protected under the Habitats Directive.

4.1.8 The report of Likely Significant Effect (LSE) produced by the MMO on 6th October 2014, found that noise disturbance from the proposed works could cause a barrier to migration for designated migratory fish species, including Allis Shad and Atlantic Salmon. The MMO went on to identify that the distance between the proposed works and the area of the estuary most likely to be used by these species is approximately 8km further upstream. Natural England advised that the distance is great enough to make it unlikely that

construction noise will impact on these species. The marine license issued by the MMO will also have licence conditions to restrict noise due to proposed piling works.

4.1.9 Restrictive conditions are also recommended by your Officers to restrict piling within the pier and to state that no percussive piling shall take place.

4.1.10 Therefore, the MMO found that there is no potential for this project to have a Likely Significant Effect on the marine species of the SAC or SPA due to this activity and under the guidance produced by the Secretary of State, the LPA adopt these findings.

4.1.11 **Damage to Marina Habitat:** The MMO assessed the likely impact on Western King Site of Special Scientific Interest (SSSI). In consultation with Natural England there is no identified pathway by which impacts from the development would affect the interest features of the site, and this project therefore does not have the potential to have Likely Significant Effect on this feature.

4.1.12 **Pollution:** The MMO identified the potential for pollution from the release of fuels, oils and chemicals associated with plant, refuelling and construction equipment. The MMO will therefore be issuing a license containing conditions requiring the license holder to:

- Install bunding and storage facilities to contain any spillages;
- Ensure that any coatings / treatments used are suitable for use in the marine environment;
- Ensure that no waste concrete slurry or wash water from concrete works are discharged into the marine environment;
- Seek guidance from the EA for pollution prevention advice.

Provided these steps are complied with, the MMO found that this project does not have the potential to have a Likely Significant Effect on the marine environment.

4.1.13 **The reduction of aquatic plant abundance and loss of marine habitat due to shading from the pier:** The Environment Agency advised that the development on the pier will lead to increased shading of the seabed with a corresponding reduction in plant abundance and a shift to more shade-tolerant species. The MMO found that given the pier involved here is an existing structure already, shading already exists, and combined with the proposal to create a new area of inter-tidal habitat in the marina as a mitigation measure for this impact, this project does not have the potential to have a Likely Significant Effect on this feature.

4.1.14 **Impacts on Marine Sediment:** The MMO has assessed the impact on the marine sediments including those that make up the Special Area of Conservation. It found that any impact on benthic ecology in the area is likely to be localised and of minor magnitude and therefore this project does not have the potential to have a Likely Significant Effect on this feature.

4.1.15 **Noise Impacts (on the marine environment):** The MMO found that the main mechanism for impact on the marine environment due to noise is from piling works which can act as a barrier to the migration for designated fish species. This issue was dealt with in paras 4.1.6 – 4.1.10: Impacts on Marine Species above which found that, subject to conditions, there would be no potential for this project to have a Likely Significant Effect on the SAC due to this activity.

4.1.16 Impacts on Coastal Processes: The MMO has assessed the likely impacts given that all foundations of the development on the pier will be contained within the existing pier structure, it is unlikely that there will be a significant adverse impact on marine physical processes.

4.1.17 Impacts on navigation: The MMO requested comments on the impacts of the proposed project on navigation from:

- The Queen's Harbour Master at Plymouth
- The Maritime and Coastguard Agency
- Trinity House
- The Royal Yachting Association

None of these organisations raised any issues regarding navigation and the proposed development with the MMO. Trinity House requested that the pier at Millbay Marina remain marked as it is now. Therefore the MMO concluded that there is no potential for this project to have a significant impact on this area.

4.1.18 Adoption of the assessment, reasoning and conclusions of the MMO: PCC has reviewed the MMO's conclusions for the items outlined above and is satisfied that no additional information has emerged, such as new environmental evidence or changes or developments to the plan that means the reasoning, conclusion or assessment have become out of date. It therefore confirmed that PCC is adopting the conclusions of the MMO relating to the following areas:

- MCZ Assessment
- Impacts on marine species
- Damage to marine habitat
- Pollution
- The reduction of aquatic plant abundance and loss of marine habitat due to shading from pier
- Impacts on marine sediment
- Noise impacts (on marine environment)
- Impacts on coastal processes

4.1.19 PCC will not be adopting the MMO's conclusions relating to Impacts on Navigation as PCC has received additional representations from the Queens Harbour Master, Brittany Ferries and Associated British Ports which raise concerns about navigation. This issue is dealt with in further detail below.

Terrestrial Biodiversity

4.2.1 There are no outstanding issues relating to terrestrial biodiversity, provided that the works proceed in line with the submitted Ecological Mitigation and Enhancement Strategy (EMES). The submitted EMES satisfactorily sets out how the development will achieve new biodiversity gain in accordance with policy CS19 of the adopted Core Strategy. A restrictive condition is recommended accordingly.

5 Design of the proposed building and impact upon the character of the surrounding area

- 5.1 The NPPF attaches great importance to the design of the built environment. LDF Core Strategy policy CS02 promotes well designed developments to promote the image of the city. It is therefore important to carefully consider the visual impact of the development, with specific reference to design, layout and materials, as discussed below.
- 5.2 Given the highly visible location as the seaward gateway to the Millbay area, a deliberately contemporary design approach has been adopted. The accompanying Design and Access Statement describes the design ethos as 'embracing the nautical setting, whilst also paying particular attention to the vertical rhythm emphasised in the neighbouring residential terraces'.
- 5.3 The Application has been reviewed by the Devon Design Review Panel (the Panel's observations are summarised under 'Consultation Responses' above).

Site Masterplan/Layout/Density

- 5.4.1 The footprint of the buildings and the layout of the access arrangements are very similar to the approved extant consent. The constraints of the site provide very little scope for variation with vehicular access from Custom House Lane.
- 5.4.2 It is considered that the three proposed blocks are appropriately sited to create a clear and legible structure to the area, to maximise views over the water and to provide a strong physical presence onto Great Western Road.
- 5.4.3 The proposal increases density compared with the extant consent for 94 homes and the policy proposition of MSI I ('in the region of 94 residential units'). This increase in density follows general trends towards higher densities that make best use of previously developed land and compares favourably with similar waterfront flat blocks that have been granted in recent years.
- 5.4.4 Unfortunately the entire ground-floor of the proposal is dominated by car parking with minimal active use or active building frontage at ground level. During pre-application discussions, your Officers encouraged more active frontages and sought the introduction of a few commercial units within the scheme. However, it is understood that there are covenant restrictions on the site preventing this and therefore the proposed community meeting space in Block A, the gym in Block B and the four leisure/marina units in Block C were incorporated as a compromise. These uses are supported. Furthermore, it is accepted that there is a strong demand for parking on the site and that in this instance alternative parking arrangements, such as basement or multi-storey, would not be practical or viable.
- 5.4.5 The demand for parking on the site puts considerable pressure on space available for soft landscaping and public realm; this was particularly noted by the Design Review Panel with reference to the dominance of cars in the external space outside Block C. However, given concerns raised by local residents and the Highways' Authority additional parking at the end of the pier has also been introduced to boost visitor parking numbers; this is not desirable from an urban design perspective. This area is highly prominent and has the

potential to be of significant residential and public amenity benefit. Therefore it is considered that the proposed parking in this area should be designed as part of the public realm and used as surplus only (i.e when all other spaces are full).

