

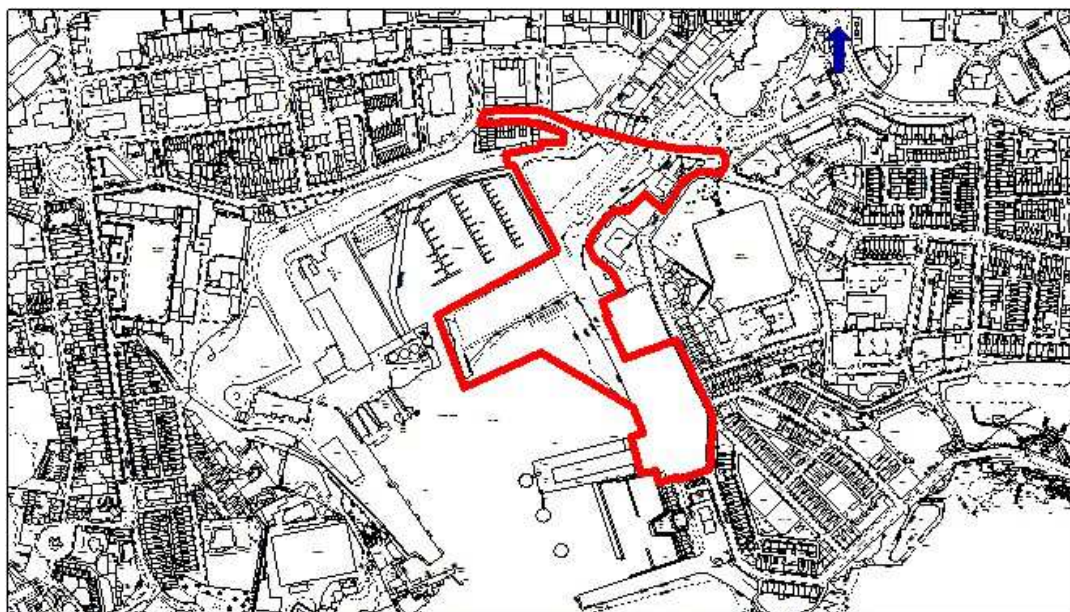
PLANNING APPLICATION REPORT



Application Number	14/01448/OUT	Item	01
Date Valid	11/08/2014	Ward	St Peter & The Waterfront

Site Address	LAND AT MILLBAY, MILLBAY ROAD PLYMOUTH		
Proposal	Outline 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		
Applicant	English Cities Fund		
Application Type	Outline Application		
Target Date	30/06/2015	Committee Date	Planning Committee: 09 April 2015
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Katherine Graham		
Recommendation	Grant conditionally subject to S106 agreement delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date (30 th June 2015) or other date agreed through an extension of time.		

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I. Description of site

The 6.95 hectare application site area is located along part of the waterfront of the Millbay area. This includes along the east side of the inner basin extending up to Millbay Road and Ferry Port Road to the north boundary, Clyde Quay and East Quay to the south of the site. The site area does not include Ballard House and wraps around this building, however does include the buildings along Bounds Place (accessed from Millbay Road) and the pub Sippers. Brunel Way is currently being used as a construction access for Plot A1, which is a previously approved part of the Millbay redevelopment site. This is currently under construction, and nearing completion. The site area along East Quay extends up to West Hoe Road along its East boundary. East Quay is sited at a lower level than West Hoe Road. The residential units along West Hoe Road are a mix of Victorian and flatted developments.

The east boundary of this part of the site is characterised by a limestone retaining wall which decreases in height as the site levels increase to the south of the site. East Quay itself is currently characterised by an access road along the waterfront boundary and areas where spoil has been stored.

To the south of East Quay is a boundary shared with Millbay Marina Village, which is served by Custom House Lane accessed via a one way system along Great Western Road.

This site area does not include Trinity Pier, which currently comprises a corrugated shed structure used for storage by ABP.

Clyde Quay mainly consists of an area of hardstanding and bunding with pedestrian access around the perimeter. The south side of Clyde Quay has an area of stone sea bank.

Cargo, Cargo 2 and the Plymouth School of Arts are located to the north of the site, and have formed earlier phases of the redevelopment of the area. Further to the north is the Pavilions site and a mix of buildings along Bath and Martin Streets.

Ferry Port Road to the north of the application site runs along the north of the Inner Basin and serves the ferry terminal area.

The inner basin walls are Grade II listed structures.

As part of the development of Plot A1, there has been the construction of an 'Interim Boulevard'. Whilst this is proposed to be the same location as the final boulevard, the current boulevard has been constructed as a temporary arrangement and finish.

2. Proposal description

This is an outline 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.

The current indicative proposal separates the application site into different phases and plots through the Design and Access Statement, as outlined below.

Plots A2/A3 East Quay

These plots follow on from Plot A1 south along East Quay, towards Millbay Marina. These are proposed to be residential plots, including a mix of 1 to 4 bed units (houses and apartments) totalling 187 units and their associated parking spaces. The road and promenade along East Quay is proposed to be continued from Plot A1. An access link from Custom House Lane is proposed to serve Plot A3 and access to Trinity Pier.

Plot H Clyde Quay

This plot proposes a mix of residential (138 x 1 and 2 bed apartments), commercial (4620m²) and associated parking. Works will be required to raise the level of this quay due to flood risk issues. A new boardwalk, public square and water taxi stop are all also proposed as part of this phase of development.

Plot C1/C2

This phase of development is located along the inner basin, between Ferry Port Road, Millbay Road and to the north of the Boulevard. These plots propose 131 residential units (1 and 2 bed apartments), commercial (2075m²), hotel (4225m²) and a multi storey car park. Recent negotiations have indicated that the residential within Plot C2 could be used for an extra care or older person accommodation (100 residential units or equivalent amount in floor space).

Plot C3/C4

This phase of the development is located to the south of the Boulevard, inclusive of Bounds Lane, Sippers pub and the area surrounding Ballard House. 72 residential units are proposed (1 and 2 bed apartments), Commercial (780m²), office (12, 020m²) and associated parking.

Boulevard

Linking from Millbay Road to the Inner Basin is a proposed boulevard, providing vehicular, cycle and pedestrian access.

3. Pre-application enquiry

This proposal was subject to pre-application advice (13/01980/MAJ) commencing 17/10/2013. This covered discussions relating to design, landscape, layout, transport, and EIA requirements.

There were detailed discussions regarding design. 'In principle' agreement was reached on most elements of the scheme. Outstanding areas of agreement included the parking on Clyde Quay and how this will impact upon the character of this part of the site, the final details of the Boulevard, the height of buildings on Clyde Quay (the LPA would want to maximise height on Clyde Quay from an urban design perspective) and the layout/siting of some of the areas of open space. It was acknowledged that as the submission is an Outline application, all these issues could be explored and negotiated further through the submission of the Reserved Matter applications. It was recommended that the application go to the Devon Design Review Panel to seek to try and frontload and resolve some of these issues with the applicant. However officers were unable to reach an agreement on this, although it was agreed that the Reserved Matter applications would go to the Design Review Panel.

Other consultees involved as part of the pre-application process included Transport, Public Protection, Environment Agency, Economic Development, Natural England, NHS, Education, Highways Agency and SWW.

4. Relevant planning history

As this is a large area the number of previous planning applications is large and the type of applications varied. The salient planning applications of particular relevance on and in close proximity to the site are as outlined below. Other applications which are not relevant to the application have not been included, which include the planning history of Bounds Place and the inner basin of Millbay docks.

Previously Approved Outlines

06/01533/OUT A mixed-used development comprising residential development (Use Class C3) of up to 1,232 dwellings, in the form of townhouses and apartments; up to 39 live/work units, maximum of 4,095 sqm; employment use (Use Class B1) up to 40,206 sqm; retail (Use Class A1) up to 9,026 sqm; food and drink (Use Classes A3 & A4) up to 13,824 sqm; hotel use (Use Class C1) up to 9,209 sqm; associated alterations to the Arena retained within Plymouth Pavilions (Use Class D2) up to 10,448 sqm; ground remediation, highway improvements and associated landscaping. Grant subject to S106 25/01/08.

10/01882/OUT Renewal of planning permission (ref. 06/01533/OUT) for a further 3 years for:- A mixed-used development comprising residential development (Use Class C3) of up to 1,232 dwellings, in the form of townhouses and apartments; up to 39 live/work units, maximum of 4,095 sqm; employment use (B1) up to 40,206 sqm; retail (A1) up to 9,026 sqm; food and drink (Use Classes A3 & A4) up to 13,824 sqm; hotel use (C1) up to 9,209 sqm; associated alterations to the Arena retained within Plymouth Pavilions (D2) up to 10,448 sqm; ground remediation, highway improvements and associated landscaping. Grant subject to S106 01/10/12.

Adj to application site history

Pavillions

85/03614/OUT- Plymouth Pavilions, Millbay- Outline application to develop land by the erection of a leisure complex with associated car parking and ancillary facilities (regulation 5 proposal) – Permitted 07/02/86

Plot D1 Phoenix Quay

05/00191 – Redevelopment of D1 land, (formerly in applicant's ownership- east of Miller Court) to provide 123 residential units and 1,244 sqm of B1 business floor space.-permission (subject to compliance with S106).

10/01734/FUL Change of use of ground, first and second floor of five commercial units from business use (Class B1) to shops (class A1), business use (Class B1) and non-residential institution use (class D1) Withdrawn 28/03/11

Plot D3 Cargo

05/00192/FUL – Redevelopment of D3 land in applicant's ownership (former Vospers Motorhouse premises) to provide 134 residential units and 1,898 sqm of B1 business floorspace .- permission (subject to compliance with S106).

13/00818/FUL Unit 1 Change of use from offices (Class B1) to academic use (Class D1) and creation of temporary play area Granted 22/07/13

Plot D4 Plymouth School of Arts

13/00816/FUL Erection of part four-storey, part two-storey free school (6,944sqm) with associated roof terrace, drop off facilities and landscaping Grant Subject to S106 29/10/2013

Plot G Cargo 2

10/02131/FUL Residential redevelopment to build 48 new dwellings on the site consisting: 14 houses (3 x 3 bed and 11 x 4 bed) and 34 flats (18 x 2 bed and 16 x 1 bed), commercial floor space (approximately 370 sqm, use class A1, A2, A3 and/or B1a) and associated parking and landscaping Granted subject to S106 22/03/2011

King Point Marina

11/01570/FUL Construction of 179 berth marina with associated two storey facilities building (comprising marina offices, shower and toilet facilities, storage areas and either first floor marina yacht club restaurant (class A3) or retail unit (class A1) or office unit (class B1 or A2)) and associated vehicular parking (75 spaces) and cycle spaces Grant Subject to S106 18/09/12

11/01574/LBC Removal of galvanised railings; construction of new vehicular and pedestrian accesses and associated works over historic quay walls; refurbishment of historic mooring bollards and associated works Granted 21/11/11

Plot A1(Quadrant Quay)

13/00688/FUL Redevelopment to provide 102 residential units (87 apartments and 15 houses) and 77.0 sqm of Commercial floorspace (Shops (Class A1), Financial and Professional Services (Class A2), Restaurant/Café (class A3), and/or Business Use (Class B1)) and associated public realm works, vehicular access and waterfront walkway, and vehicular parking with variation of condition 2 of planning permission 12/01112/FUL to revise the drawing numbers to allow for amendments to materials, site layout, maisonette and Block 10 elevations, landscape, interim boulevard and parking provision Granted subject to S106 29/10/2013

12/01112/FUL Redevelopment to provide 102 residential units (87 apartments and 15 houses) and 77.0 sqm of Commercial floorspace (Shops (class A1), Financial and Professional Services (class A2), Restaurant/Café (class A3), and/or Business Use (class B1)) and associated public realm works, vehicular access and waterfront walkway, and vehicular parking Granted subject to S106 18/12/12

Millbay Marina Village

14/01103/FUL 142 residential apartments with communal facilities in three blocks, with associated car parking, infrastructure and landscaping and remedial works to pier structure GRANTED conditionally subject further negotiation on overage and a S106 agreement, delegated to the Assistant Director for Strategic Planning and Infrastructure, in consultation with the Chair, Vice-Chair, opposition spokesperson and ward Councillors, to refuse if not signed by target date or other date agreed through an extension time.

87/02178/FUL-Millbay Marina Village, Custom House Lane - erection of 46 houses and 40 flats – Permitted 18/11/87.

89/00563/FUL Erection of 2 four storey blocks to provide 14 self-contained flats with car parking under Granted 31/13/89

94/00221/FUL Alterations to highway and construction of new boundary wall and landscaping Granted 02/09/94

00/00642/FUL Erection of 81 residential units inclusive of 1 concierge apartment together with associated car parking (forming completion of marina development) Refused 30/12/2004

07/00009/FUL 94 residential apartments, in three blocks, with associated car parking areas, infrastructure and landscaping works-Permission granted subject to S106 31/05/07

5. Consultation responses

Associated British Port (ABP) (Summarised comments)

ABP is Freehold owner of the application site and owner and operator of the adjacent Millbay Docks. ABP have a statutory duty to undertake and provide port facilities at its harbours and is therefore deemed a 'statutory undertaker'. ABP wish to see continuing full planning policy support for successful operation of Millbay Docks and its existing and potential future tenants. Consider that the city is fortunate to have a thriving Port operation, which acts as a gateway to Europe for trade and passengers, and believe that the Council acknowledges its vital importance.

1. Impact on existing and future port operations

In principle, support the regeneration of Millbay, provided it does not adversely affect, undermine or interfere with our existing or future port operations in any way.

ABP appreciate that this proposal is part of a larger regeneration effort within the city, however remain concerned that we ensure that the application adequately acknowledges and avoids any adverse impact on the port's adjacent operations, both current and future.

The continuing interface between the residential redevelopment and the existing port operations must be fully considered and managed at all times, so as to avoid conflict

The Millbay Terminal currently operates a successful service for Brittany Ferries, predominantly between the 06.00 - 24.00 period. These hours of operation may change in the future to meet changing market needs.