Building Layout, Height, Scale, Massing

- 5.5.1 Block A – the building steps up from 3 to 11 storeys in height to create a landmark at this key gateway location. While the building is substantial in height and scale, the stepping in height from east to west helps to reduce the overall bulk and mass and minimise the impact of shading on existing residential blocks.
- 5.5.2 The impact upon strategic, or public views, is a matter of legitimate planning concern and objections have been raised that the site is not within the “Zone of Opportunity for Tall Buildings” as identified in the adopted Design Supplementary Planning Document (2009). However, the scheme is not considered significantly tall within its context – the existing adjacent building, known as ‘The Bridge’ in Millbay Marina Village, is eight storeys high and much of the proposed development in Millbay is six storeys high with seven to nine storeys currently proposed at the end of Clyde Quay, as outlined in application 14/01448/OUT, which is currently being considered by the LPA. As previously noted, Block A gradually ‘steps up’ in height, thus not appearing excessively bulky. This design approach is considered an appropriate response at this key arrival point to the City and was very much encouraged by your Officers during pre-application discussions. The intensity of development proposed is also considered appropriate given the need to maximise the redevelopment of this brownfield site and deliver much needed housing.
- 5.5.3 Block B – the building presents 6 storeys to the waterside edge and 5 storeys to the street edge. English Heritage raised concern about the relationship of Block B with Grand Parade; specifically noting that the height of Block B will rise slightly higher than that of Grand Parade, thereby diminishing its visual primacy to the detriment of the character and appearance of the Conservation Area. In response to this, the proposals for the streetside (east) elevation of Block B have been amended to enhance the external appearance and ensure a suitable relationship to adjacent heritage assets. The penthouse apartments have been recessed significantly from the main block to ensure that the perceived height is reduced from street level and glazing has been used to reduce the visual impact of the top storey. Your Officers consider that these design amendments now ensure consistency in height from the street with the Listed terrace on Grand Parade. The building sits back from the street edge behind the retained pumping-station building and as such the existing building line of Grand Parade is not maintained. However, the projecting box sections over the entrances do help to compensate for this and provide strong vertical rhythm to help break up the overall building mass.
- 5.5.4 Block C - the building presents 7 storeys to the waterside edge and 6 storeys to the street edge with the top storey recessed. The sections show the top of the building below the roof height of the adjacent Bridge. This enables a gradual increase in building height along Great Western Road from south to north. The building sits back from the street edge with access to entrances by bridge links. Whilst the building would have benefited from additional accesses from the street (i.e. walk-up access to street level apartments) to enliven the street, your Officers are satisfied that the design adds interest to the existing streetscene and retains much of the historic wall.

Building Form, Appearance, Materials

- 5.6.1 Block A – the building adopts a distinctive form and appearance with a semi-circular form at the western end wrapped in curved steel spurs. The curved spurs continue along the length of the building and add to the high levels of architectural detail and high quality materials that make up the building facades. The form and appearance of the building is clearly at odds with its surroundings and has undoubtedly divided public opinion. However, given the gateway location and landmark intent, your Officers consider this to be an acceptable and justified approach. The Design Review Panel’s concerns in respect of the robustness of materials in such an exposed site are noted and a building maintenance management plan is sought by restrictive condition, as recommended.
- 5.6.2 Block B – the building presents an open fully glazed form with balconies to the waterside edge to appropriately take advantage of views and sunlight. The street edge demands a different response in form and appearance to address the existing street scene and adjacent listed terrace. A more solid form is proposed to the street edge with formal entrances projecting out to the street. The street elevations include adequate proportions of glazing to bedrooms and lift cores, arranged in a formal pattern. Materials are generally of a high quality and appropriate to the location.
- 5.6.3 Block C – as Block B, the building presents an open fully glazed form with balconies to the waterside edge to appropriately take advantage of views and sunlight. The waterside elevation has a strong horizontal emphasis. This is broken up by grey render surrounds and capped either end by projecting copper-clad sections. Following on from Block B, the street edge treatment is more formal in character with projecting bays and a strong vertical emphasis. Materials are generally of a high quality and deemed appropriate to the location.

Access, Movement and Connections

- 5.7.1 Revised drawings show a ramped pedestrian walkway west of Block B and south of Block A to take account of the raised sea defence wall. While the additional height of the wall is unfortunate from an urban design perspective (limiting views out of the site at ground-level), the sections demonstrate that the walkway will also be raised in parts to ensure a max 1.2m height from walkway floor to the top of the wall. Given the exposed nature of the site and the need to protect the building and site from potential storm damage, your Officers’ consider this to be an acceptable compromise.
- 5.7.2 To enhance legibility and pedestrian convenience, the walkway should be clearly marked along its length and remain adjacent to the sea defence wall. The deviation of the route in front of Block B seems unnecessary (Dwg No: 2142/194), creating an undesirable void space adjacent to the wall with no clear use and a potential maintenance issue (trapping litter etc). The ramped walkway should be continued alongside the sea wall and the space adjacent to the building used for parking. Your Officers expect these recommended amendments to be achieved before the Planning Committee Meeting and therefore an update will be provided by addendum.

Public Realm, Landscaping

- 5.8.1 As above under access and movement, the walkway in front of Block B would benefit from realignment alongside the sea defence wall and parking spaces v25-v31 moved closer to Block B to make better use of this space and to avoid space left over.
- 5.8.2 Proposed landscaping materials to match existing are supported by Officers. Existing granite sets are shown on the plan but no new granite sets have been detailed. New granite sets should be included and detailed on the landscape plan including potential for a defined space in front of the retained RNLI building. A detailed landscape plan should be required by way of condition and include details of trees and soft landscaping and lighting.
- 5.8.3 The proposed pergola structures over parking spaces are now, in Officers' opinion, an unnecessary addition that will add visual clutter and maintenance issues to the outside spaces and could be removed. Your Officers expect this amendment to be made before the Planning Committee Meeting and therefore an update will be provided by addendum.

Design Conclusions

- 5.9.1 Overall, your Officers' support the proposed development from an urban design perspective. It is considered that the development accords with adopted policies CS01, CS02, CS32 and CS34, the Council's adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009).

6 The setting/character of listed buildings

6.2 The Historic Environment Assessment supplied with this application identified three heritage assets within the application area, as well as two Listed buildings just beyond the 'red line'. These are:

- Millbay Pier
- Plymouth boundary stone
- site of a block of warehouses
- former dock police station and customs office Listed Grade II
- 23-39 Grand Parade, Listed Grade II

Of these the most significant structures are the customs office and 23-39 Grand Parade, both listed Grade II - defined by English Heritage as 'nationally important and of special interest' - and Millbay Pier.

6.3 While neither the customs office nor 23-39 Grand Parade appear to be directly affected by the proposed works, the setting of both will be affected. However the degree of separation between the eastern end of the proposed Block B and the western end of Grand Parade and the treatment of the east end of Block B allows the end of Grand Parade to remain visible from the greater part of the seaward side, and it is considered that this is adequate mitigation here. Further, a glazed curtain wall has replaced cladding panels on the penthouse level of Block B in order to address specific concerns raised by English Heritage (see above). It

is considered that these design revisions reduce the perceived height of Block B, thereby retaining the visual primacy of Grand Parade.

6.4 The situation with the customs office and Block B is deemed less satisfactory by your Officers. As the List description and the submitted Historic Environment Assessment both make clear, this building was designed to have all round visibility and this will be severely curtailed by this proposal, with new development proposed on the north, west and south sides, with Block B being particularly close on the south side. Ideally Officers would like to see the northern end of the Block B repositioned at a similar distance from the customs office as the southern end of Block C. However, this is tempered by the material consideration that is the extant consent, where the proximity of Block B is similar to that now proposed. Furthermore, Officers are mindful that English Heritage raised no concerns in this regard. Therefore, on balance, the proposed relationship to the listed building, from all three blocks, is considered to be satisfactory in terms of policy CS03 (Historic Environment) of the Core Strategy.

6.5 Millbay Pier was one of the earliest significant developments at Millbay Docks, opened in 1844, purpose built to berth the largest ocean-going ships then existing, and is the most significant undesignated heritage asset within the proposed development area. It is proposed as the site of Block A and will require significant structural works. On that basis it should be recorded 'as is' before any works commence. A condition is recommended accordingly.

7 The quality of residential environment created

7.1 The proposal is for luxury flats and duplexe units, which are generous in size and most significantly exceed the minimum size guidelines as set out in the Development Guidelines Supplementary Planning Document. Care has been taken to maximise the seaward aspects and ensure that future occupiers benefit from acceptable levels of amenity in accordance with the principles of policy CS34 and the guidance set out in the Development Guidelines SPD.

7.2 **Block A** – pedestrian access to Block A is achieved via a single entrance lobby within the east elevation at the landward end of the pier or via the communal lift/stair cores which serve the ground-floor car park. The majority of the apartments are single aspect with communal corridors running through the centre of each floor. All units are spacious and well laid out and benefit from a private balcony. In addition, Block A includes a generous communal meeting room with associated facilities and communal terraces are proposed on the fourth and sixth floors. Direct access is also available to the proposed public open space at the end of the pier. The only potential weakness appears to be the relationship between the lower level duplex apartment windows in the south (seaward) elevation and the raised pedestrian walkway. As the height of the proposed wave protection wall has increased, the height of the walkway has also risen. However, it is considered by your Officers that, a suitable separation distance has been maintained here to ensure that direct sight into the lower level duplex apartments will not be possible and so the relationship here will not be unduly harmful. Furthermore despite the height of the secondary wave protection wall, the internal height of the windows will still allow adequate outlook.

7.3 **Block B** – Pedestrian access to Block B is achieved via four communal stair/lift cores which provide level access to/from Great Western Road/Grand Parade. These entrance atriums are legible and obvious. Direct access can also be achieved via lift/stairs from the ground-floor car park. A different approach has been adopted in the internal layout of Block B; each residential unit is dual aspect with both seaward and street views. Given the depth of each unit the internal

layout has an open-plan approach to ensure that all of the internal space benefits from adequate levels of light; this is deemed acceptable. Each unit benefits from a seaward-facing private balcony. The only other communal facility within this block is a gym. Again, the relationship between the proposed public walkway, which links to the South West Coast Path, and the first-floor residential windows has been assessed and is deemed acceptable given level differences and separation distances afforded by the secondary wave protection wall and the balconies. Habitable room windows will be introduced at street level fronting Great Western Road/Grand Parade. Whilst some overlooking by street-users will occur here, many of these windows will be screened by the existing boundary wall which will be retained, in part, along the street-frontage.

7.4 **Block C** – Pedestrian access to Block C is achieved via a single communal entrance which is above the pavement level of Great Western Road. A small opening is proposed in the existing boundary wall and a staircase will be provided. Direct (and level) access is also available from the ground-floor car park, which is served by four lift cores. The first floor is laid out with single-aspect apartments. Some of these are relatively small in footprint, although none fall short of the recommended minimum floorspace guidelines. The weakness however is that four of these first-floor flats do not benefit from any private outdoor amenity space, contrary to the policy guidance. However, given the quality of the public realm locally, including West Hoe Park which is only a short walk away, it is considered, on balance, that this should not warrant the refusal of the scheme and can be accepted. The upper floors are occupied by larger dual-aspect apartments, all with private balconies. The proposed layouts ensure that all habitable rooms benefit from adequate natural daylight and outlook, with only non-habitable rooms (bathrooms and utilities) located within the central cores of these units, as these areas are not served by windows.

7.5 Officers consider provision of parking, cycle and refuse stores under the buildings is sensible and satisfactory.

7.6 The Council's Public Protection Service has carefully considered the potential noise disturbance for future occupiers, particularly within Block A, from surrounding noise sources including the port/harbour and associated passing ferries. Further information was submitted by the Applicants to address these concerns and, as noted in the Public Protection comments above, this information has reassured our Public Protection Service that the recommended internal levels of noise secured by condition can be achieved.

7.7 Policy CS15 of the Core Strategy requires that 20% of all new dwellings shall be constructed to Lifetime Homes Standards. Lifetime homes allow for the 'future proofing' of all new dwellings so that they can be adapted over time to suit the needs of occupants as their lifestyles change due to age or other factors. In this case, the accompany Design and Access Statement confirms that the development will achieve at least 20% provision for Life Time Homes and the proposed provision should be secured by the recommended restrictive condition.

8 The impact upon the amenities of nearby residential property

8.1 The proposal impacts mainly upon three groups of residential buildings in the surrounding area: the existing Millbay Marina Village, Grand Parade and the residential properties fronting Garden Crescent to the east of the site.

Impact on Millbay Marina Village

- 8.2.1 It is acknowledged that due to its siting, height and massing, the development will have an impact upon the amenity currently enjoyed by the existing properties within Millbay Marina Village. However, it is considered that the development has been carefully designed so as to minimise this impact. When compared with the previously approved scheme, Block A is sited 25m further away from the 'mews' houses within the Marina Village and Block C is sited approximately 10m further away from 'The Bridge' providing a gap of approximately 20m. These revisions achieve an improved relationship with existing residential neighbouring properties in terms of visual impact, overshadowing, outlook and privacy.
- 8.2.2 Solar path studies have been conducted and submitted alongside this application to illustrate an accurate representation of the proposed development's impact on neighbouring properties in terms of potential overshadowing. These suggest that with a lower solar altitude, the worst case scenario for overshadowing will occur in the winter months, whereby longer shadows will be cast. However, as previously noted, greater separation distances between existing neighbours and Blocks A and C have been achieved and, despite the dramatic increase in height of Block A, the stepped form of the building ensures that the eastern end is in fact 1 storey lower than the extant consent. Therefore, whilst it is accepted that some overshadowing will inevitably occur, particularly in the winter months, the loss of light to neighbouring residential properties is not deemed so significant that it could warrant the refusal of planning consent in this case.
- 8.2.3 It should be noted that the residents of the existing Marina Village had a reasonable expectation that flats would be built in close proximity to their properties when the remainder of the development was 'built out'.
- 8.2.4 The relationships between the proposed buildings and the existing Marina Village are considered to be satisfactory and are an improvement on the most recent extant scheme.