Request that the applicant ensures that there is no reduction in capacity of the routes from the port during construction of the development, and beyond, rather than accepting that there will be a reduction and that it must be managed. Traffic management and control of parking is essential and must be undertaken by the developer at all times.

Concern about the increased dwellings and new school and vehicular traffic around Millbay Road, combined with the proposal and how this impacts on the current traffic situation particularly around ferry arrival and departure times,

Need to consider suitable traffic control improvements and signage etc., around the Millbay Road, Octagon and Duke of Cornwall roundabouts

Noise from ferry terminal, which may inconvenience or disturb any new residents within the proposed development, including refuelling, and consideration should be given to location of windows, balconies, bedrooms etc. when progressing the detailed design of residential units and external seating areas etc. when designing commercial units.

2. Vehicle access - East Quay

Trinity Pier is located adjacent to the application site and as such any redevelopment, of whatever nature, could have direct implications upon this area of the port, its operation and its security.

Concerned that 24/7 uninterrupted access route for tenant, the Ministry of Defence (MOD), HGV vehicles and our own equipment (including variety of vehicles) have not been clearly indicated.

3. Trinity Pier redevelopment

Proposed for use as a cruise liner, it is therefore essential that adequate access to Trinity Pier is safeguarded, maintained and ideally improved as part of the Millbay redevelopment master planning exercise.

Support the wider plan to improve access to Trinity Pier via Custom House Lane, which is within ABP's freehold title and support new access form Custom House Lane.

Economic Development (Summarised)

The Economic Development Department is in support of this application.

The development is regenerating a large area of Millbay through a mixed use development. Included within this are employment opportunities through the leisure, retail, office etc. The development also opens up the accessibility and attractiveness of Millbay, including increasing accessibility and footfall into the City Centre.

Millbay is an existing mixed-use area and therefore this development phase will maintain Millbay as mixed-use. It supports the Millbay Masterplan, which also supports the delivery of the Millbay and Stonehouse AAP.

The City has a lack of top-end hotels and therefore a high end hotel (4* or 5*) will be encouraged particularly as part of this development.

As part of the Council's growth agenda, the Council requires the submission of an Employment and Skills Strategy as part of the planning application, in line with Strategic Objective 6 of the Core Strategy.

English Heritage (Summarised)

No Objection: This site is integral to the history of Plymouth and has a prominent waterfront location, but other than the Grade II listed walls of the inner dock basin there is little built heritage remaining on the site itself. It is adjacent to, or can be seen in the context of, several conservation areas including The Hoe, Union Street, and Stonehouse. It can also be viewed from within the Grade I registered landscape of Mount Edgecombe.

The scale and massing of the proposed development is appropriate to the City Centre location, and will not adversely affect the character and appearance of adjacent conservation areas.

Although the proposed development includes relatively tall buildings, the topography of surrounding land means they are unlikely to cause adverse visual impact.

If fully implemented the proposals could have a positive impact on the vitality of nearby designated heritage assets such as Union Street Conservation Area and the Grade II* listed Palace Theatre.

Note presumption of retaining surviving historic features, and suggest a condition.

Environment Agency (EA) (Summarised)

Initial Comments: No objection in principle, the Flood Risk Assessment supporting this application is comprehensive and is adequate for the outline planning submission, but further information and conditions required

Updated comments: The proposal will be acceptable if conditions are included which will ensure:

- the design and implementation of appropriate coastal flood defences (2 conditions);
- provision of a flood warning procedure;
- the design and implementation of an appropriate surface water drainage scheme;
- the facilitation of a strategic drainage route;
- the appropriate investigation and remediation of contamination;
- the management of any unsuspected contamination; and
- the preparation of a Construction Environment Management Plan (CEMP).

Highways Agency (HA) (Summarised)

No objection: The HA have considered the submitted information and provide comments which reflect Department for Transport (DfT) Guidance on Transport Assessment (March 2007) and DfT Circular 02/13 Planning and the Strategic Road Network (SRN). The Agency has been involved in significant discussions in respect of this site over a number of years.

The impact of these applications on the SRN has been fully considered by the Agency, and in each instance planning conditions relating to the provision of a Travel Plan and Construction Management Plan have been directed in order to protect the safe and efficient operation of the SRN.

This new application is for a smaller quantum of development than was sought permission for in 2006, and the submitted Transport Assessment (TA) confirms this. The TA makes a number of assumptions as to the trip generations and modal splits which will be delivered by the Travel Plan (TP). Recommends condition in relation to the TP and to ensure the assumptions made within the TA are met.

Highways Authority (Summarised)

Traffic Generation: The floor area of the development is reduced from previously approved scheme, and traffic impacts are also reduced. Furthermore, a number of sites from previous master plan have been developed which has also led to a reduction of trips from scheme, however these have been considered in the traffic modelling. The modelling has considered the impact upon various local junctions and whilst there are impacts in terms of road network capacity, the Highways Authority does not object to the scheme on this basis.

Car Parking: 1174 parking spaces are proposed which complies with maximum parking standards (from 1305 to 1905). 600 of these are proposed as within the multi-storey car park (MSCP) and a condition is recommended to deal with the management of all parking spaces. One space per residential unit is proposed, which is considered acceptable, however there appears to be a shortfall of 5 spaces in one of the phases of development (C4), which will need to be provided in any Reserved Matters application. The parking to serve the commercial uses on Clyde Quay is to be provided through the MSCP and it is queried how the parking will be delivered due to the phasing? There are no objections to the proposed office parking. The provision of 6 electric vehicle charging points will be provided in the MSCP.

Cycle Parking: Cycle parking for residents will be provided in accordance with current guidelines and in addition further cycle parking is to be provided for public cycle spaces.

Walking Strategy: Pedestrian crossing facilities are proposed to the existing highway network surrounding the site. Within the site the development is to be designed to be conducive to pedestrian movements and will open up access to the waterfront and links from West Hoe Road.

Millbay Boulevard: The Boulevard is a critical piece of infrastructure for the Millbay and the City Centre. The southern section of the Boulevard has been in part implemented as part of Plot A1 and will be completed as part of the later phases of this development. A condition is recommended in relation to the completion of the southern section of the Boulevard. However this does not address the Northern section of the Boulevard and a contribution will be sought in order to fund a scheme of environmental enhancements to Bath Street which would allow a temporary Boulevard to come forward in lieu of a final scheme.

Cycling Strategy: There is a desire to divert National Cycle Network (NCN) 27 through the development. East Quay is designed to have low vehicle speeds (10 -20mph) so they can also be used safely by cyclists and there is cycle connectivity through the site.

Public Transport Strategy: Public Transport is the most viable alternative to the car. There is currently a 30 min service serving Millbay Road and it is considered that a 15 min service is required to serve a development of this scale. S106 funding is proposed to be secured to ensure that a bus service runs at a 15 min service. In addition further S106 funding is secured to provide new public transport infrastructure in the form of new bus stops on Millbay Road.

Layout Servicing Strategy: Recommend loading bay detail condition.

No objection to creation of access from Millbay Marina Village and no objection to capacity issues on Custom House Lane. A barrier will be provided between Plot A3 and the rest of the development to prevent rat running.

The creation of an access from Custom House lane also includes changes to the one way system to create a two way system up to the junction to Custom House lane. This will also result in the location of on street parking spaces within this locality.

The access from Custom House Lane will also serve coaches accessing Trinity Pier (Cruise liner site).

Signing Strategy: Should be produced through condition.

Travel Plan: The modelling assumes 50% of trips will be through sustainable methods of travel, which means the Travel Plan plays a critical role. S106 contributions are proposed to provide funding for bus passes or voucher towards the purchase of a bicycle for residential occupiers and as part of the commercial travel plan, also for employees.

Construction Traffic Management condition recommended.

The HA do not object to this application from a highway viewpoint subject to the following Conditions and Section 106 Obligations being secured.

Health and Safety Executive (HSE)

No comments to make

Ministry of Defence (MOD)

No safeguarding objections to this proposal.

Natural England (NE) (Summarised)

Internationally and nationally designated sites: The application site is adjacent to a European designated site and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and is within three kilometres of the Tamar Estuaries Complex Special Protection Area (SPA), which are European sites. In considering the European site interest, the Local Planning Authority (LPA) should have regard to potential impacts that a plan or project may have. Natural England agrees with the conclusions of the Habitats Regulations Screening Assessment within the Environmental Statement (technical appendix 14) that there will be no Likely Significant Effect on the designated features of these sites and that an Appropriate Assessment is not required.

Biodiversity Duty: Identification of an area of good quality intertidal reef habitat which is a Biodiversity Action Plan habitat within the boundary of the application but it is understood that no work will take place below Mean High Water and at present we have not identified a pathway by which this habitat could be impacted.

Protected Landscapes: No comment - low potential for significant impacts on Cornwall and South Devon AONB's.

National Trails: The South West Coast Path passes through the proposed development site and may be temporarily affected by the construction works. The use of the Trail should be appropriately safeguarded throughout the construction period.

Police Architectural Liaison Officer

Not opposed to development

Public Protection Service (PPS) (Summarised)

Environmental Protection Observations: In order to maintain appropriate noise levels within any residential areas within the development internal noise level conditions have been recommended. These are based on the new BS8233:2014 standard. This same standard sets out guidelines for external amenity areas. These standards are designed to prevent these areas being excessively noisy so that they are usable spaces for residents to enjoy. If the outdoor spaces are too noisy the areas are not used and therefore become surplus to requirements and form wasted space within the overall design of the area. As such, balconies are included within the definition of outdoor amenity for this purpose if they are usable.

PPS has been concerned with regards to the potential for noise from the proposed cruise ship terminal in this area, and discussion has taken place through the LPA with the applicant. Whilst the further information received is limited and it is accepted that the potential noise source is not confirmed. PPS would like to state that they still consider that the influx/egress of large numbers of people in a short space of time is still likely to cause some level of amenity loss, although also accept that it is hard to quantify at this stage. PPS would like to recommend that this potential source of disturbance be flagged to any potential purchasers of flats/dwellings.

During the course of the development as residences become inhabited, the potential for disturbance to existing residents will dramatically increase. It is important that any construction takes existing residents (whether existing prior to development or in situ part way through the development) into account. Recommend Construction and Environmental Management Plan.

Air Quality Observations: The report has considered the impact on local air quality of the proposed development, taking into account traffic generated by the existing committed development in the area. The assessment's conclusions are that the development will not result in exceedances of the air quality objective at any current or future receptors, and as such we do not have any objection to the granting of planning permission for this development.

Land Quality observations: A preliminary risk assessment has been submitted in support of the application. The report has identified the need to undertake further investigations to inform geotechnical and contamination risks within the application site. The consultant conclusions, recommendations and proposed scope of investigation are agreed. Conditions are advised in order to support further intrusive investigation, remediation and verification works.

Health, Safety and Commercial observations: Recommend some conditions in relation to the commercial aspects of the development be applied to any granting of this outline application, additional conditions would be recommended at Reserved Matters stage applications.

The completed development is proposed as a vibrant mixed use community offering speciality and leisure related retail opportunities to encourage a visitor and cultural destination. This is likely to be attractive to those that operate cafes, bars, takeaways and restaurants, many of which will be licensed, use outdoor seating, and may include entertainment such as live/amplified music, etc. Sites offering this range of establishments are where large numbers of people are likely to congregate for extended periods of time. From our previous experience at other similar sites, where there is mixed use of a large number of licenced establishments alongside residential dwellings, PPS have concerns that should this site be allowed to develop into this type of community, complaints of odour, noise and/or disturbance are highly likely to occur.

PPS main areas of concern relate to the lack of details due to the Outline stage of development. This means no detail on extent of commercial uses and locations, proposed operating hours for the commercial units, plant and machinery for beer cellar cooling units, extract systems, air conditioning and refrigeration plant, kitchen extraction systems and potential odour problems, details of outdoor use/seating, other potential noise impacts (commercial refuse collection, deliveries, amplified speech, taxis, noise from patrons, traffic/pedestrian traffic embarking/disembarking from current cruise ship activity, location of indoor refuse storage, drainage details, toilets associated for each commercial units, type of delivery access to buildings and beer cellars).

In an attempt to design out noise, odour and disturbance potential PPS recommend the Local Planning Authority considers allocating just one use class per unit at the Reserved Matters application stage, explore whether ground floor noisy uses (e.g. A3 – A5 uses) be separated from the residential dwellings above by putting the office space on the first floor between them, restriction of opening hours to 11pm closing for all commercial units on the site, ensure detailed information is submitted for approval with each reserved matters.

Takeaways and pubs can cause issues of anti-social behaviour and litter. In addition, takeaway foods and alcohol are proven to contribute to the development of the four key diseases (Cancer, Heart Disease, Stroke and Respiratory Disease). The ability to consider health at this strategic phase is considered important to assist in the protection and promotion of the health of Plymouth's citizens, and restricting the numbers of takeaways and pubs is in our opinion consistent with the direction of the Plymouth Plan and the National Planning Policy Framework. Recommend the Local Planning Authority considers restricting the maximum number of A3, A4 and A5 uses across the development as a whole.

South West Water (SWW)

SWW have advised they are in discussion with the applicant regarding apparatus located within the site that will be affected by the proposed development.

6. Representations

26 letters of objection and 1 letter of support:

The main issues are summarised as follows:

Design

- High density, already have high density development in surrounding area.
- Do not agree with heights of development at Clyde Quay, thought this was meant to be a communal open space?
- Object to high rise development at Clyde Quay as it sits directly in the view from Stoke residents.
- Anything over 2 storeys will annihilate the open space environment/ No more than 3 storeys would help to retain a feel of openness.
- High apartment building close to boundary is a concern and will cause an enclosed feel.
- Development is overcrowded and poor design.
- Resident's view of buildings is of blank walls.
- Create a ghetto effect.
- Not in line with Post War Plan to create village green type estates.
- Loss of vista from Cargo.
- Concern over lack of open space.
- To compare Plymouth with Malmo, Copenhagen and Barcelona is deluded.
- Does not demonstrate impact upon the Stoke area.
- Need to develop Millbay in a sensitive way.
- Concern over height of hotel.
- Density and composition of the apartments, concerns over proliferation of apartments and need for family housing.
- Concern over height of buildings close to Millbay Marina Village boundary.
- Lack of open space on East Quay.

Traffic

- Opening the boundary wall to allow traffic from Trinity Pier and East Quay to enter Custom House Lane will result in an unsustainable circulation of traffic in Millbay Road, Millbay Village and Great Western Road.
- Concern over use by ABP vehicles.
- Congestion will cause chaos and severe hazards for pedestrians in a single road.
- The opening between Millbay Marina Village and East Quay was stated in a previous application to be used only by emergency vehicles.
- Custom House Lane is a private road funded by residents and opening it up to public is an invasion of privacy.
- Custom House Lane is narrow and will be dangerous to users when opened up.
- Trinity Pier will become dangerous due to heavy commercial vehicles, coaches and the military and coastal unloading/ loading, especially for pedestrians.
- Service and delivery strategy show traffic turning left and right on a one way system, if this is correct want to know why the locality has been changed/no justification.
- Removal of pedestrian refuge at the junction of Great Western Rd and Radford Road, which is essential for pedestrians on a busy road.
- High volumes of traffic resulting in congestion. Bottleneck at the Octagon will be made worse (also with the opening of the new school in Martin Street).
- Moving bus stops could impact on disabled and aged users.
- Development will cause wear and tear on the structure of the cobble stone roads from excessive use.
- There is no public parking in Custom House Lane and Millbay Marina as suggested in plans. Pier Street Car Park has planning permission for town houses and a new surgery and a car park doesn't exist on Leigham Street.
- The multi-storey car park is 400m away from East Quay and would deter users.
- Multi- storey car park will add to congestion of area.
- Multi-storey car park should be built before any major development takes place.
- 420 of the 600 properties will be built at the end of phase 3 but the multi-storey car park will not be finished till phase 5.
- Parking already an issue with streets being overcrowded, especially when there are events at the Hoe.
- Issue of car parking congestion, and only one space per unit as car ownership is higher than that, as observed at Cargo and Phoenix Quay.
- Increase in traffic volume; already have other development within area that will already increase the traffic volume.
- The development conflicts with the ferry port.
- Proposed alignment of Great Western Road, Custom House Lane and West Hoe Road and Radford Road has no justification.
- What provision has been made for visitors parking?
- To reroute bus route will not be up to developer but to the bus companies, assessment of bus opportunities are incorrect.
- Accept that Deed of Easement allows for access, however previous Outline only provided access for emergency and service vehicles only, object to the creation of this access, which is adjacent to residential.
- Custom House Lane already provides access for residents, berth holders, RNLI.
- To include articulated vehicles and MOD coaches will lead to unacceptable congestion.
- Parking strategy shows on street public parking in Custom House Lane which is incorrect, this is not allowed.

Community

- Local surgery does not have the capacity to provide effective primary medical care, unable to increase the number of surgeries to cope with the ever increasing demand because of lack of consultation space.
- Previous S106 contribution for surgery now disappeared
- Figures provided for surgery size incorrect
- Millbay Marina Village was planned to be private waterside village/private estate
- Need to obtain green space.
- Lacking family suitable houses and open spaces on East Quay.
- Undesirable social/ welfare issues arising.
- Clyde Quay should be left to be used by community and as an ideal base for Americas Cup.

General

- Ignores outline permission for access to Custom House Lane.
- Condition for multi-storey car park to be built and in operation before major occupation at the site takes place, unless alternative parking is provided.
- Figures provided for the surgery regarding list size and excess capacity was incorrect and 10 years old.
- No need for more office and retail units, many existing units remain vacant.
- Limited information on quantum, split and division of retail floor space.
- Request conditions (size of superstore and comparison element, size of other A1 units and restriction of use: only clothing and footwear, restriction amount of A2 – A5 and max unit sizes, prevent mezzanines, subdivision or combining of units).
- No cohesion between application English Cities Funds and Linden Homes.
- Cumulative impact with Millbay Marina development/exacerbates situation
- Already many vacant commercial properties (City Centre, Sutton Harbour, Phoenix Quay) and question need for more units
- Keen to see area regenerated but hope development is sympathetic to current residents
- Question the need for 600 dwellings.
- Object to office development.
- Traffic arising from development, plus those from Millbay Marina village will create congestion, pollution and pedestrian danger.
- Walking Strategy includes Trinity Pier which would be hazardous.
- Removal of pedestrian refuge at Great Western Road/Radford should not be allowed.
- Change to one way system not required or necessary.
- Ferry Traffic Strategy Plan not acceptable.
- Custom House Lane is a private road.

I Letter of support:

- Improve Millbay regeneration – will bring 'Ocean City alive'.

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).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex I to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

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.

Reference is made to the Plymouth Plan within the report where appropriate.

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.

In the case of this application, it also comprises the Millbay & Stonehouse Area Action Plan.

In addition to the Framework, the following Adopted Supplementary Planning Documents are also material considerations to the determination of the application:

- Development Guidelines SPD
- Planning Obligations and Affordable Housing SPD
- Sustainable Design SPD

8. Analysis

1 Policy

1.1 This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007 Policies CS01, CS02, CS03, CS04, CS07, CS08, CS12, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS28, CS30, CS32, CS33, and CS34 Millbay and Stonehouse AAP, Development Guidelines SPD, Sustainable Design SPD and is considered to be compliant with National Planning Policy Framework guidance.

2 Procedural

2.1 As an Outline application, the consideration is whether the principle of the development proposed is acceptable in this location, specifically the uses proposed and the amount of uses proposed.

2.2 This application has reserved all matters, including appearance, means of access, landscaping, layout and scale. In order to show that the development proposed is acceptable, indicative details are provided, and they should be considered on this basis. In addition, under article 4(5) of the Development Management Procedure Order, an application for outline planning permission must also indicate the area or areas where access points to the development will be situated, even if access has been reserved. This application provides this information.

2.3 Following an approval of the Outline consent, there is the requirement for the submission of Reserved Matters applications which will contain the final details of the development. If approved, due to the scale of the site, the reserved matters will be submitted on a phase by phase basis.

2.4 The application is also subject to an Environmental Impact Assessment, which is a process to ensure the LPA has full knowledge and understanding of the environmental impacts which can be considered as part of the decision making process. On this basis an Environmental Statement has been submitted with this application and is referred to in the following report.

3 Principle and Vision

3.1 The application site forms part of site allocation MS03 'Land between Western Approach /Union Street and East Quay /Clyde Quay' of the Millbay and Stonehouse Area Action Plan (AAP) adopted in 2007. The Vision within this Area Action Plan is to develop Millbay as an attractive mixed use neighbourhood that maximises its rich heritage, and to create a unique high quality environment, improving the quality of life to existing residents. This proposal is an important part of working towards achieving this vision. Core Strategy Policy CS07 also identifies Millbay with the creation of a new sustainable linked community, with the promotion of tourism and leisure.

3.2 The site is allocated for a sustainable new neighbourhood and to create a new Boulevard to link the waterfront and City Centre. This application only forms part of the site allocation. It does not include the Pavilions site to the north of the allocated site, which is intended to be developed by

another party. On this basis, some parts of the AAP may only be part complied with, which will be discussed in more detail in the following assessment.

3.3 It should also be noted that the allocated site has also been part developed by the applicant through previous applications. This includes Cargo 2 and Plot A1, which has also included the start of the boulevard, through the construction of an 'Interim Boulevard' which has now been completed on site.

4 Mixed Use Development

4.1 This application is for 600 residential units. The AAP refers to the provision of 'in the region of 1300 units'. Whilst this is a lesser amount, there will remain opportunities for further residential in the remaining part of the site allocation. In addition, there has been previous development of the allocated site which has constructed/about to complete a total of 150 units.

4.2 The proposal includes provision for a total of 8600 sqm of mixed use floor space, including A1 retail, A2 office, A3 cafe/restaurants, A4 drinking establishments, A5 takeaways and D1 non-residential institutions.

4.3 Policy MS03 refers to the provision of a new neighbourhood that will include a mix of uses that meet the daily needs of the community it serves and also create activities and uses that will be used by the wider community. It goes on to state that it should provide cafe, restaurants and shops, local and tourist related shopping facilities as part of a new local centre.

4.4 In principle this mix of proposed uses would contribute towards creating the proposed local centre to serve both the local and wider community. As the AAP does not allocate any specific size allocations for the uses, the potential impacts from the amount of proposed uses should be assessed, specifically the retail use and the potential impact on the city centre. The mix of uses also has the potential to impact upon the proposed residential uses, which will be assessed in more detail.

4.5 The proposal includes 12,500sqm of office space. The AAP proposes a new office quarter for the City Centre of between 35,000 and 45,000 sqm. The current proposal will therefore contribute towards creating this office quarter and there is no objection to this level of office space. It is expected that the future development of this site will further contribute towards the creation of the office quarter. This is consistent with Core Strategy Policy CS04 also identifies the Millbay area for a new core location for office development.

4.6 A hotel of 4750 sqm floorspace is proposed. The AAP includes the provision of a hotel, although does not specify floorspace. In this respect the proposal complies with the AAP. However the AAP requires the provision of the hotel on Clyde Quay. The current scheme proposes the hotel along the inner basin (Plot C1). Given the proposed location of the hotel will be a waterfront location; officers have no objection in principle to this new location.

4.7 On this basis, there is no objection in principle to the proposed uses, subject to the further considerations as detailed further below.

5 Mixed Use Community

5.1 Policy CS01 of the Core Strategy relates to the development of sustainable linked communities. On this basis, this application should be of an appropriate type, form, mix and density in relation to its location. It should also contribute towards creating a positive sense of place and identity, and create a well-connected, accessible, inclusive and safe community. These issues will be addressed within the following analysis.

5.2 In terms of community uses, there has been the development of a free school, Plymouth School of Creative Arts, on an adjacent plot, which forms part of the same site allocation. Part of the requirement for the school is to provide community uses through this building. The exact uses

to be provided have not yet been determined, but initial proposals include drama and dance events, art and craft exhibitions, various music uses, adult and community learning, holiday clubs, weekend children activities (arts) and relaxation and mindfulness activities. Whilst this is not part of the application, it is located within the site allocation and is considered to make a significant contribution towards community uses within Millbay. In addition, DI (non-residential institutions) have been negotiated to allow for any potential further community and cultural facilities to be incorporated into the scheme should the opportunity arise.

6 Retail and Leisure Impact

6.1 A retail statement has been provided in support of the application. A full Retail Impact Assessment has not been submitted as the proposed retail is under the threshold set by the NPPF (2500sqm). As the AAP does not specify floor spaces for the mix of uses and proposes a new local centre, it is considered that the proposed uses in principle are in accordance with the adopted local plan.

6.2 The retail statement confirms that 2500sqm of retail (A1) is proposed out of the total of 8600sqm of mixed use. It is considered that this level of retail would contribute towards the creation of the new local centre. Out of this retail allocation, a 1800 sqm Gross Internal Area (GIA) 'supermarket' is proposed, of which 300sqm net retail is comparison and 1200 sqm net of convenience goods. Limiting the new supermarket to 1800 sq.m Gross Internal Area will allow for an appropriately sized anchor for a local centre and provide for retail floor space to both new residents and the existing community, as identified in MS07 of the AAP and CS07 and CS08 of the Core Strategy.

6.3 This leaves 700sqm of retail remaining. It is proposed to limit the max size of units to 350 sqm so that there is a minimum of 2 smaller retail units in addition to the proposed food store. For comparison, the previously approved scheme agreed a higher level of retail (9026 m²) than that currently proposed.

6.4 The remaining 6100sqm of floor space would be split between A2 (office), A3 (restaurants/cafes), A4 (drinking establishments), A5 (takeaways) and DI (non-residential institutions).

6.5 In line with emerging Plymouth Plan Policy 13 'Supporting healthy lifestyles', the applicant has agreed to limit the amount of A5 (takeaways) to no more than 5% of the units. As this is an outline application, and the actual number of units is unknown, an approx. floor space equivalent to 5% will be restricted by condition.

6.6 A number of conditions are recommended to restrict the total amount of retail, remove rights to prevent further changes of use to retail and to restrict the proposed size of the units. All of these conditions are proposed to ensure the proposed retail offer does not increase from that currently proposed, which would have the potential to impact upon the city centre. In addition, the proposed boulevard as part of this development will contribute towards creating a strong link with the city centre, and enhance its offer, rather than competing with the city centre.

6.7 In terms of the overall proposal, Economic Development Department is in support of the application. A condition is recommended to require an Employment and Skills Strategy to be agreed.

7 Residential

7.1 5 year housing supply

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

7.3 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.”

7.4 For the reasons set out in the Authority’s Annual Monitoring Report (December 2014) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2015 – 20 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 5,599 dwellings which equates to a supply of 3.1 years when set against the housing requirement as determined by the requirements of the NPPF or 2.5 years supply when a 20% buffer is also applied.

7.5 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.

7.6 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...

7.7 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:
 - 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
 - specific policies in this Framework indicate development should be restricted”

7.8 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.

7.9 Proposed residential offer

7.10 The waterfront regeneration area is a priority location for new dwellings, in accordance with Core Strategy Policy CS16, and the number of units proposed (600) is acceptable in principle.

7.11 Residential development is proposed throughout all phases of the scheme, with the exception of the proposed office block on Plot C3. Plots A2 and A3 are fully residential, and continue the development in a similar way to the Plot A1 which is nearing completion on site. These plots are currently proposed to include a mix of 3 and 4 bed houses and 1, 2 and 3 bed apartments. In the

remaining plots, there is a mix of development with commercial, and so the development is more suited to apartments and therefore mainly 1 and 2 bed apartments (Plots C1, C2 and C4), with some 3 bed apartments on Clyde Quay (Plot H). Through the Reserved Matters applications, officers will be seeking to maximise the opportunities to deliver family housing in these phases to provide a more sustainable mix of housing.