Impact on Grand Parade

- 8.3.1 Block B is likely to have the greatest impact upon 39 Grand Parade. The application site and this neighbouring property are separated by the Southwest Coast Path, which provides a buffer of approximately 4m. The proposed building does include habitable room windows and small balcony areas in the east elevation. These windows break up this elevation and enhance the natural surveillance over the coast path. Your Officers consider that the proposed windows themselves do not have a direct relationship with the neighbouring property as they are located on the splay and therefore it is considered that they will not result in an unreasonable loss of privacy in accordance with the relevant planning policy guidance. The perceived overlooking from the proposed balconies is likely to be more significant. And, whilst the relationship with neighbouring windows will still be indirect, users of the proposed balconies will more directly overlook the shared and private garden space at the rear of Grand Parade. It has therefore been recommended that these projecting balconies are replaced with Juliette balconies to reduce the impact here.
- 8.3.2 Your officers are satisfied that the proposed development will not result in an unreasonable loss of outlook from the windows in the rear elevation of no.39 Grand Parade. Given the separation distance and the indirect angle of Block B, the guidance of

the 45 degree rule is not compromised. Furthermore, gardens at the rear of the Grand Parade terrace will retain sufficient outlook and the proposed development will not appear unduly dominant when viewed from these garden spaces.

- 8.3.3 The proposed development is sited west of 39 Grand Parade and therefore will cast some shadows later in the day as the sun sets to the west. However, as this will be limited to only a small proportion of the day, your Officers are satisfied that these direct neighbours will retain a reasonable level of natural sunlight/daylight.

Impact on Garden Crescent

- 8.4.1 Many of the properties in Garden Crescent have, since the demolition of the warehouses that previously occupied the site, become accustomed to unimpeded views south and south west towards the Sound. This proposal would severely interrupt, and in many cases sever completely, those views. The Courts have long held that local Planning Authorities cannot protect individual private views and that the impact upon existing private views from a development proposal is not a legitimate matter of planning concern. Similar rulings have been made in respect of the impact upon property values from development proposals.
- 8.4.2 The minimum separation distance between the rear of the existing properties on Garden Crescent and Block C will be approximately 14 metres. However, this is typical of the existing separation distances between properties on either side of a road in the locality and is deemed acceptable.
- 8.4.3 On this basis, the proposed residential accommodation is not considered to have a significant adverse impact upon the residential amenity of the properties on Garden Crescent. The development is therefore acceptable and accords with adopted Core Strategy policies CS02 and CS34, the Development Guidelines SPD and Government guidance contained in the NPPF.

9 Access and parking arrangements

Trip Generation

- 9.1.1 Whilst this application is for the creation of 142 residential units it is noted that planning permission already exists for 94 units (app no 07/00009/FUL) and therefore the net impact in trips would be those associated with an additional 48 units.
- 9.1.2 Based upon the agreed trip rates for the Millbay Regeneration Area, the extra 48 units would generate a total of 15 2-way trips during the am peak hour and 11 in the pm. In respect of the entire development (142 units), the impacts are 45 extra trips in the am and 33 in the pm.
- 9.1.3 The applicant's traffic consultant has applied these additional trips and determined the associated percentage impacts at the following junctions:-
- West Hoe Road/Millbay Road
 - Millbay Road/The Crescent

- Union Street/Western Approach

9.1.4 The percentage impacts at the Millbay Road/The Crescent and Union Street/Western Approach vary from 0.8 to a maximum of 2.1 at Millbay Road/The Crescent. Such impacts would not impact upon the operation of these junctions taking into account future planned growth within the area.

9.1.5 Although the impacts at the junction of West Hoe Road/Millbay Road were greater (maximum of 3.9% in the am and 2.6% in the pm), it is the view of the Highway Authority that such increases would not lead to any capacity issues at this junction. Furthermore it is noted that permission already exists for 94 units and therefore the percentage impacts of the 48 units would be considerably lower (1.3% in the am and 0.9% in the pm). None of the impacts stated above could be considered as being 'severe' and consequently would warrant a Highway recommendation of refusal on this basis.

Car Parking

9.2.1 Being able to agree a suitable quantity of off-street car parking provision to serve this development has been a major area of concern for the Highway Authority in the determination of this application. Following post application submission discussions, the total number of car parking spaces has been increased from 173 to 194.

9.2.2 In respect of the residential units a total of 145 allocated spaces are provided which equates to a parking standard of just over 1 space per unit. Such a level of car parking is in accordance with the current maximum standards (which recommends maximum provision of 1 space per 1 bed unit and maximum of 2 spaces per 2 bed unit). The level of parking proposed reflects the accessibility of the location, its proximity to the City Centre and is consistent with the level of car parking provided to serve the residential units within the adjoining Millbay Regeneration Area.

9.2.3 In addition to the above, a further 41 visitor spaces are proposed which when considered with the allocated residential parking equates to a car parking standard of 1.31 spaces per unit. However it has since become apparent that a significant proportion of the berths within the existing marina are sub-let to non-residents of the Marina Village and consequently the marina use generates its' own demand for car parking (currently taking place across the development site). Therefore the visitor spaces need to not only serve the residential but the marina use as well.

9.2.4 A total of 10 car parking spaces are proposed on the end of the pier which are accessed via a roller shutter door. In view of the nature of the restricted access to these spaces and the concerns of your Officers regarding the potential impacts of any longer-term parking taking place on the end of the pier, it is recommended that the use of these spaces be restricted to berth holders only. As the use of the marina is very much seasonal such an approach would reduce the likelihood of these spaces being used during the winter months (when weather conditions would be more inclement).

9.2.5 It is recommended that the remaining visitor spaces be available to serve both the marina and the residential units and that a car parking management regime be implemented in order to control/manage the use of the parking areas taking into account the competing uses across the site. Consideration should be given to the use of permit type system for

controlling the use of the spaces (both visitor and allocated). It is suggested that the need for such be made subject to a suitably worded condition.

- 9.2.6 Whilst the Highway Authority would have preferred to have seen more visitor spaces provided to serve the marina, it is accepted that this is a particularly tight site in terms of the space available and that the applicant has provided as many spaces as physically possible.
- 9.2.7 In respect of the car parking serving the RNLI, an additional 8 dedicated spaces are proposed along with the existing parking (5 cars) that can currently be accommodated around the RNLI building resulting in a total of 13 spaces. Such a level of parking is considered sufficient and appropriate signing and lining will need to be provided on-site to highlight the fact that these spaces would only be available for use by the RNLI.
- 9.2.8 Finally the applicant's attention will need to be drawn to the fact that the development will be excluded from obtaining permits for the Controlled Parking Zone that is in operation within the area.

Cycle Parking

- 9.3.1 In their Transport Statement (TS) the applicant has confirmed that each residential unit will have access to a secure and covered cycle parking space which will be located within the ground floor areas of each residential block. This is reflected in the submitted drawings.