7.12 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 would equal a total of 180 units (on the basis of total of 600 units being delivered).

7.13 Due to the challenging viability of the scheme, it has not been possible to secure 30% on site affordable housing, which has meant the provision of affordable housing has formed a significant part of ongoing negotiations. The initial affordable housing offer proposed onsite affordable housing, and a minimum of 10% on each phase, with any additional affordable housing to be determined on each phase through a viability appraisal.

7.14 Recent negotiations have resulted in the offer of transferring Plot C2 to Plymouth City Council or a selected Registered Provider to deliver up to 100 affordable housing units, which would equate to a min. of 16.6% Affordable Housing provision on site. The primary focus for this will be to provide extra care or older person's accommodation, which will provide the same floor space equivalent to 100 units of affordable housing. This will meet an identified housing need for the City and complies with the NPPF (para. 50) through provision of a mix of housing and the needs of different groups in the community such as older people. On this basis, this offer will be pursued and is reflected in the S106.

7.15 In the event that this site cannot be delivered for affordable housing, the provision of a minimum of 10% affordable housing on a phased basis will be included within the S106 as a fall back position.

7.16 The design and amenity level of all the units, including any affordable housing, will be determined through the Reserved Matters applications. The 20% provision of life time homes can be achieved through condition and the supporting information commits to achieving this level of compliance in accordance with Core Strategy Policy CS15.

8 Transport

8.1 A Transport Assessment (TA) has been submitted in support of this application and the Local Highway Authority has negotiated with the applicant's Transport consultant on the basis of this document.

8.2 Traffic Generation

8.3 The traffic generation of this scheme is reduced from the previously consented outline, however it still needs to be considered within the current site context, which now also includes the development of adjacent sites, such as Plot A1 (Quadrant Quay) and Plot G (Cargo 2).

8.4 Based upon the use of the trip rates used in the 2007 Transport Assessment (which are still considered acceptable) and applying further reductions based upon modal shift (which in itself necessitates the need for a robust Travel Plan), the net trip generation of the development is as follows:-

0800-0900 – 247 arrivals and 217 departures

1700-1800 – 276 arrivals and 283 departures

8.5 The operation of a number of junctions on the local road network has been assessed taking into account the development-generated trips. Those junctions include Millbay Road/The Crescent, The Octagon, Millbay Road/Martin Street and Western Approach junctions (the busiest junctions of those assessed in the TA). The results of the traffic modelling work undertaken indicate that the majority of the junctions that were assessed continue to operate within their theoretical with the inclusion of the development traffic. The greatest impacts are experienced during the am peak on the Union Street (E) Arm of the Octagon Junction (94% DOS with a queue of 12.2 vehicles) and on the Millbay Road (W) approach to the Millbay Road/West Hoe Road Junction during the pm peak (although this only gives rise to a queue of 3 vehicles).

8.6 There is also a need to consider sensitivity tests in respect of Ferry arrivals and departures and traffic impacts associated with the redevelopment of the Pavillions site. With regard to the ferry arrivals and departures, there is a considerable number of vehicles impacting upon the local highway network over a relatively short period of time (400 arriving in the am and 387 departures in the pm), the results of sensitivity test does give rise to some capacity issues on the road network, particularly at The Octagon junction. However in terms of the am peak it is likely that many of the vehicles using the ferry would have arrived prior to this time and this would only change if there were changes to the existing timetable. Furthermore the planned improvements to the Octagon junction as a result of the Plymouth School of Creative Arts has shown to deliver some benefits to the operation of this junction as gaps would be created for traffic exiting Martin Street onto Union Street. The situation at The Octagon junction could be improved further by signing a greater proportion of ferry traffic through the junction of Millbay Road with The Crescent. It is recommended that this be considered through the Signing Strategy (subject to a condition).

8.7 The Highways Authority does not object to the trip generation on this basis.

8.8 Custom House Lane

8.9 Part of the transport works proposed include the creation of a new access from Custom House Lane. Currently Custom House Lane is a private road serving the Millbay Marina Village development which borders the site. In order to create the access, a section of boundary wall and area of planting would be removed. The proposed access would serve vehicles, pedestrians and cycles. The applicants have a deed of easement to create this access, and on this basis it is considered appropriate to deal with the creation of this access through a Grampian condition. The vehicle access from Custom House Lane is primarily proposed to serve Trinity Pier and Plot A3.

8.10 The Environmental Statement advises that “To prevent rat running, it is proposed to install vehicle barriers on the boundary between Plots A2 and A3. It is proposed that the vehicle barriers are designed in a way that pedestrians, cyclists, and occasional access by emergency vehicle will be permitted (9.123)”. This restricted access is indicated on the service and delivery plan and will mean that the use of Custom House Lane in relation to vehicular access will be limited to Plot A3, which is currently proposed to be approx. 62 units. Details of the barrier will be dealt with through condition. Based upon the agreed trip rates, the units proposed within Plot A3 would generate around 26 two-way trips in the am. This equates to 1 vehicle every 2.3 minutes and therefore would not give rise to any capacity issues on Custom House Lane. The numbers are similar in the pm (25 two-way trips).

8.11 As part of these proposals to Custom House Lane, it is also proposed to change the access arrangement leading to Custom House Lane, by changing the one way system to a two way system between Great Western Road and Custom House Lane. Whilst local residents have objected to this

on grounds of congestion and the loss of the highway refuge, by implementing a 2 way system, this would mean that vehicles associated with either Millbay Marina Village or Plot A3 would no longer have to negotiate the existing one-way system around West Hoe resulting in a reduction in mileage for residents of Millbay Marina Village and less through traffic movements within the West Hoe area.

8.12 These alternations will result in the introduction of a mini roundabout at the junction of Great Western Road with Radford Road and will also necessitate the relocation of a row of existing permit/pay and display parking spaces along the eastern side of Great Western Road. The applicant has provided details of where the 8 spaces in question could be relocated although the Highways Authority has noted that some of these alternative locations may not be acceptable. It is therefore recommended that these details be covered by way of a condition. It should be noted that the principal of the relocating of existing parking spaces has been agreed by the Parking Manager. The Highways Authority also has some concern with regard to the changes to the crossing arrangements at this junction. It may be necessary (due to lack of visibility on Great Western Road) for the tactile paving crossings points to be replaced with zebra crossings. Whether this is required would be assessed and informed by a highway safety audit to be carried out at the Reserved Matters stage. Overall, there is no highway objection to the creation of a new access from Custom House Lane, with the provision of conditions.

8.13 Cruise Liner Access

8.14 The access from Custom House Lane will also serve the allocated cruise liner site on Trinity Pier, and negotiation has taken place to ensure that the access can be future proofed for a future cruise liner use. Autotrack plots have been produced which show that it is possible for a coach to negotiate its' way through to Trinity Pier using this route. It is also noted that a ramp with a reduced gradient of 1:25 is now provided down onto the pier which is considered acceptable for coaches to negotiate. Officers are satisfied that access for coaches would be achievable for any future development of the Trinity Pier site.

8.15 Boulevard

8.16 The Boulevard is proposed as an essential strategic and visual link from the waterfront to the City Centre through the Core Strategy and Area Action Plan, and originates from Mackays vision for Plymouth. In addition to providing a direct link into the heart of the Millbay Regeneration area, the Boulevard also plays an important role in terms of way-finding and provides direct and convenient access to the existing bus stops on Union Street (where there are a greater number of bus services).

8.17 This application proposes the southern part of the boulevard, where it links Millbay Road to the waterfront (inner basin). The width and alignment of the Boulevard as agreed as part of the Plot A1 planning application has been constructed on site to an interim standard and has been named the 'Interim Boulevard' on this basis. The final landscape and design of this section of the Boulevard is yet to be agreed. This is proposed as an area of primary public realm, as identified in the public realm strategy. These important details will be considered as part of the Reserved Matters submission, and a condition is also recommended to specifically deal with the finish to this section of the Boulevard.

8.18 The boulevard will need to address a number of demands including vehicular access, including to the Multi Storey Car Park (MSCP), a safe cycle and pedestrian route, as well as providing an attractive landscaped area to encourage outside activity and seating. The pedestrian link from the south end of the boulevard to the waterfront will need to be carefully addressed, as this has the potential to conflict with cycle and vehicular movements.

8.19 The northern section of the Boulevard, linking Millbay Road to Union Street, which runs along the alignment of Bath Street is not included within this application and is not under the control of the applicants. However in terms of striving to achieve the strategic policy requirement, the

importance of providing a continuous Boulevard cannot be understated. Whilst it is acknowledged that the delivery of the final Boulevard is dependent on the regeneration of adjoining sites (such as Plymouth Pavilions), it is considered justified that a financial contribution be sought from this development in order to fund a scheme of environmental enhancements to Bath Street which would allow a temporary Boulevard to come forward in lieu of a final scheme. Such funding will allow a scheme of improvements to be delivered (lighting, surfacing, landscaping etc.) that would help improve the existing Bath Street environment for both pedestrians and cyclists alike and thereby create a direct link from the development to the City Centre via the Western Approach junction.

8.20 Internal Access Arrangements

8.21 The Boulevard as part of this proposal proposes a tight bend at the southern end; it is likely that larger delivery vehicles servicing Plots C1 and C2 would have to turn around at the junction of Millbay Square with the Quayside Access Road before driving back down the Boulevard. It will therefore be necessary for a dedicated loading/unloading bay to be included on the final Boulevard scheme as without such delivery vehicles would effectively block all outbound movements from the development. The applicant has suggested that the timing of deliveries could be controlled through associated Traffic Regulation Order's. However officers consider that such an arrangement would be difficult to enforce and as the roads within the development are remaining in private ownership (apart from the Boulevard) that this would be an issue for the on-site Management Company to enforce. A condition is recommended to address details of loading/unloading provision through condition.

8.22 Linking from the Boulevard an access road is proposed to run along East Quay. The first part of this road has been implemented and currently serving to Plot A1. This road is proposed to continue along East Quay and then connect to Custom House Lane, as described above.

8.23 There is no vehicular access proposed along the east boundary of the inner basin. Vehicular access is proposed to run along the northern edge of Clyde Quay, in order to access an area of parking.

8.24 Travel Plan

8.25 In order to establish sustainable travel patterns for persons either travelling to or from the development, it is essential that travel plans are developed for the purposes of both business and residential, including measures that will help secure the level of modal shift required. Part of the Transport Assessment includes a Framework Travel Plan which has been assessed by officers. The traffic modelling work undertaken was based on the assumption that almost 50% of all of the trips being made to/from the development would be via sustainable modes of travel (walking, cycling, public transport etc.), which means travel planning is critical to ensure this modal shift is achieved. This also reflects the comments made by the Highways Agency.

8.26 The Travel plan measures include the provision of a form of voucher for each household, to be used for the purchase of a free travel pass, bike voucher or ferry ticket, to assist in securing modal shift away from private car use to more sustainable modes of transport.

8.27 A sum of £187,500 has been agreed with the applicant which equates to a sum of £250 per unit. 50% (£125 per property) will be provided from the outset (payable on a phase by phase basis) with the remaining £125 paid through an overage mechanism at the end of the development (if sufficient funds are available). Whilst the Highway Authority would have preferred to have seen the full amount of £250 paid for each unit prior to its' occupation, it is acknowledged that there are some viability issues that prevent this from occurring and that the sum of £125 would fund the purchase of a minimum 2 month travel pass.

8.28 In relation to the commercial travel plan (primarily covering the office and retail/hotel uses) an overall sum of £112,700 has been calculated which is based upon a sum of £180 per employee which

funds the cost of a 3 month duration bus pass. At present the actual number of employees is not known and therefore this figure has been calculated on the basis of floor areas and employment density figures.

8.29 It is essential that both the commercial and residential travel plans are agreed and in place prior to any of the units that they relate to being occupied.

8.30 Reference is included within the travel plan to the provision of a dedicated water taxi docking facility being provided as part of the redevelopment of Plot H (Clyde Quay). This is likely to be a viable alternative to the private car for visitors to the development during the warmer months but not necessarily something that could be relied upon to deliver significant modal shift.

8.31 Public Transport

8.32 Intrinsic to the Travel Plan requirements is the requirement to ensure the public transport within the locality is available to secure the modal shift away from private car usage. Currently there is a bus service that serves Millbay, and connects Derriford, Stonehouse and Royal William Yard, Devonport and the City Centre, and currently runs a half hour service. As this is an important bus link serving the development, officers consider that it is essential that this runs a 15 min service, which would also contribute towards securing the required modal shift towards sustainable travel.

8.33 In order to achieve this, there is a requirement for S106 contributions. Monies have been sought from other S106 contributions and funding from Local Strategic Transport Fund (LSTF), which will mean the service will run for at least 1 year from April 2015 with a 15 min service. However further funding is required to ensure this service continues running every 15 min during the initial stages of the development of the site. On this basis further contributions are required for another 2 years for the bus service. These monies will be sought through the likely overage (explained under the Planning Obligations Section below) to be gained from Plot A1, but will also be included as part of the S106 for this outline application in the case that the overage from Plot A1 is not sufficient.

8.34 It is no longer proposed for buses to access the boulevard, but to provide stops along Millbay Road. S106 contributions (£90k) have been agreed to ensure these are implemented, including the associated bus boarders, shelters and Real Time Public Information (RTPI), at the appropriate phase of development.

8.35 Walking and Cycling

8.36 The applicant has confirmed that the streets within the development will be designed and constructed in such a way to be conducive to pedestrian movements through the site. Such an approach accords with our aspirations for diverting the South West Coast Path (SWCP) through the development and thereby opening-up access to the waterfront in this area of the City. Pedestrian routes are incorporated throughout the application site, including along the inner basin (which is pedestrian/cycle only). Pedestrian routes are proposed surrounding Clyde Quay. The north side will be shared with a vehicular access; however will have a pedestrian priority. The south side of Clyde Quay is proposed to be pedestrian and cycle access only, with a cantilever boardwalk overlooking the outer basin.

8.37 Footpaths are proposed along East Quay, separated from the vehicle access, on either side of the road. Along the basin edge there is a wider quayside promenade. Within the residential area of East Quay, there are shared spaces and stepped access links proposed up to West Hoe Road. Due to the difference in levels the stepped access is unfortunately unavoidable; however a level access link is proposed through the creation of a link from Custom House Lane. The stepped access links will include a wheeling ramp to allow cyclists easier access along these routes.

8.38 Outside the application site, in order to facilitate walking to and from the site the applicant is proposing various pedestrian infrastructure improvements on the existing highway in the form of informal and formal pedestrian crossing facilities. One of the primary areas of focus for such

improvements is the junction of Millbay Road with Martin Street/Ferry Approach Road where zebra crossings are proposed on each arm of the junction. These are considered important improvements to increase safe connectivity with the surrounding area. It is recommended that these improvements are delivered prior to occupation of Phase 4 (Clyde Quay). It is the view of the Highway Authority that some further pedestrian crossing facilities will be required where the Boulevard crosses Millbay Road. A central island crossing point will certainly be required on the eastern side of this junction in order to facilitate safe access to the new bus stop proposed on the northern side of Millbay Road.

8.39 The cycling officer at PCC has confirmed that there is a desire to divert National Cycle Network Route 27 through the development. The cycle route through the site is proposed to be mainly on road, shared with vehicles. The applicant has agreed to the provision of such a diversion and designed the layout of the internal streets so that they create a safe environment for cyclists (design speeds of between 10 and 20 mph). It should however be noted that all of the roads within the development apart from the Boulevard will remain in private ownership/control.

8.40 A cycle route will also be proposed along the north of Clyde Quay. As noted above, cyclists will also be permitted along the inner basin, shared with pedestrians.

8.41 The Transport Strategy identifies a number of locations for public cycle spaces. The exact siting and design of these, which will need to be secure and covered, would be assessed through the Reserved Matters submissions. Residential and cycle parking for businesses will be designed as part of each phase and provided in accordance with the agreed minimum standards as set out within the Development Guidelines SPD for the various land uses proposed.

8.42 Parking

8.43 A total of 1,174 off-street car parking spaces are proposed to serve the site which compares favourably with the permitted number of spaces that could be provided by applying the maximum parking standards (from 1,305 to 1,905). These figures take into account the % reduction for non-residential parking based upon site accessibility.

8.44 Parking is in part provided on a phase by phase basis. These include Plot A2 and A3, where parking to serve the residential units is proposed to be provided within these plots, in a similar fashion to Plot A1. The parking to serve the proposed office block on Plot C3 is provided on plot, and similarly there is proposed on plot parking for the mixed use Plot C4. Clyde Quay proposes undercroft parking to serve the residential on this plot.

8.45 In terms of residential provision a car parking standard of 1 space per unit is proposed across the site which is considered acceptable in view of the sustainable location of the site within a short distance of the City Centre Core Area with additional visitor car parking provided within the MSCP. However in respect of Plot C4 it would appear that there are only 77 spaces serving 82 units (shortfall of 5 spaces). This is not considered acceptable and a further 5 spaces should be identified to serve these units. This can be addressed through the Reserved Matters application for this plot.

8.46 Over half of the total number of spaces proposed will be provided within a new 600 space multi storey car park (MSCP) located within Plot C1 which is due to come forward during Phase 6. Whilst a proportion of these spaces will be available for the use by the general public/visitors to the development (with an associated charging regime), there will be some spaces allocated to the residential units within Plots C1 and C2 along with the hotel use in Plot C1. It is not currently clear how many spaces within the MSCP will be allocated to these other uses and how this will be achieved. It is therefore recommended that a condition be attached relating to the need for a site-wide car parking management strategy detailing how the use of all car parking areas on the site (including the MSCP) will be controlled/managed along with details of charging regimes and enforcement measures.

8.47 With the majority of the retail-related car parking being provided in the MSCP which is due to be delivered as part of Phase 6, there is a query over what car parking will be provided to serve Plot H (Phase 5). The applicant has confirmed that temporary spaces would be provided on Plot C4 to

serve the commercial uses on Clyde Quay, before the MSCP is developed. Overall a standard of 1 space per 21 sq.m has been provided the retail which is acceptable.

8.48 In respect of the office land use, a car parking standard of 1 space per 102 sq.m is proposed which is particularly sustainable and would actively encourage the use of sustainable modes of transport as an alternative to the use of the private car.

8.49 The MSCP will also include 6 electric charging points for vehicles.

8.50 An Informative is recommended to advise that the development will be excluded from the Controlled Parking Zone that is in operation within the area.

8.51 Other Transport Conditions

8.52 In order to more effectively manage the movement of all modes of travel to and from the site it is recommended that a site-wide signing strategy be produced. In addition to highlighting pedestrian and cycle routes (potential diversion of the SWCP and NCN 27 as well as improved way-finding), the signing strategy should also look at the routes used by cross-channel ferry traffic and potential changes to such in order to reduce traffic impacts at existing pinch points on the local highway network (such as The Octagon). This is recommended through condition.

8.53 In order to effectively manage the traffic impacts associated with the construction phases of the development (particularly in respect of working with cross-channel ferry arrivals/departures), it is recommended that a condition relating to the need for a Construction Traffic Management Plan be attached to any grant of consent.

9 Impact upon Amenity

9.1 The site is largely surrounded by residential development. This includes Millbay Marina to the south, residential properties along West Hoe Road, and the more recent developed Cargo and Cargo 2 to the north of the site. One of the key concerns from residents relates to impact upon loss of view.

9.2 The Design and Access Statement has provided a daylight study which shows the massing and arrangement of the proposed buildings to indicate how much daylight the buildings and public spaces will receive. This also indicates the shadowing effect of the proposed buildings on the surrounding areas, such as Cargo 2. On this basis it is not considered that the proposed development would result in any undue over shadowing, and further consideration will be given to this at the Reserved Matters stage when the exact details of the buildings are known.

9.3 The height and scale of the proposed units are comparable in height and scale to the adjacent residential units. Cargo 2 is 4/5 storeys. In height, the scale of the proposed buildings are 6/7 storeys. The units fronting onto West Hoe Road are proposed to follow a similar scale to those already constructed under Plot A1, so 2 storey in appearance when viewed from West Hoe Road. At the south of the site the scale of the proposed buildings are indicated to be 6/7 storeys, which is comparable to the adjacent Millbay Marina Village. On this basis, it is not considered that the indicative scale of the proposed units would give rise to any over dominance of the adjacent residential units.

This would also be assessed in more detail through the Reserved Matters submission.

9.4 Other potential impacts such as overlooking and any associated loss of privacy will also be assessed through the Reserved Matters once detailed plans are submitted. It is considered that a design can be achieved that would not result in any undue overlooking.

9.5 The noise impact from the mixed use development would be mitigated through the conditions relating to noise management of the commercial units, and through the Reserved Matters applications where further conditions relating to hours of operation will be added.

9.6 Notwithstanding the concerns relating to traffic safety, the use of Custom House Lane by vehicles, including Associated British Port (ABP) vehicles, and also being opened for pedestrian and cycle access has been raised as an objection from the residents of Millbay Marina. The creation of a link from Custom House Lane is a principle agreed through the previously approved Outline permission. The Millbay and Stonehouse AAP objectives include the creation of a network of vibrant and well connected neighbourhoods, and to provide positive connections throughout the area that are safe and convenient for pedestrians and cyclists. It is considered that this link is essential in order to provide a safe access to the site for all users, and also to integrate with neighbouring sites.

9.7 In terms of amenity impacts, the use of Custom House Lane by pedestrians and cyclists are not considered to give rise any significant impacts upon the amenity of the adjacent occupiers. The increase in vehicular use has the potential to cause disturbance however the use of this access is proposed to be limited only to the residents' of Plot A3, emergency vehicles and ABP vehicles. This will give rise to an increase in noise, but not to an extent that is considered to result in unacceptable noise impact.

10 Urban Design

10.1 As this is an Outline application, the proposals shown are illustrative, and used to assess the amount of the development.

10.2 The scheme has been designed in order to maximise active frontages, with the exception of Plots A2 and A3, to bring vitality to the area and to create a destination. The form of development along West Hoe Road allows for views from adjacent roads that will increase the connectivity between the new development and surrounding area. At the south end of the boulevard, two taller buildings are proposed to mark a gateway to the waterfront. Access to the waterfront is provided throughout the scheme, as well as areas of public open spaces (addressed below).

10.3 Notwithstanding this there are some comments/concerns which have been relayed to the applicant. These include:

- View from Walker Terrace to be widened to optimise glimpsed water views from the Hoe upper levels
- Amendment of layout of the end of the Boulevard/Clyde Quay to allow for views through to the outer basin and to create a sense of arrival
- Provision of access to the water for public recreation
- Reduction of car parking on Clyde Quay as this may give rise to areas of negative/inactive elevation frontage, and this is particularly important at street level
- Provision of more ground floor active uses within Plots A2 and A3

10.4 Given this is an outline application, these comments can be addressed at the Reserved Matters stage, however have been raised now in the interests of transparency and front loading any areas of negotiation.

10.5 It is recommended that this proposal be taken to the Devon Design Review Panel (DRP) for consideration. Whilst it would be advantageous to present to the DRP at an early stage, the applicant has only agreed to take it to DRP at the Reserved Matters stage.

10.6 The LPA has been unable to agree the principle of creating access to the water, such as through the provision of a slipway, due to applicant's concerns relating to liability. The AAP refers to public

access to and along the entire waterfront, to include public recreation, although the type of public recreation is not clear from this AAP requirement.

10.7 With the provision of conditions, officers are in agreement with the principles of the proposed design.

10.8 Many of the objections are concerned over the scale of the buildings. The scale of the buildings proposed are in line with those contained in the AAP, which states: *building height between 5 and 7 storeys along the Boulevard and the higher buildings at key corners and landmarks.*

10.9 The AAP does not stipulate the scale of the buildings along Clyde Quay, which is the Phase/site that has attracted most objections. The height of the buildings along Clyde Quay are 6/7 storeys, with the potential for a 7 - 9 storey building towards the west end of the quay. The principle of a tall building on Clyde Quay was agreed as part of the previously approved outline. The provision of a tall building on Clyde Quay is supported as this would act as a landmark building for the development, and the application site is located within an area identified as a zone of opportunity for tall buildings within the Sustainable Design SPD. The final design and heights of the buildings would be considered as part of the Reserved Matter applications.

10.10 The Environmental Statement has included a Townscape and Landscape Visual Impact Assessment (TLVIA) which includes visuals representing the indicative layout and scale of the scheme. The TLVIA advises that the “development would be perceived as an integral part of the urban area, improving the appearance of Millbay docks” and that “development would increase the sense of enclosure of West Hoe Road, but with some glimpsed views between new buildings, and overall the setting to this street and nearby Radford Road townscape area would be generally improved.” In addition, the development would “create active uses on the east side of the docks, framing the inner and outer basins and creating positive visual enclosure. The new buildings would be of a similar scale and height to 20th and 21st century developments in the surrounding areas, creating new features of interest and landmarks in an area that currently lacks positive form, function or identity. The mixed uses would stimulate new human activity in the area, and create a new sense of place to the site.” Officers agree with these conclusions of the assessment.

10.11 One of the common objections raised concern the loss of views. As there is no right to a private view, only the public vantage points can be considered. As outlined through the TLVIA, there will inevitably be a visual impact. However the regeneration of the area will create a new urban form with its own character. Whilst some views of the Sound from Millbay Road will be lost through the development of Clyde Quay, there will remain views through and across Clyde Quay, but also there will be increased opportunities for views along and around Clyde Quay and East Quay through the enhancements to the public realm. Overall, there is no objection to the scale and form of the development proposed, which is considered to comply with Core Strategy Policies CS02, CS03, CS34, the AAP and Development Guidelines SPD.

11 Public Open Spaces and Public realm

11.1 The Design and Access Statement contains a Public Realm Strategy. This identifies 4 different areas of public realm hierarchy, including primary public realm (including the Boulevard, Inner Basin and Clyde Quay), secondary public realm (the promenade along East Quay including the pocket parks), tertiary public realm (access and parking serving the residential units along East Quay) and private/semi private open space (garden areas serving East Quay). In principle there is no objection to this proposed strategy, and the exact landscape details will be considered as part of the Reserved Matters.

11.2 Some of the objections raise concerns over the loss of Clyde Quay as an area of public open space and its use for events such as the Americas Cup. The current proposal includes three areas of

public open space, two of which are located on Clyde Quay. 'Upper Square' is an elevated area of open space to be located at the western end of Clyde Quay. 'Millbay Square' is an area of public open space at the eastern end of Clyde Quay, with the intention to link in with the end of the Boulevard. In addition, a boardwalk is proposed to run along the south boundary of Clyde Quay, creating an area of open space in its own right. On this basis, the creation of more formal areas of open space is considered acceptable. It should also be noted that the principle of development on Clyde Quay has been agreed through the adoption of the AAP and through the previously consented Outline.

11.3 In addition to Clyde Quay, the Boulevard would also form a key part of public realm. As noted above in the Transport section, the final landscape design of the Boulevard is yet to be determined, however the Design and Access Statement currently proposes a tree lined central zone, single width carriageway with large pavements (5.5m in width) suitable for outside seating along the building line.

11.4 Some of the objections raise concern that there is no open space along East Quay. East Quay is proposed to be characterised by pocket parks along the promenade and waterfront, which will provide some areas of greenery and also a modest level of play equipment. In addition, a further area of open space is proposed at the entrance to Trinity Pier, which is proposed to form an urban square where grids of trees and planting interspersed with benches.