Layout

- 9.4.1 It is noted that the layout includes a ramped link walkway to the existing South West Coast Path at Rusty Anchor so that a continuous pedestrian route is provided around the waterfront area. It is also noted that a stepped route is being provided through to Great Western Road from the development.
- 9.4.2 In view of the car parking difficulties every opportunity for providing more spaces has been explored. Additional parking has been achieved and revised plans have been submitted accordingly. However, your Officers have tried to maintain a careful balance between parking provision and public realm space.
- 9.4.3 Autotrack plots have been provided within the Transport Statement to demonstrate that a variety of different-sized HGV's (including articulated tankers delivering fuel to the RNLI) would have no issues with accessing and turning around within the site. However securing access to the RNLI's fuel storage facility would necessitate there being no vehicles parked within their dedicated car parking area along the southern flank of Block C. The RNLI have confirmed that they are happy with this arrangement.

Travel Plan

- 9.3.1 Whilst the applicant's traffic consultant has stated that the traffic impacts of the development-related trips could be reduced further as a result of the measures/initiatives included within the Framework Travel Plan (para 5.22 of the TS), it is the view of the

Highway Authority that very little has been proposed in terms of measures that will actually support such a statement by delivering modal shift.

- 9.3.2 In terms of providing a viable alternative to the use of the private car, public transport is likely to feature quite highly, particularly for work-related trips. It is therefore considered appropriate that the Travel Plan includes reference to the developer providing a free travel pass of 1 month duration for all residential units (the associated cost of which would be £8,520). Such a sum would not necessarily have to be secured through the S.106 Agreement subject to there being reference to it in the Travel Plan (the final details of which should be made subject to a condition).

10 Public Access and Permeability

- 10.1 The Council has longstanding policy objectives to secure public access to the pier and waterfront. This is reflected in the Area Vision 2 Millbay and Stonehouse (4) of the Core Strategy and Proposal MS07 'Millbay Marina (2)' of the Millbay and Stonehouse Area Action Plan.
- 10.2 Careful consideration has been paid to the circulation of both pedestrians and vehicles to the pier. Under the extant scheme, pedestrians and vehicles shared a singular access route along the northern end of the pier. Within the current scheme the vehicular access route has been internalised, ensuring the access route along the northern end of the pier would be for the use of pedestrians (and RNLI vehicles). The double height internal vehicular route ensures a more efficient car parking layout (rather than the double banked parking arrangement which was adopted under the previously approved scheme) and also allows for a mobile crane to be brought through the building.
- 10.3 There are three proposed pedestrian access points to the Marina Village. The primary access point (as existing) is located towards the northern end of the site, which will provide a ramped access route to ensure disabled persons can access the Marina. A new access point is proposed towards the southern end of the site adjacent to the RNLI building. This walkway will be taken from Great Western Road down a new flight of steps. In addition, detailed pre-application negotiations have taken place to secure a link from the existing South West Coast Path, at the point known as the Rusty Anchor to the south of the application site. A new opening is proposed to the existing stone boundary wall. A raised walkway is proposed, adjoining the front elevation of Block B, bringing pedestrians and cyclists into the site, approximately 2m below the level of the South West Coast Path. Access to the pier is also proposed via a decked route to the northern side of Block A with views of the marina or via the raised walkway to the south of Block A and a public open space is proposed at the end of the pier which offers panoramic views across Plymouth Sound, Mount Edgecombe and Drakes Island. The proposals are supported by your Officers.
- 10.3 The submitted proposals have been amended during the course of this application to widen the pedestrian link adjacent to Block B and the bottom of the pedestrian ramp has been revised to direct pedestrians towards the pier, avoiding any potential conflict with traffic movements to/from the undercroft parking area serving Block B. As previously noted, it would have been preferable to also widen the access/egress point to the Rusty Anchor and avoid a right angle end point and it is hoped that these revisions will be presented before the Planning Committee Meeting.

- 10.4 A clause has been drafted into the Section 106 legal agreement to secure public access to the pier in the form of a 'permissive access'. This would allow public access for most days of the year but includes gates that would be closed on at least one day of the year, preventing the creation of a 'public right of way'; these gates could also be closed during storm conditions in the interest of public safety.
- 10.5 Local opposition to allowing public access to the pier and through the estate (linking with the proposed development to the north) on the grounds of maintenance costs are noted however, the Transport Statement which accompanies the application confirms that *"It is proposed that the streetscape within the development remains privately owned with on-going maintenance responsibilities resting with the development management company already established for the existing development. It is not proposed that the site access road is offered for adoption as public highway."* Given that the developer does not promote estate adoption by the Highway Authority, the maintenance of the road/paths etc are the responsibility of the landowner and may therefore be delegated to any management company.
- 10.6 Furthermore, any concerns about security are not been supported by the Police Architectural Liaison Officer. The wider public interest of promoting inclusion and sustainable communities is considered to outweigh any local difficulties arising from allowing public access; and the creation of a gated community as requested in some submitted letters of representation, which would be a consequence of excluding the public, is contrary to policy CS32 (Designing Out Crime) of the Core Strategy.

Navigational Safety

- 10.7 As previously noted, the applicant has provided additional information which includes details of a CCTV system which has satisfied the QHM's requirements. Full details, specifications and siting of the CCTV will be secured by restrictive condition, as recommended.
- 10.8 Consideration has been given to the QHM's request for a condition to regulate internal lighting on seaward facing elevations. Whilst it is, self evidently, in the interests of future householders that they do not display internal lighting that interferes with marine navigation, and the management company may want to append clauses to the tenancy agreements, it is not possible to use planning condition to control house holders lighting arrangements. It would not satisfy the Circular 11/95 (use of condition in planning permissions) test in respect to the 'ability to enforce' and possibly reasonableness. However, it is noted that the S106 associated with the extant planning consent included a clause to secure this. In the interest of consistency, this clause has been drawn into the current S106.
- 10.9 Initial concerns raised by Associated British Ports regarding the risk of vessels striking the proposed development have been addressed in the updated Spencer Report which was submitted in October 2014. ABP have now confirmed that they wish to raise no objections. Their concerns about navigational safety can be addressed by the proposed CCTV system which is secured by condition. The applicant has also confirmed that the proposals have been designed to allow safe access for a maintenance crane and for maintenance of the navigation lights.

10.10 No further objections regarding navigational safety have been raised by Brittany Ferries, the Cattedown Harbour Master or Associated British Ports.

11 Sustainable Resource Use

11.3 In line with the adopted Core Strategy policy CS20, the applicants have evaluated the renewable energy options on the development and cannot deliver the policy position of 15% carbon emissions on site. In such cases where the on-site renewable energy objective is found to be undeliverable, the Affordable Housing and Planning Obligations SPD allows for a contribution to be made towards the delivery of off-site CO² reduction measures. The level of contribution is based on the estimated capital cost of the renewable energy equipment needed to meet the 15% reduction in total predicted carbon emissions for the planned development. Therefore, in this case, the applicants are proposing to allow for connection to a future district energy scheme in line with the technical standards and are making an offsite S106 contribution of £125,000 towards delivery of the wider network in line with the policy requirements.

12 Affordable Housing

12.1 Paragraph 3.19 of the Planning Obligations and Affordable Housing SPD (2nd review) states that, subject to viability and associated negotiations, 30% of all housing units should be delivered in a form of tenure which meets NPPF affordability definitions. In this case, this equals a total of 43 units.