11.5 Overall, the scheme includes the provision of a large amount and a mix of high quality public realm which will form the basis for creating a waterfront destination and asset to the City to enjoy. The principle of the landscape scheme is considered acceptable, and subject to conditions, is considered to comply with Policy CS02, CS03, CS18 and CS34 and the AAP. This will include conditions relating to the incorporation of art into the public realm, including the re-use of art within the locality.

12 Noise and other amenity impacts

12.1 As noted in the Public Protection Service (PPS) comments above, there are a variety of noise impacts to be considered as part of this proposal, which relate to the proposed mix of uses and existing uses within the Millbay area. The Environmental Statement has included the submission of a noise impact assessment.

12.2 The ferry port is an important use adjacent to the site, and can give rise to noise impacts. On this basis it is important that the proposed scheme is designed to be able to mitigate as far as possible noise impacts from this use, to prevent impacts upon the amenity of future occupiers. As this is an outline application, this detail of construction is not available for assessment, however would be considered as part of any Reserved Matters application. Conditions are recommended to require dwellings to be constructed in a manner to seek to ensure they are not subject to unacceptable noise levels (the equivalent of Good Room Criteria).

12.3 Adjacent to this site is the site allocation for the cruise liner terminal. As noted in the PPS comments, this has the potential to be a noise generating use. However as the cruise liner terminal does not benefit from any detailed planning consent, it has not been possible to make a full assessment of the noise impacts of a potential cruise liner terminal. Notwithstanding this, the Good Room Criteria conditions would apply, and should any application for a cruise liner terminal be submitted this would provide an opportunity to allow for mitigation to be secured. An Informative is also added to inform future residents about on going development works and the cruise liner allocation.

12.4 One of the other areas of consideration relates to the noise resulting from the proposed mixed use development. The PPS comments raise concerns that the mixed use will give rise to noise, odour and disturbance issues. However it is considered that with appropriate conditions these concerns

can be addressed, and the design, construction method, location of the noisier units can all be assessed when the subsequent Reserved Matters are submitted for approval. The proposed mitigation measures currently include: outside seating area management plan, events space management plan, commercial development management plan, and are represented in the conditions. When the Reserved Matters are submitted, further considerations will include: hours of operation, refuse storage locations and hours of collection, details of entertainment provision within units.

12.5 A Construction and Environmental Management Plan is required by condition to deal with construction noise and amenity impacts.

13 Air and Land Quality

13.1 The air quality assessment concludes that the development will not result in exceedances of air quality at current or future receptors. PPS has not objected on this basis and so there is no objection to the development. There is a requirement for air quality monitoring, especially during the construction phase due to the impacts from construction dust. A dust management plan will be required for each phase of development.

13.2 A risk assessment in relation to land quality has been submitted and the conclusions, recommendations and scope of investigation are agreed by PPS. This is considered acceptable in principle at this Outline stage. Further conditions are recommended for the further submission of information at the Reserved Matters stage, to include further investigation, remediation and verification works.

13.3 On this basis, the proposal is considered to comply with Policy CS22 and NPPF para 109, 120 to 124.

14 Flooding

14.1 Due to its location, flood management is understandably a key material planning consideration. Through the construction of the Plot A1 development currently being completed on site, there has been the agreement of the principle of using staggered flood walls along East Quay. These are built into the public realm. The heights proposed along Clyde Quay would need to be increased as part of the flood defence strategy and the flood defences are proposed to be incorporated within both the buildings and the public realm.

14.2 The Environment Agency (EA) has no objection to the supporting Flood Risk Assessment for the purposes of this outline application. It is noted that there are flood risk management matters which will need to be considered in detail at reserved matters stage. Matters such as flood warning, defences, wave action, surface water drainage and strategic drainage will need to be covered by planning conditions.

14.3 As per the NPPF (para 102), as the site is allocated within an AAP, the sequential test does not apply, however the exception test still needs to be considered. The EA have considered the proposed flood risk mitigation and has no objections in relation to ensuring the development can be made safe and will not increase risk elsewhere. There is also a requirement for the scheme to demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk and reduce overall flood risk where possible. The current application proposes to raise ground levels which will help to protect the low lying land around Union Street and contribute towards reducing overall flood risk.

14.4 The EA has also requested that there is the provision of a strategic drainage link through the site to an outfall, which will link from the city centre. This is considered important as Millbay is the natural outfall location for such a pipe and the existing network cannot discharge during high tides, which causes surface water flooding to the low lying area around Union Street, impacting residential

and commercial property and important highway links. A condition is therefore proposed to require the facilitation of a strategic drainage route within the later phases of the development. This will relate to the developments of plots C1 - C4. Overall, the scheme with the provision of conditions and further consideration of the detail through the Reserved Matters, is considered to address matters relating to Flood Risk and Core Strategy Policy CS21, CS22 and the NPPF paras 102 to 104.

15 Historic Environment and Archaeology

15.1 The Environmental Statement accompanying this application identifies three main impacts of the proposed development on the Historic Environment. These are:

- The impact of buildings of up to nine storeys on parts of Clyde Quay, and at both ends of the boulevard, on the setting of the Listed Inner Basin
- The impact of foundations on below-ground archaeology (both pre-Millbay Dock and 19th century remains)
- The potential removal of other significant features such as bollards, GW drainage covers, and railway tracks.

15.2 The proposed scheme will create a sense of enclosure around the quayside, which is considered to result in less than substantial harm. However the proposed scheme also provides opportunities to better enhance and reveal the significance of the heritage assets, and on this basis the development will enhance the immediate and wider setting.

15.3 The proposed design is also reasonably sympathetic in terms of height, massing and location. In this respect it is noted that there is a marked setback from the listed southern wall of the inner basin, and that the western end of Clyde Quay will remain largely open which will maintain the overall sense of openness. English Heritage has also concluded that the development of the site could have positive implications for nearby conservation area and heritage assets.

15.4 The Environmental Statement proposes a range of mitigation. This includes the requirement for high quality design, which is also designed to minimise the impact on significant below ground archaeology, and would be determined through Reserved Matters applications. In addition further site investigations, including measures for archaeological observation and recording during construction in sensitive locations and a presumption in favour of the retention of historic features, such as bollards, railway tracks, cobbled paving and Great Western Railway drainage covers, are all recommended mitigation measures. It is considered that the proposed mitigation measures are acceptable and a condition is recommended to ensure this is carried out.

15.5 The development is considered to comply with Core Strategy Policy CS03 and NPPF paras 128 to 139.

16 Impact on Ecology

16.1 This Environmental Statement has included an assessment of the terrestrial and marine ecology, including an extended phase 1 survey for the application site and Phase 2 surveys looking at specific elements of the scheme (Botanical survey of disturbed / spoil areas within the site, intertidal habitat surveys of the area adjoining Clyde Quay, wintering bird assessment of the harbour area, bat roost survey of buildings). In terms of the significance of the impacts, the potential impacts of the development are mainly negligible, with some that will have a minor beneficial impact.

16.2 A Habitats Regulations Screening Assessment has been undertaken by the LPA in order to fulfil our duty as a competent authority. This has been undertaken in order to determine whether the development is likely to have a significant effect on a European site. In this case the most relevant (sites in closest proximity) to the Natura 2000 sites are Plymouth Sound and Estuaries Special Area Conservation and the Tamar Estuaries Complex SPA. The HRA Screening concludes that there are

no likely significant effects on the Natura 200 sites, and therefore no 'appropriate assessment' is required.

16.3 Natural England agrees with the conclusions of the Habitats Regulations Screening Assessment within the Environmental Statement (technical appendix 14) that there will be no Likely Significant Effect on the designated features of these sites and that an Appropriate Assessment is not required.

16.4 A condition is recommended to require an Ecological Mitigation and Enhancement Strategy for enhancements. On this basis, the proposal is considered acceptable in relation to safeguarding wildlife and designated site, and is therefore in accordance with the NPPF paras 109 to 119 and Core Strategy Policy CS19.

17 Low Carbon and District Energy

17.1 A Climate Change and Sustainability Statement has been submitted with this application. This advises that the required policy compliant 15% reduction of CO2 emissions would be achievable, most likely through solar panels. On this basis the proposal complies in principle with Policy CS20 and the NPPF paras 97 and 98. The details (siting, type) of the proposed panels would be agreed through the Reserved Matters.

17.2 As an emerging policy in the Plymouth Plan, there is the promotion of delivery of district energy networks, and in fact requires major developments to be designed to be capable of connecting to a future planning network and where appropriate contributions will be sought towards the completion or establishment of a network.

17.3 Millbay has been identified through a feasibility study as an area for a district energy network. On this basis, whilst there is no current adopted policy, agreement has been sought in relation to the future proofing of future phases. The future proofing of the development, which will be determined and confirmed through the Reserved Matters submission, will be essential to ensure the future feasibility of a Millbay district energy network and on this basis is given weight. The relevant recommended condition is reflected on this basis. It is a policy compliant scheme with the provision of PV panels to offset carbon emissions.

17.4 In addition to the above, the Design and Access statement confirms that the homes will be delivered to a BREEAM very good or Code level 3 standard.

17.5 On this basis the development is in accordance with Core Strategy Policy CS20.

18 Water Taxi

18.1 As part of the application, a water taxi stop is proposed at the end of Clyde Quay. ABP is aware of its inclusion and is supportive of its proposal. This phase of development will need to include details of the building and operation of the ferry, and a condition is recommended on this basis.

19 Cruise Liner Terminal

19.1 Within the AAP, Site Policy allocation MS05 Trinity Pier allocates land for marine related employment uses, including a cruise liner terminal and associated facilities. This does not form part of the same application site or the same site allocation. However, the access to Trinity Pier is

required through this allocated site, and so it is necessary to consider the access arrangement to ensure they do not prejudice the future development of the site. Originally there was some concern that the combination of the gradient and layout of the access would make it difficult for coaches to be able to access Trinity Pier. In addition, it has been clarified with the land owner (ABP) that the parking of coaches would take place on Trinity Pier and there would be no requirement for coach parking within the application site.

19.2 In addition, PPS has concerns regarding the potential for noise impact resulting from the cruise liner terminal. However as there is no current (or approved) planning application for the cruise liner, this potential for noise impact cannot be given any significant weight. Should an application be submitted for the liner terminal in the near future, then there would be scope for designing in mitigation measures to any potential affected units (Plots A2 and A3) through the Reserved Matters application. As it currently stands, conditions are recommended requiring Good Room Criteria on the new units which will help to mitigate against noise impacts. Should an application come in for a cruise liner proposal, there would be the opportunity to negotiate on the design and layout of this, to also help to mitigate any noise impacts.

19.3 On this basis it is not considered that this proposal, which is in accordance with a site allocation, would prejudice the development of the adjacent cruise liner site allocation.

20 Port Operations

20.1 The Millbay docks area provides an important function for Plymouth through the continental ferry terminal. The dock office is located outside the application site, and no changes are proposed to this building as part of this application.

20.2 As noted in the correspondence section above, Associated British Port (ABP) have commented on the scheme, as well as Brittany Ferries. It is important that the proposal respects the port operations to ensure the future viability of this strategic gateway and asset for Plymouth.

20.3 The residential development will need to be constructed to avoid potential conflict with the ferry operations. This issue is addressed in above and would be considered through the submission of the design at the Reserved Matters stage where details of windows, balconies and layout can be assessed.

20.4 The access to Trinity Pier will be assessed by the Local Highway Authority. The ABP support for the improvements to the access to Trinity Pier is noted.

20.5 In terms of any hazards from fuel storage in relation to the ferry terminal, consultation has been undertaken with the HSE and they have no comments on the proposed scheme, and have raised no concerns.

9. Human Rights

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

10. Local Finance Considerations

This site is located within a zone where £0 is charged for residential and purpose built student accommodation. The supermarket would be subject to CIL rates of £100 per sqm.

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.

In addition to the provision of public realm works, including the section of the Boulevard creation of public squares and pockets parks, and links from the South West Coast Path and a boardwalk, planning obligations have been sought in respect of the following matters:

Affordable Housing

The S106 will include an agreement for the provision of a development parcel of land (Plot C2) to deliver affordable housing, with a focus on providing older persons or extra care housing. Scoping work has been undertaken which indicates that Plot C2 could provide approx. 100 units, which if all affordable, would constitute approx. 16.6% affordable housing provision.

As a fall-back position, in case the above cannot be delivered, the provision of a minimum of 10% affordable housing on a phase by phase basis will be included within the S106. This would be determined through a phase by phase viability assessment, to be submitted with the Reserved Matters applications, and officers will make an assessment whether there is the potential for more on site affordable, to exceed the 10% in each phase.

Transport

The following Transport contributions have been agreed:

- £90,000 for Public Transport Infrastructure
Including 4 x bus boarders, 2 x shelters, 2 x RTPI

- Max. of £187,500 Residential Travel Plan contributions
This equates to £250 per unit, with half payable on a phase by phase basis, prior to occupation of the units. This equates to £125 per unit prior to occupation. This will contribute towards either a 2 month bus pass or a discount towards a bike to encourage a shift in travel patterns away from private car use.

The remaining £93, 500 (the remaining £125 per unit) would be payable at the end of the development through the overage, if sufficient funds are available.

- Max. of £112,700 Travel Planning Commercial
Similar to the above, a commitment of £180 for 50% of employees is agreed to be paid on phase by phase basis. At this stage the exact amount of employees is unknown however the figure above is derived through a calculation from employment floor space to employment densities. The amount will be payable upon occupation of the commercial units, and will reflect the detailed information provided at the reserved matters stage.

Bus Service Contributions

Officers have been made aware that Plot A1, which is nearing completion on site, is likely to return overage contributions to Plymouth City Council, which will provide the required £280,000 to keep

the local bus service running 4 times an hour for 2 years. As the amount of overage from Plot A1 is not yet certain, any shortfall in the £280,000 has been agreed to be provided as part of the S106 for this application to ensure this level of bus service is achieved.

Bath Street

There is a commitment towards creating a scheme of improvements to Bath Street, to create the important link to the City Centre for the temporary period before this part of the site allocation is developed. S106 monies (£60,000) from Plot G have already been provided to contribute towards implementing a scheme. This S106 will include the obligation to create a scheme of improvements.