12.2 In certain situations however, paragraph 3.40 of the SPD allows for the provision of a commuted sum by the developer in lieu of provision of affordable housing on site. In this case, Officers accept that there is a good case to support such an offer. The main reasons why this is considered to be acceptable are as follows:

- Average values of the apartments are much too high for any on-site affordable housing product to be genuinely affordable for those living on lower quartile earnings. This applies to both shared ownership and rental units.
- Service charges are very likely to be much higher than the Council's recommended cost cap, and when added to a rental or mortgage payment mean that total housing costs would be excessively high for households who are eligible for affordable housing.
- As a result of the above points it is considered unlikely that any Registered Provider would be willing or able to achieve an acceptable offer for the affordable units that would meet their own internal cost criteria.
- The design of the apartment blocks doesn't allow separate accesses to blocks of a single tenure type. This would create management challenges that a Registered Provider is unlikely to want to take on.
- Consultation with ward members has confirmed that in principle the offer of an off-site commuted sum is acceptable for this development, if certain conditions are met.

12.3 Following negotiations with the developer have concluded that a total sum of £1,109,134 for Affordable Housing would be achievable. This offer has now been formalised by the developer and is the figure that is being considered as part of this process.

- 12.4 Given that the approx. £1.1m offer makes up the larger part of the full planning obligations package of £1.5m, Officers consider the offer to be acceptable in the circumstances. It also exceeds the previous offer achieved under the extant permission of £487k and although the scheme is larger in terms of numbers of units, the offer is considered to be a better outcome than that previously achieved.
- 12.5 The 'claw back' clause which is currently being negotiated with the developer is also welcomed (the claw back, or overage, is the sum of money in addition to the original S106 contribution price which PCC will be entitled to receive following completion of the development, if the sale prices of the resulting units exceed the pre-agreed figures), and provides reassurance that an improved outcome can be achieved in the event that sales values are shown to have been undervalued, or build costs over estimated.

13 Comments on Third Party representations not previously covered within the report

- 13.1 Disturbance - Concerns regarding the potential for the construction phase of the development to cause disruption to existing residential uses are noted. It is considered to be appropriate to impose restrictions through planning conditions on the developer's construction practice, including restricting hours of construction deliveries, construction vehicle routes and requiring appropriate mitigating measures for noise, vibration, dust and smell nuisance. A condition to address this matter is recommended accordingly.
- 13.2 Drainage – South West Water (SWW) has confirmed that the foul drainage strategy involves the connection of foul flows to a private sewage pumping station over which SWW has no control over. Numerous local residents have raised concern about connecting to this existing drainage system as they don't believe that it is suitable or has the capacity to deal with any additional foul drainage. Local residents have reported that this existing sewer regularly fails, causing spillages.
- 13.3 In light of the concerns outlined above, the applicant has confirmed that the private pump, which will transfer to SWW in October 2016, is a dual pump system (one used as a backup to the primary pump if failure occurs) and is currently maintained by the management company. It is serviced regularly in accordance with good practice and is fit for purpose. Within the drainage scheme reference is made to its assessment for the new scheme and this will be undertaken as a requirement of Building Regulations. Notwithstanding reports from local residents, there has been only one known incident where there was a problem and that was last February 2014 when both the pumps were switched off by Western Power Distributions by mistake following the storm incident (human error). This did lead to a temporary problem which was resolved. Therefor there is no current problem nor will there be when the development is undertaken.
- 13.4 Full details of foul water drainage and disposal of sewage should be sought by restrictive condition, as recommended.
- 13.5 Cruise Liner Terminal – within the Millbay and Stonehouse AAP, Site Policy allocation MS05 Trinity Pier allocates land for marine related employment uses, including a cruise liner terminal and associated facilities. This has been raised in third party

representations and the Council's Public Protection Service have informally expressed concerns about potential noise disturbance to future occupiers of the proposed development. However as there is no current (or approved) planning application for the cruise liner terminal, this consideration cannot be given significant weight. As it currently stands, conditions are recommended requiring Good Room Criteria on all new units which will help to mitigate against noise impacts. On this basis, it is not considered that this proposal, which is in accordance with site allocation MS07, would prejudice the development of the adjacent cruise liner site allocation.

- 13.6 Delivery of Block A – concerns have been raised in third party representations about the potential failure to deliver Block A, resulting in Millbay Pier being left derelict. This concern is shared by your Officers and has been discussed with the applicant. The applicant has explained that it is in their interest to deliver the prestigious landmark block A and verbal assurances have been provided. However it accepted that the Blocks B and C will be delivered first due to the construction costs associated with Block A (this has been evidenced in submitted viability assessments). Notwithstanding this, your officers have considered whether it would be appropriate to secure the completion of the development by condition. However, Circular 11/95 para. 61 states that *'a condition requiring the whole of a development be completed is likely to be difficult to enforce...conditions requiring the completion of the whole of a development should therefore not normally be imposed'*. It explains: *'if the reason for failure to complete, is financial difficulties experienced by the developer, neither a completion notice nor the enforcement of conditions would be likely to succeed; in such circumstances it may be that the only practical step open to the local planning authority, if they wish to secure the completion of the development, is the acquisition of the land. If a large development such as an estate of houses is left half-complete, this may well be because of market changes (for example, a shift of demand from four-bedroom to two-bedroom houses), and it would clearly not be desirable to compel the erection of houses of a type for which there was no demand or need'*. Given this, a completion condition is not deemed worthwhile or appropriate in this case.

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

The site is within a zone designated for £0 sq m Community Infrastructure Levy (CIL) charge. As such the CIL obligation for this scheme will be £0.

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:

- Affordable Housing: £1,109,134 towards the provision of affordable housing within the boundaries of Plymouth City Council on commencement of development.
- Education: £90,142 towards the expansion of St Peters Primary School or the development of Holy Cross Catholic Primary School.
- Health: £52,067 to develop a new surgery on the Pier Street Car Park site.
- Playing Pitches: £118,657 towards the provision and maintenance of playing pitches at the Stonehouse Creek hub site.
- Sustainable Resources: £125,000 towards the delivery of District Energy Infrastructure within 400 metres of the boundary of the site.

The agreed infrastructure contributions total £1,450,000. In addition, there is a management fee of £5,000.

It is considered that the financial contributions negotiated and listed above comply with the requirements of Policy CS33 (Community Benefits/Planning Obligations) of the Core Strategy.

12. Equalities and Diversities

This application proposes 142 new residential units which will be offered for sale on the open market and therefore will be available to people from all backgrounds to purchase. No negative impact to any equality group is anticipated. A condition is attached to ensure that 20% of the development will be made available as Lifetime Homes. The application also provides public access to the site for all.

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 and specifically; the Local Development Framework Core Strategy 2007, the Planning Obligations and Affordable Housing Supplementary Planning Document (SDP) Second Review 2012; Development Guidelines SDP First Review 2013; the Sustainable Design SPD 2009; and the Millbay And Stonehouse Area Action Plan 2007.

Overall the proposal is considered to be of a high quality design that will transform a prominent undeveloped site at the gateway to Millbay and enhance the built frontage to Great Western Road. The proposed coastal walkway through the site and new public open space at the end of the pier will be of significant benefit to the public. Further, it is considered that the proposed development would not have a significant adverse impact upon neighbouring properties and will contribute to the regeneration of the area as a whole. It is therefore recommended that the development be conditionally approved delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date or otherwise agreed through an extension of time.