Children's Play Space

The scheme proposes some on site play in Plots A2 and A3 in the pocket parks. For a development of this scale, it is considered that there would be the use of the local play facility, which in this case is West Hoe play area. On this basis a contribution of £128,425.82 towards local play area at Pier Street is agreed, and to be included as part of an overage in the S106.

Playing Pitches

The proposal does not have the capacity to provide any on site playing pitches. There is a shortfall of various pitches within the area (including junior football, cricket pitches, rugby pitches). A contribution of £38,680.89 towards playing pitches is agreed to be included as part of an overage in the S106.

Strategic Greenspace

Strategic Greenspace contributions are requested to create areas of 'honey pot' sites to relieve recreational pressure on sites such as Dartmoor National Park and the AONB. In this case, a request for £477,911.85 has been requested to contribute towards Central Park. This has been agreed to be included as part of an overage.

Air Quality

The PPS has requested £10,128.30 in relation to the air quality monitoring of the development in locations where sensitive receptors are located where there are adjacent to busy roads or junctions. These will be applicable in the later phases of development (Plots C1 – C4). This has been agreed to be included within the S106 as part of the overage provisions.

S106 monitoring fees

A contribution of £10,000 per phase is agreed to be provided for S106 monitoring purposes.

Overage and S106 concept

Overage is the additional sum of money that PCC will be entitled to receive following completion of the development, if the actual sale prices of the units exceed the pre-agreed figures.

In this instance the development contributions towards play areas, playing pitches, strategic greenspace and air quality, will be provided at the end of the project and only if the development has made sufficient profit to enable the overage provision to be triggered. This means there is an element of uncertainty in attaining these contributions.

In order to drive the delivery of this scheme, the overage is proposed to be implemented at the end of the development rather than on a phased basis. At each Reserved Matters phase, the LPA will be provided with the viability appraisal as part of the agreed open book approach to viability. This will allow the LPA to be kept fully informed on potential profits that are being made (above the pre agreed figure). It is intended these profits will be rolled forward to the next phase of scheme in order to assist the development of the subsequent phase. This will help to deliver such plots which have higher infrastructure costs. As mentioned above, following the delivery of the final phase of

overall development, an agreed percentage of the remaining profits will be transferred to the LPA towards the S106 requirements as outlined above.

12. Equalities and Diversities

The 600 unit scheme includes a mix of houses and flats, and a range of 1 to 3 bedroom residential units.

The provision of extra care or older person's accommodation will contribute towards a specific need and a commitment towards 20% lifetime homes will benefit all equality groups.

Through the creation of a mixed use development, there is the opportunity for occupants to live/work/socialise on site which will contribute towards a reduction in car use and would benefit all equality groups, along with the residential and commercial travel plan contributions, and the Boulevard which will enhance connectivity with the city centre.

The public realm improvement's including providing level access to the waterfront and around Clyde Quay would ensure the development is fully accessible 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 Local Development Framework Core Strategy 2007 Policies CS01, CS02, CS03, CS04, CS07, CS08, CS12, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS28, CS30, CS32, CS33, and CS34 Millbay and Stonehouse AAP, Development Guidelines SPD, Sustainable Design SPD.

The development will create a new sustainable neighbourhood, through the brownfield regeneration of the Millbay docks area. The proposal will significantly contribute towards the housing target of 1500 homes within the area (target as per the AAP) and towards the 5 year housing supply, while also including the provision of on-site affordable units and lifetime homes.

It will provide employment opportunities through the development itself, and also through the commercial and office buildings. The retail provision will contribute towards creating a local centre, serving the local community, but not at a level that would compete with the City Centre. The food and drink offer and hotel would create a new waterfront destination for Plymouth, enhancing the tourism offer, but also an asset for the City.

The scheme will continue the delivery of the regeneration area, including the section of the Boulevard and off site enhancements to Bath Street to establish a strong connection between the waterfront and the City Centre. The proposal will create new areas of public realm and public open space, creating access to the waterfront for enjoyment by all.

The Environmental Statement has addressed the environmental impacts of the proposal, including ecology, air, land and water quality.

It is therefore recommended:

Grant conditionally subject to S106 agreement delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date (30th June 2015) or otherwise agreed through an extension of time.

13. Recommendation

In respect of the application dated **11/08/2014** and the submitted drawings ,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 (30th June 2015) or other date agreed through an extension of time.**

14. Conditions

CONDITION: APPROVED PLANS

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

Planning Application Boundary 8899 PL 100 Rev K

Development Parcel Plan 8899 PL 205 Rev N

Illustrative Masterplan 8899 PL 200 Rev X

Indicative Plot Phasing Plan 8899 PL 102 Rev K

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: APPROVAL OF RESERVED MATTERS

(2) Approval of the details of means of access, appearance, layout, scale and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

SUBMISSION OF RESERVED MATTERS

(3) Plans and particulars of the reserved matters referred to in condition (2) above, relating to the means of access, appearance, layout, scale and landscaping of each and every phase of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

PHASING

(4) The phasing of the development shall be carried out in accordance with the approved phasing plan Indicative Plot Phasing Plan 8899 PL 102 Rev K unless an alternative phasing plan is first submitted to the Local Planning Authority. This shall include a breakdown of the Reserved Matter sites and their associated phasing and assessment of any effects, including different impacts on the environment, and that alternative plan and assessment is approved by the Local Planning Authority pursuant to this condition.

Reason:

To allow the development to be built out in a phased manner consistent with conditions 1 and 2 and to ensure that the development proceeds in a satisfactory manner to comply with policies CS01, CS18, CS20, CS28, CS30 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007 (CS).

TIME LIMIT FOR COMMENCEMENT

(5) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

TIME LIMIT FOR RESERVED MATTERS SUBMISSION

(6) Application for approval of the reserved matters of the first phase shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

Except where otherwise agreed previously in writing with the Local Planning Authority, the applications for the approval of the Reserved Matters which relate to the remaining development shall be submitted to the LPA within six years from the commencement of development of the first Reserved Matters approval.

All subsequent Reserved Matters shall be submitted to the LPA no later than 10 years from the date of the commencement of development of Phase I except where otherwise agreed in writing with the Local Planning Authority.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and the need to phase the development in the interests of public safety, convenience and amenity.

RESERVED MATTERS SECURE BY DESIGN

(7) The Reserved Matters submissions for each phase of the development shall include details of a scheme detailing how the principles and practices of the 'Secured By Design' scheme are to be incorporated into the development. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of creating safer and sustainable communities in accordance with The National Planning Policy Framework and Local Planning Policy CS32 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

RESERVED MATTERS PLOT H WATER TAXI

(8) Detailed plans for the submission of Reserved Matters for Plot H Clyde Quay shall include details of a water taxi stop building, details of operation and a programme of implementation for the works and operation of the water taxi, and the development shall be carried out in accordance with these details.

Reason:

In the interests of creating safer and sustainable communities in accordance with the National Planning Policy Framework and Local Planning Policies CS01, CS02, CS07, CS12 and CS32 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

RESERVED MATTERS: INDIVIDUAL COMMERCIAL DEVELOPMENT PLAN

(9) On submission of each reserved matters application the following information must be provided in full in respect of any commercial aspect within the application, where it is relevant to the single use class proposed for a particular commercial unit.

- Details of the single proposed use class for each of the individual commercial units of the site. In addition, the proposed activities that will be undertaken at each unit both internally and externally should be outlined. This should include activities such as primary and ancillary uses, and details of proposed entertainment, events, etc., along with proposals for controlling noise and disturbance from such activities.
- Details of the proposed hours of opening for the commercial unit.
- The proposed time, duration and frequency of any entertainment, events, operation of external areas, operation of plant machinery and equipment installed, etc.
- Details of the proposed maximum number of patrons for the venue, and whether this is seated and/or standing.
- Details and plans, including an access statement and details of the location for the storage of, and arrangements for the collection of, refuse.
- Details of any proposed smoking area for patrons, and control of noise and odour associated with this area.
- A pest prevention plan for the proposed use (to include gulls) of any outside seating area to be used in conjunction with the commercial unit.
- Details of the plant, machinery and equipment to be installed. Plant, machinery and/or equipment includes, but is not limited to, air compressor plant, refrigeration condensing plant, air

conditioning plant, cellar cooling equipment, and mechanical extract ventilation system, roller shutter doors. The details should include the manufacturers name and model number(s) and any technical data and specifications provided by the manufacturer.

- Details of methods to reduce or eliminate cooking smells and should include confirmation of any odour control methods proposed for use in conjunction with any proposed mechanical extract ventilation system, i.e., filtration systems, odour neutralising systems, etc.
- A suitable noise assessment in relation to the existing noise levels at the time of occupation and the impact upon nearby residential properties of any proposed plant, machinery and equipment noise in line with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'. The assessment should demonstrate that the noise emanating from the proposed plant, machinery and/or equipment (LAeqT) does not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at any time as measured at the façade of the nearest residential property.
- Outside Seating Area Management Plan: The plan should include numbers of proposed seats associated with each commercial unit, locations of the seating areas and types and nature of the proposed seating. The management of said areas including appropriate training for staff to ensure that, hours of use and conditions of use are adhered to and to prevent smoke drift and noise issues associated with the use of the seating. The plan should also detail methods of pest prevention. It should also supply details of appropriate persons should there be a need for members of the public/tenants to complain.

The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

RESERVED MATTERS: LIFETIME HOMES

(10) Applications for Reserved Matters approval shall be accompanied by full details demonstrating how the proposed development will deliver 20% of residential units to Lifetime Homes criteria and showing how each of these dwellings meets all of the criteria for Lifetime Homes.

The development shall be carried out in accordance with the approved details, unless otherwise agreed 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 and Government advice contained in the NPPF.

RESERVED MATTERS: LANDSCAPE DESIGN PROPOSAL

(11) Each Reserved Matters shall include full details of both hard and soft landscape works and a programme for their implementation for that phase of development have been submitted to and approved in writing by the LPA 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. Detailed sections shall be submitted at a minimum scale of 1:20 specifying tree planting pit proposals. The landscape works shall proceed in accordance with the approved scheme.

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 Government advice contained in the NPPF.

RESERVED MATTERS: PUBLIC REALM DETAIL

(12) The Reserved Matters shall include details of the public realm, including:

- re-siting of public art and opportunities for incorporating art within the public realm
- siting and design of signage and interpretation
- street furniture and play equipment
- external lighting schemes
- other specialist features

The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by 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 Government advice contained in the NPPF.

RESERVED MATTERS: DESIGN AND MATERIALS

(13) The Reserved Matters submission shall include:

- Details of the external materials to be used in that phase of development
- Design, method of construction and finish of the window system including any spandrel panels to be used of the windows/shopfronts to the ground floor commercial unit

- Details of the design, materials and finish of the proposed balconies and including all balustrades and soffit detail;
- Details of the design and location of any external building lighting proposed;
- Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes, extracts, window cleaning apparatus or other accretions to the roof or elevations including photovoltaic panels;
- Details of the design, method of construction and profile of the roof of the apartment blocks;
- Details of the proposed design, materials and finishes to external gates, basement parking area access gate/doors and all garage doors
- Details of boundary treatment
- Details of the proposed viewing platform including materials and finishes
- Details of historic features to be retain or re-used on site

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

Reason:

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

RESERVED MATTERS: SUSTAINABLE RESOURCE USE

(14) An energy strategy shall be submitted to and approved in writing by the Local Planning Authority with each Reserved Matters submission, setting out how the relevant reserved matters shall meet a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable or low carbon energy production methods. This will include an investigation of low carbon community heating or district energy solutions, and details of how the Reserved Matters will be futureproofed for a District Energy Network.

This shall be accompanied by full details demonstrating how a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by onsite renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable or low carbon energy production methods shall be provided for each phase of the development in accordance with these details prior to the first occupation of the respective phase of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason

To comply with policy CS20 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and Government advice contained in the NPPF.

RESERVED MATTERS BIODIVERSITY

(15) The Reserved Matters submissions shall include an the submission of an Ecological Mitigation and Enhancement Strategy (EMES) for Local Planning Authority approval. The agreed EMES shall be fully implemented as agreed.

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 the NPPF.

RESERVED MATTERS: REFUSE/RECYCLING PROVISION

(16) The Reserved Matters submission shall include details of the siting and form of bins for disposal of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage provision for each dwelling shall be fully implemented before the respective dwelling 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 and recycling storage provision is provided and made available for use by future occupiers and to protect the residential and general amenity of the area from noise emanating from delivery and waste collection activities in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

(17) Prior to the commencement of development approved by this planning permission the developer shall submit a Code of Practice for the site that outlines how they intend to prevent or control any nuisance arising from any work carried out.

The Code of practice must comply with all sections of the Public Protection Service, including:

- (i) Noise and vibration from equipment and activities associated with construction including piling
- (ii) Hours of work;
- (iii) Lighting;
- (iv) Emission of dust and dirt during construction, including wheel washing facilities, and dust management plan:
- (v) Pollution entering water bodies;
- (vi) Demolition, particularly but not exclusively where this has the potential to affect the built fabric of adjacent / nearby Listed Buildings and structures (in which case it will be appropriate to include a detailed method statement outlining how demolition is to be undertaken carefully and sensitively so as not to impact upon such built fabric);
- (vii) Recycling / disposal of waste resulting from demolition and construction works;
- (viii) Pest control; and,

(ix) All permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site

The Construction and Environmental Management Plan (CEMP) should have regard to the Environment Agency's Pollution Prevention Guidelines PPG5: Works in, near or liable to affect watercourses.

All sensitive properties surrounding the site boundary shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

The document should clarify what phase of development it relates to, and if a phased approach is taken, the CEMP should be agreed through each Reserved Matters.