13. Recommendation

In respect of the application dated **24/06/2014** and the submitted drawings Site Location Plan 2142/100 Rev.A

Proposed Site Plan 2142/101 Rev.G

Proposed Landscaping Plan 2142/102 Rev.A

Block A Floor Plans Sheet 1 2142A/110

Block A Floor Plans Sheet 2 2142A/111

Block A Floor Plans Sheet 3 2142A/112

Block A Floor Plans Sheet 4 2142A/113

Block A Elevations Sheet 1 2142A/120 Rev.C

Block A Elevations Sheet 2 2142A/121 Rev. B

Block A Elevations Sheet 3 2142A/122 Rev.C

Block A Section 2142A/150

Block A Walkway Link 2142A/160

Block B Floor Plans 2142B/110

Block B Elevations Sheet 1 2142B/120 Rev.C

Block B Elevations Sheet 1 2142B/121 Rev.A

Block B Elevations Sheet 1 2142B/122 Rev.B

Block B Walkway Link 2142B/160

Block C Floor Plans 2142C/110

Block C Elevations Sheet 1 2142C/120 Rev.B

Block C Elevations Sheet 1 2142C/121 Rev.A

Block C Elevations Sheet 1 2142C/122 Rev.C

Sea Defence Wall proposal Sh.1 2142/130 Rev.B

Sea Defence Wall proposal Sh.2 2142/131 Rev.B

Sea Defence Wall proposal Sh.3 2142/132 Rev.B

Sea Defence Wall proposal Sh.4 2142/133 Rev.A

Relationship of Block B to G.Parade 2142/170

Images Sheet 1 2142/180

Images Sheet 2 2142/181
Images Sheet 3 2142/182
Images Sheet 4 2142/183
Images Sheet 5 2142/184
Images Sheet 6 2142/185
Images Sheet 7 2142/186
Images Sheet 8 2142/187
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Images Sheet 10 2142/189
Images Sheet 11 2142/190
Images Sheet 12 2142/191
Images Sheet 13 2142/192
Images Sheet 14 2142/193
Images Sheet - Walkway Link 2142/194
Images Sheet - Pergola proposal sh1 2142/195
Images Sheet - Pergola proposal sh2 2142/196
Wave Deflector 2142/SK001
Design and Access Statement 2142/150
Tall Buildings Statement 2142/151
Affordable Housing Statement
Energy Statement
Environmental Statement
Environmental Statement Addendum, October 2014
Captain Spencer Report
Updated Captain Spencer Report
Historic Environment Statement
SWMP
Ecological Mitigation and Enhancement Strategy
Statement of Community Involvement
Transport Statement
Millbay Environmental Noise Impact, dated 1st September 2014
Parking Provision Technical Note Rev.B
Flood Risk Assessment Addendum, dated 11/2/15, it is recommended to: **Grant conditionally subject to S106 agreement delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date or other date agreed through an extension of time**

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:

Site Location Plan 2142/100 Rev.A
Proposed Site Plan 2142/101 Rev.G
Proposed Landscaping Plan 2142/102 Rev.A
Block A Floor Plans Sheet 1 2142A/110
Block A Floor Plans Sheet 2 2142A/111
Block A Floor Plans Sheet 3 2142A/112
Block A Floor Plans Sheet 4 2142A/113
Block A Elevations Sheet 1 2142A/120 Rev.C
Block A Elevations Sheet 2 2142A/121 Rev. B
Block A Elevations Sheet 3 2142A/122 Rev.C
Block A Section 2142A/150
Block A Walkway Link 2142A/160
Block B Floor Plans 2142B/110
Block B Elevations Sheet 1 2142B/120 Rev.C
Block B Elevations Sheet 1 2142B/121 Rev.A
Block B Elevations Sheet 1 2142B/122 Rev.B
Block B Walkway Link 2142B/160
Block C Floor Plans 2142C/110
Block C Elevations Sheet 1 2142C/120 Rev.B
Block C Elevations Sheet 1 2142C/121 Rev.A
Block C Elevations Sheet 1 2142C/122 Rev.C
Sea Defence Wall proposal Sh.1 2142/130 Rev.B
Sea Defence Wall proposal Sh.2 2142/131 Rev.B
Sea Defence Wall proposal Sh.3 2142/132 Rev.B
Sea Defence Wall proposal Sh.4 2142/133 Rev.A
Relationship of Block B to G.Parade 2142/170

Images Sheet 1 2142/180
Images Sheet 2 2142/181
Images Sheet 3 2142/182
Images Sheet 4 2142/183
Images Sheet 5 2142/184
Images Sheet 6 2142/185
Images Sheet 7 2142/186
Images Sheet 8 2142/187
Images Sheet 9 2142/188
Images Sheet 10 2142/189
Images Sheet 11 2142/190
Images Sheet 12 2142/191
Images Sheet 13 2142/192
Images Sheet 14 2142/193
Images Sheet - Walkway Link 2142/194
Images Sheet - Pergola proposal sh1 2142/195
Images Sheet - Pergola proposal sh2 2142/196
Wave Deflector 2142/SK001

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: CODE OF PRACTICE DURING CONSTRUCTION

(3) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;

- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 -123 of the National Planning Policy Framework 2012 .

PRE-COMMENCEMENT BLOCK A: CLOSED CIRCUIT TELEVISION

(4) No development shall take place on Block A until full details of a CCTV system, including the detailed sighting of the equipment, have been submitted to and approved in writing by the Local Planning Authority. The CCTV system shall be fully implemented before Block A is first occupied and henceforth permanently maintained.

Reason:

To mitigate for the loss of direct sight of a section of the Cobbler Channel and ensure that these further details are acceptable to the Local Planning Authority and the Queens Harbour Master in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-COMMENCEMENT: PROGRAMME OF ARCHAEOLOGICAL WORK

(5) 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, to include a recording programme for Millbay pier, 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: SURFACE WATER DISPOSAL

(6) No development shall take place until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the building hereby permitted is first occupied.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: EXTERNAL MATERIALS

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

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: SURFACING MATERIALS

(8) 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: LANDSCAPE DESIGN PROPOSALS

(9) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines

etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection].

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: DETAILS OF THE LOADING PARAMETERS

(10) No development shall take place until details of the loading parameters for the overall design of Blocks A and B have been submitted to and approved in writing by the Local Planning Authority. The works shall conform to the approved details.

Reason:

To ensure that the development will be sufficiently robust to minimise the risk of the occupants sustaining critical injuries in the event of an explosive accident at the nearby mooring area and ensure that these further details are acceptable to the Local Planning Authority and the Ministry of Defence in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and the National Planning Policy Framework 2012 .

PRE-COMMENCEMENT: GLAZING SPECIFICATION

(11) No development shall take place until details of the glazing specifications for Blocks A and B have been submitted to and approved in writing by the Local Planning Authority. The works shall conform to the approved details.

Reason:

To ensure that the development will be sufficiently robust to minimise the risk of the occupants sustaining critical injuries in the event of an explosive accident at the nearby mooring area and ensure that these further details are acceptable to the Local Planning Authority and the Ministry of Defence in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and the National Planning Policy Framework 2012 .

PRE-COMMENCEMENT: LIGHTING DETAILS

(12) No development shall take place until details of any 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-COMMENCEMENT: STREET DETAILS

(13) No development shall take place until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No unit of accommodation shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: EMPLOYMENT AND SKILLS STRATEGY

(14) No development shall take place until an Employment and Skills Strategy has been submitted to and approved in writing 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 the construction of the development. The development shall thereafter be carried out in accordance with the approved Employment and Skills Strategy unless a variation to the strategy is agreed in writing in advance by the Local Planning Authority.

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) 2007.

PRE-COMMENCEMENT: CONTAMINATED LAND

(15) 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: SUSTAINABILITY

(16) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, a report identifying how the development has been designed to be compatible with and allow future connection to a local district heating network in line with current best practice shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the in accordance with Policy CS20 of the Core Strategy and relevant Central Government guidance contained within the National Planning Policy Framework 2012 .

PRE-COMMENCEMENT: FOUL WATER DRAINAGE AND DISPOSAL OF SEWAGE

(17) Prior to the commencement of development, details of the provision to be made for foul water drainage and the disposal of sewage from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed details.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-COMMENCEMENT: 'LIFETIME HOMES'

(18) A minimum of 20% Lifetime Homes shall be provided on the application site. No development shall take place until full details of the Lifetime Homes showing how they meet all the criteria for Lifetime Homes have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that 20% of the dwellings on site are built to Lifetime Homes standards to comply with policy CS15 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

Pre-occupation Conditions

PRE-OCCUPATION: LANDSCAPE WORKS IMPLEMENTATION

(19) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CAR PARKING PROVISION

(20) No part of the development shall be occupied until the car parking areas shown on the approved plans have been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CAR PARKING PROVISION

(21) No part of the development shall be occupied until the car parking areas shown on the approved plans have been drained and surfaced in accordance with details to be submitted to and

approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CYCLE PROVISION

(22) No unit of accommodation in each of the Blocks, known as A, B and C, shall be occupied until space has been laid out within each Block in accordance with the details hereby approved for 142 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, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: TRAVEL PLAN

(23) None of the residential units hereby proposed shall be occupied until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the Local Planning Authority. The said RTP shall seek to encourage residents and visitors to use modes of transport other than the private car to get to and from the development. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the RTP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the developer 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, and paragraphs 32 and 34 of the National Planning Policy Framework 2012. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

PRE-OCCUPATION: CAR PARKING MANAGEMENT STRATEGY

(24) None of the residential units hereby proposed shall be occupied until a site-wide Car Parking Management Strategy (CPMS) has been submitted to and approved in writing by the Local Planning Authority. The CPMS will provide details of the specific measures that will be implemented relating

to the use and control of all car parking spaces across the site (allocation, enforcement, hours of operation etc).

Reason:

To ensure that all of the car parking areas across the site are properly managed and thereby ensure that both the residential and existing marina uses are adequately served in terms of off-street car parking provision in accordance with Policies CS28 and CS34

PRE-OCCUPATION: WATER SAFETY EQUIPMENT

(25) Prior to occupation, a Water Safety Equipment Plan shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of siting and management arrangements.

Reason:

To ensure public safety in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-OCCUPATION: BUILDING MAINTENANCE MANAGEMENT PLAN

(26) The development hereby permitted shall not be occupied until a Building Maintenance Management Plan has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

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

PRE-OCCUPATION: SOUND INSULATION AND VERIFICATION

(27) All dwellings shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The levels as described in Table 4 of the guidance shall be applied, meaning there must be no more than 35 dB Laeq for living rooms and bedrooms (0700 to 2300 daytime) and 30 dB Laeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Unless otherwise agreed in writing by the Local Planning Authority, as per the same Standard external private amenity areas (including balconies) should aim to meet a level of 50dB Laeq (0700 to 2300); where this is not achievable the design should aim to meet the best achievable level possible.

Prior to occupation of dwellings in any phase or part phase of the development, a verification report proving that the dwellings meet the aforementioned criteria should be submitted to and approved in writing by the Local Planning Authority. Identification of suitable properties for test will depend on the final design and location, and these shall be agreed with the Local Planning Authority prior to occupation and verification , to ensure they are representative for the development.

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007

Other Conditions

CONDITION: REFUSE STORAGE PROVISION

(28) The refuse storage provision shown on the approved plans shall be fully implemented before the development is first occupied and henceforth permanently made available for future occupiers of the site.

Reason;

In order to ensure that adequate , safe and convenient refuse storage provision is provided and made available for use by future occupiers in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy and paragraphs 61-66, 109, 110 and 123 of the National Planning Policy Framework 2012.

CONDITION: NO PILING

(29) No piling works shall take place within the tidal waters and no percussive piling shall take place.

Reason:

To prevent noise from piling entering marine environment potentially disturbing designated migratory fish species, in accordance with Core Strategy policies CS01, CS19, CS22 and CS34 and Government advice contained in the National Planning Policy Framework 2012.

CONDITION: ECOLOGICAL MITIGATION AND ENHANCEMENT

(30) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy (dated 27/10/14) by EPSEcology Ltd.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in PPS9.

Informatives

INFORMATIVE: LOADING PARAMETERS

(1) With reference to condition 10, regarding loading parameters, the proposed scheme will need to be designed so that buildings A and B are capable of withstanding the dynamic loading listed below:

Full Reflected Pressure = 4.825 kPa

Full Reflected Impulse = 629 kPa-ms

Incident Pressure = 2.390 kPa

Incident Impulse = 353 kPa-ms

INFORMATIVE: GLAZING SPECIFICATIONS

(2) With reference to condition 11, seeking glazing specifications, the applicant/agent is advised that the glazing in Blocks A and B will need to be installed using moderately sized panes (typical pane size 3m²) of 7.55mm thick laminated glass with a PVB interlayer in a steel or aluminium framing system. The MOD would not expect the frames to have any blast design at these ranges, provided they do not use planer or spider fixings. A suitable double glazed unit would typically have a toughened glass outer pane and a 7.5mm thick laminated glass inner pane, also in a steel or aluminium frame.

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: CODE OF PRACTICE

(4) The 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.

The applicant/agent is advised that the Code of Practice should cover all potential aspects of nuisance with regards to the development and should acknowledge that the development of three large buildings, whether at the same time or separately, has the potential to impact others. Should the

development be constructed in a phased approach it may be beneficial to submit separate plans for each phase, taking into account any previously completed phases.

INFORMATIVE: RNLI

(5) The applicant/agent is advised to contact the RNLI before development commences to ensure that appropriate measures are taken both during and post-construction to ensure that the operations of the RNLI are not unduly disrupted.

INFORMATIVE: CLOSED CIRCUIT TELEVISION

(6) The Applicant/Agent is advised that any CCTV system should be compatible with the VTS equipment installed in the port control station when the development is constructed. QHM seek assurance that free access would be allowed for maintenance and that there would be no enduring charges for the sighting of the equipment on the property.

INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(7) The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see www.plymouth.gov.uk/cil for guidance.

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(8) 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.