Reason:

The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to protect the residential and general amenity of the area from any harmfully polluting effects, such as noise, vibration, and dust and to comply with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE COMMENCEMENT: EMPLOYMENT AND SKILLS STRATEGY

(18) Prior to commencement of development an employment and skills strategy shall be submitted and approved in writing by the Local Planning Authority. The strategy shall include details of 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 development shall be carried out in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure employment and skills development in accordance with policy CS04 of the Plymouth Local Development Framework Core-Strategy (2006-2021) 2007.

PRE COMMENCEMENT: PUBLIC REALM STRATEGY PHASING

(19) Prior to commencement of works, a phasing plan for the public realm strategy shall be submitted to and agreed in writing by the Local Planning Authority. This shall detail how the public realm improvements will be phased in conjunction with the agreed Phasing plan and Reserved Matters submissions. The development shall be carried out in accordance with this plan unless alternative plan is agreed in writing.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with The National Planning Policy Framework and Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

PRE COMMENCEMENT: ARCHAEOLOGY

(20) No part of the development allowed by this permission shall be commenced until the applicant has secured the implementation of a scheme of archaeological investigative and recording work in accordance with a written scheme of investigation (WSI) which has been submitted to, and approved by the Local Planning Authority.

The development shall be carried out in accordance with the approved WSI, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the adequate recording of any archaeological remains and that the proposed works do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and The National Planning Policy Framework.

PRE COMMENCEMENT: FINAL SURFACE WATER DRAINAGE

(21) Prior to the commencement of development, or each phase of development a detailed scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- details of the drainage during the construction phase;
- details of the final scheme, including provision for exceedance pathways and overland flow routes;
- a timetable for construction;
- a construction quality control procedure;
- a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of each phase it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with Core Strategy policies CS21, CS22 and CS34 and Government advice contained in the NPPF.

PRE COMMENCEMENT ACCESS

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

The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

PRE COMMENCEMENT STREET DETAILS

(23) No development shall take place on any phase of the development until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming that part of the development have been submitted to and approved in writing by the Local Planning Authority. No unit (commercial or residential) 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 The National Planning Policy Framework.

PRE- COMMENCEMENT PHASE 3: OFF-SITE HIGHWAY WORKS

(24) No works shall commence on Phase 3 (Plot A2) of the development until details and a delivery programme of all off-site highway works (including associated changes to Custom House Lane) have been submitted to and approved in writing by the Local Planning Authority and thereafter those works shall be delivered in accordance with the approved programme. In respect of the works on Great Western Road such details shall include the relocation of any existing on-street permit/pay and display spaces.

Reason:

To ensure that an appropriate and safe access is provided for all modes of travel in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and The National Planning Policy Framework.

PRE- COMMENCEMENT: SIGNING STRATEGY

(25) Prior to the commencement of Phase 4 (Plot A3) the applicant shall submit to the Local Planning Authority for approval a site-wide Signing Strategy. The said strategy shall include details of direction signing for all modes of transport for journeys being made to and from the site and shall also consider direction signing to the cross-channel ferry port on the local highway network.

The development shall be carried out in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority and The National Planning Policy Framework.

Reason:

In order to ensure that the development is adequately signed for all modes of transport in the interests of highway safety and convenience in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE COMMENCEMENT PHASE 6 FINAL BOULEVARD SCHEME

(26) No works shall commence on Phase 6 (Plot C1) of the development hereby approved until details of the final Boulevard scheme including surface finishes have been submitted to and approved in writing by the Local Planning Authority and those works shall be delivered prior to the occupation of any of the units (commercial and residential) within that phase.

Reason:

To ensure that an appropriate and safe access is provided for all modes of travel in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and The National Planning Policy Framework.

PRE COMMENCEMENT DETAILS OF NEW JUNCTIONS

(27) No development shall take place on any part of the development until details of new junctions (including sight lines) between proposed service roads and the highway (including Custom House Lane) that are required to serve that phase of the development have been approved in writing by the Local Planning Authority; and no units (commercial or residential) shall be occupied until those junctions have been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and The National Planning Policy Framework.

PRE COMMENCEMENT: CONSTRUCTION TRAFFIC MANAGEMENT PLAN

(28) The construction of the development hereby permitted shall not commence on any phase of the development until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan. The plan shall include details of construction vehicle movements including number, type and size of vehicle; construction operation hours; routes being used by construction traffic; contractors parking arrangements and details of measures to encourage the use of public transport amongst contractors. Thereafter the construction of the development shall be carried out in strict accordance with the approved Construction Traffic Management Plan.

Reason:

To ensure that that the traffic impacts associated with the construction phase of the proposed development does not lead to adverse impacts upon the operation of the Local Road Network which would be contrary to Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and The National Planning Policy Framework.

PRE COMMENCEMENT: VEHICLE BARRIER PLOT A3

(29) Prior to the commencement of Plot A3, details of the vehicle barrier shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: Siting, design and operation requirements and management. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and The National Planning Policy Framework.

PRE COMMENCEMENT: COASTAL DEFENCES

(30) Prior to the commencement of development, or each Phase of development, a final coastal defence designed to limit overtopping of waves to safe levels during a 1 in 200 year storm, including a suitable allowance for climate change shall be submitted to and approved in writing by the Local Planning Authority.

Prior to occupation or use of any of the parts of this development, or phase of development it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development and users of the proposed development are adequately protected from the impact of waves during coastal storm conditions in accordance with Core Strategy policies CS21 and CS34 and Government advice contained in the NPPF.

PRE COMMENCEMENT: STRATEGIC DRAINAGE ROUTE

(31) No development associated with the 'C' Plots shall be commenced until details of how a strategic drainage pipe from Millbay Road to the Basin (which will form part of a strategic drainage network for the Millbay master plan and City Centre areas) can be facilitated within the programme of works has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To facilitate the provision of pipe work capable of discharging surface water from future developments in the Millbay and City Centre areas in accordance with Core Strategy policies CS21 and CS34 and Government advice contained in the NPPF, specifically demonstrating wider sustainability benefits as per para 102.

PRE COMMENCEMENT: LAND QUALITY

(32) 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 must not commence until conditions 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

I. Site Characterisation

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

(i) a 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'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

Reason:

To ensure that risks from land contamination to the environment, to protect the water environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Pre-Occupation Conditons

PRE OCCUPATION : EVENT SPACE MANAGEMENT PLAN

(33) The applicant shall submit to the Local Planning Authority for approval an Events Space Management Plan prior to first operation. The plan should indicate the maximum numbers of people permitted, methods of control for numbers/security, noise and entertainment. It should also document how any event organisers propose to provide toilet facilities for the public during the period of any events being undertaken, and standards with regards to post event cleaning.

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that suitable standards are adhered to prevent unacceptable levels of disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and The National Planning Policy Framework.

PRE OCCUPATION: FLOOD WARNING

(34) Unless otherwise agreed in writing by the Local Planning Authority, no development, or phase of development approved by this permission shall be brought into use until a flood warning and evacuation procedure to manage flood risk to users of the development has been submitted to and agreed in writing by the Local Planning Authority. The approved flood warning and evacuation procedure shall be adopted and managed prior to any occupation of the development and thereafter so retained and maintained unless otherwise agreed previously in writing with the Local Planning Authority.

Reason:

To manage the flood risks to the development sites safely over its lifetime in accordance with Core Strategy policies CS21 and CS34 and Government advice contained in the NPPF.

PRE OCCUPATION: CAR PARKING MANAGEMENT STRATEGY

(35) No unit (commercial or residential) shall be occupied until the applicant has submitted to the Local Planning Authority for approval a site-wide Car Parking Management Strategy. The said Strategy will provide details relating to the allocation of parking on a phase by phase basis, measures relating to the control/use of all parking areas, detail of the charging regime for the Multi Storey Car Park (MSCP) and associated method of enforcement, and details of any temporary parking arrangements including parking for uses Plot H Clyde Quay prior to the completion of the MSCP. From the date of the occupation of any part of the site the applicant shall operate the approved Car Parking Management Strategy.

Reason:

To ensure that the use of all car parking area across the site is properly managed and thereby ensure that both residential and commercial uses are adequately served in terms of off-street car parking provision in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE OCCUPATION: CYCLE PROVISION

(36) Details of the number and location of secure and covered cycle parking spaces shall be provided for each phase prior to the occupation of any unit (residential or commercial) within that phase and thereafter the secure area for the storing of bicycles 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 The National Planning Policy Framework.

PRE OCCUPATION: TRAVEL PLAN

(37) No part of the development hereby permitted shall be occupied until commercial and residential Travel Plans have been submitted to and approved in writing by the Local Planning Authority. The said Travel Plans shall seek to encourage employees, 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; measures/initiatives to deliver modal shift targets; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the persons responsible for their implementation. From the date of occupation the occupiers shall operate the approved Travel Plans.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan and The National Planning Policy Framework.

PRE OCCUPATION: LOADING AND UNLOADING PROVISION

(38) Details of the location of loading and unloading provision for each phase of the development that contains commercial uses shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any commercial uses within that phase and thereafter that area shall not be used for any other purpose other than for the loading and unloading of service vehicles.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and The National Planning Policy Framework.

PRE OCCUPATION MAXIMUM CAR PARKING PROVISION

(39) The development shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a maximum of 1,174 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and The National Planning Policy Framework.

PRE OCCUPATION PEDESTRIAN/CYCLE ACCESS

(40) No part of the development shall be occupied until a means of access for both pedestrian and cyclists to that phase of the development has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and The National Planning Policy Framework.

PRE- OCCUPATION: NOISE VERIFICATION

(41) Prior to the occupation of dwellings in any phase or Reserved Matters of the development, the developer should submit, for written approval by the Local Planning Authority, a verification report proving that the dwellings meet the criteria as referred to in condition 50. 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 noise insulation standards are met as per policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and the National Planning Policy Framework.

PRE OCCUPATION: WATER SAFETY

(42) 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.

The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

PRE-OCCUPATION: LANDSCAPE WORKS IMPLEMENTATION

(43) 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 a 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: LANDSCAPE MANAGEMENT PLAN

(44) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be fully implemented as approved.

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 Government advice contained in the NPPF.

Other Conditions

RESTRICTIONS ON PERMITTED DEVELOPMENT - CHANGE OF USE

(45) Notwithstanding the provisions of the Town and Country Planning (24) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no change of use falling within Classes A, B and D of Part 3 of the Schedule 2 to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to control future changes to the use of the development site, to ensure the retail offer does not harm the viability of the City Centre, in accordance with CS07 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LOCAL RETAIL CENTRE SUPERMARKET

(46) The development shall include provision of no more than one convenience led supermarket (Use Class A1) at a maximum of 1800 Gross Internal Area (m2), with a maximum of 300sqm of Net comparison goods.

Reason:

In order to ensure the retail offer does not harm the viability of the City Centre in accordance with CS07 and CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and The National Planning Policy Framework.

MAXIMUM RETAIL

(47) The development, inclusive of the supermarket, shall include provision for no more than 2500 Gross Internal Area (m2) of retail (Use Class A1) with a maximum of 750 sqm of Net comparison goods.

Reason:

In order to ensure the retail offer does not harm the viability of the City Centre in accordance with CS07 and CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and The National Planning Policy Framework.

SMALLER RETAIL UNITS

(48) With the exception of the superstore as restricted in condition 48, the retail units shall not exceed a total of 350 sqm Gross Internal Area (m2).

Reason:

In order to ensure the retail offer does not harm the viability of the City Centre in accordance with CS07 and CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and The National Planning Policy Framework.

FOOD AND DRINK OFFER

(49) The development shall provide no more than 6100 Gross Internal Area sqm of A3, A4 and A5 units, of which only 5% of the equivalent amount of units will be used for A5 purposes.

Reason:

In order to ensure the retail offer does not harm the viability of the City Centre in accordance with CS07 and CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and The National Planning Policy Framework.

NOISE

(50) 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).

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.

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 and The National Planning Policy Framework.

Informatives

INFORMATIVE MARINE CONSENTS

(1) Under the Marine and Coastal Access Act 2009, a Marine License from the Marine Management Organisation will also be required for any works on the site.

Under the Water Resources Act 1991 and associated byelaws, a Flood Defence Consent is required Plymouth (Amey) for any works in, over, under or adjacent to main rivers. As part of this the works will need to demonstrate that there is no increase to flood risk, damage to flood defences, or harm to the environment, fisheries, or wildlife.

Any works to the site will also require a Harbour Consent from Associated British Ports as the statutory harbour authority.

INFORMATIVE ONGOING WORKS

(2) It is advised that any sales details for dwellings completed early in the development include reference to ongoing works and the scale of the larger project, and the adjacent cruise liner site allocation, so that any future residents are fully aware of the ongoing nature of the development.

INFORMATIVE EXTERNAL NOISE LEVEL CRITERIA

(3) It is expected that all reasonable efforts are made to meet the external noise level criteria. This criteria forms part of the relevant British Standard and is designed to provide residents with suitable outdoor amenity space at a noise level that is conducive to the area being used for relaxation purposes. As such there should be suitable design features to evidence attempts to meet the relevant levels.

INFORMATIVE LAND QUALITY

(4) A phased approach to condition 33 above would be acceptable, provided the condition is fully complied for each phase/Reserved Matters application.

INFORMATIVE SOUND INSULATION

(5) It should be noted that to ensure compliance with the aforementioned internal noise standards particular attention should be paid to the internal noise insulation in between ground floor commercial units and residential units situated directly above.

INFORMATIVE PUBLIC PROTECTION RESERVED MATTERS

(6) It should be noted that at reserved matters Public Protection are likely to look to condition various further issues including (but not limited to) provision of toilets for commercial premises, provision of changing areas and welfare facilities for commercial premises, refuse collection/delivery hours, hours of operation, drainage.

INFORMATIVE CEMP

(7) Your attention is drawn to the advice on the Construction Environment Management Plan made by the EA dated 26/02/15

INFORMATIVE: DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(8) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

INFORMATIVE: CONDITIONAL APPROVAL

(9) 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.

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

(10) No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth Transport and Highways for the necessary approval.

INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

(11) The applicant should be made aware that the development 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.