

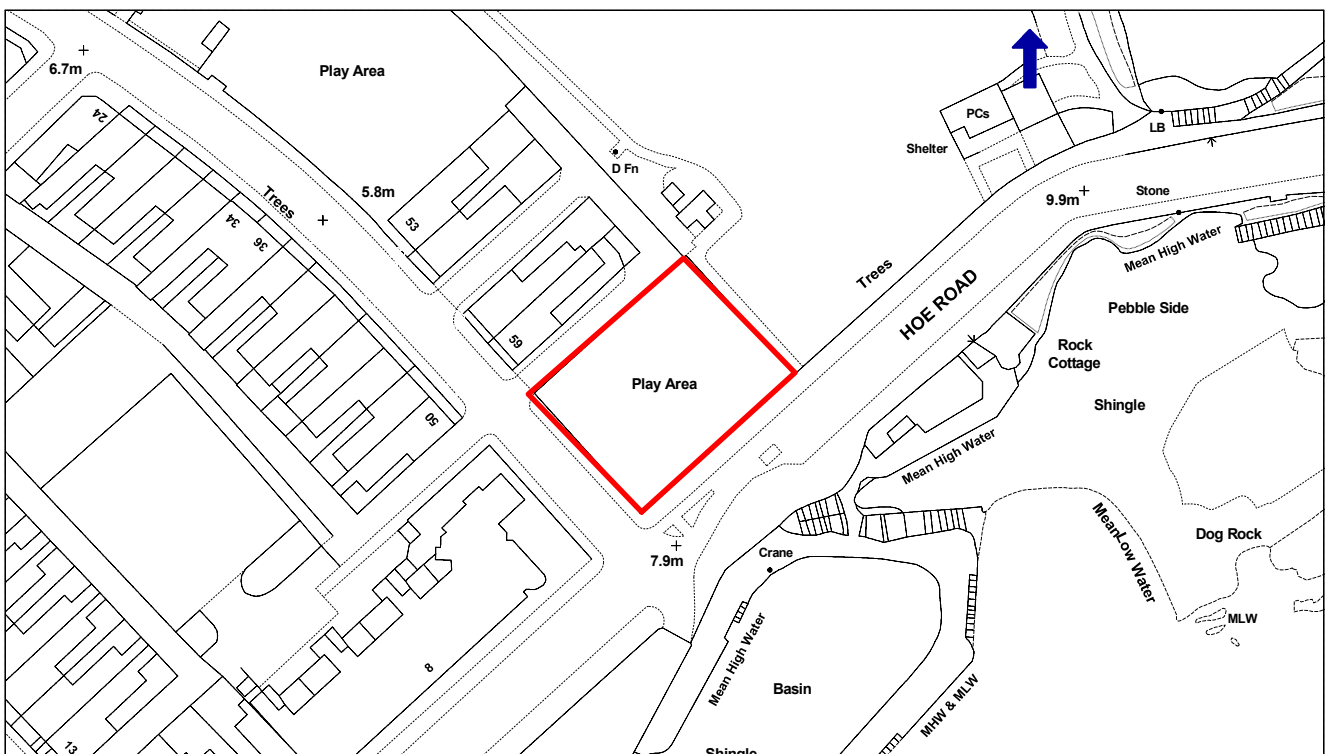
PLANNING APPLICATION REPORT



Application Number	15/01798/FUL	Item	04
Date Valid	25/09/2015	Ward	St Peter & The Waterfront

Site Address	FORMER TENNIS COURTS, HOE ROAD-PIER STREET PLYMOUTH		
Proposal	Variation of condition I (plans condition) of 14/01449/FUL to allow fourth floor roof top swimming pool and associated plant buildings		
Applicant	Rivage Estates Ltd		
Application Type	Full Application		
Target Date	25/12/2015	Committee Date	Planning Committee: 17 December 2015
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Karen Gallacher		
Recommendation	Grant Conditionally		

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1. Description of site

The site occupies a prominent location on Hoe Road and abuts the south west corner of West Hoe Park. The site is bounded by Pier Street and Hoe Road at its south and south west edges and by a small access/service road on its northern edge. The site is situated within the Hoe Conservation Area.

In terms of the broader context of the site, the site lies in close proximity to The Hoe which is a Grade II Listed Designated Park and Garden. Whilst not within the designated Landscape itself, the setting of this landscape and its architectural backdrop of high quality buildings including the Grade II Listed buildings of the old Grand Hotel (Now converted into apartments), Elliot Terrace and the Grade I Listed Smeaton's Tower, is an important part of the site's setting.

There are local views of the site from Hoe Road, Pier Street and West Hoe Park, and from the Hoe itself and Cliff Road, together with views from Plymouth Sound.

The adjacent West Hoe Park is a popular park for both locals and visitors for both its landscape qualities and the range of amusements it offers including a children's railway which bounds the site on its north eastern edge.

The site covers an area of approximately 0.09 hectares. It is currently under construction with a proposal for a mixed use development comprising 14 residential apartments, ground floor café/restaurant and basement parking.

2. Proposal description

The proposal is to vary the plan condition for the proposal currently under construction to allow a roof top swimming pool and associated buildings.

The pool is for use by one of the apartments below.

The pool would measure approximately 9.4m by 3.8m, with two associated pool rooms at either end, each measuring 2m high. To the rear of the pool there is a proposed 1.6m obscure glazed screen.

The proposal has been amended since first submission. The main changes are that the Plymouth limestone and railings have been reinstated and the solar panels have been removed from the proposal.

3. Pre-application enquiry

None.

4. Relevant planning history

14/01449/FUL – Variation of condition 2 (plans condition) of planning permission 11/01874 for third floor glass balconies to the bays on the South elevation. GRANTED CONDITIONALLY.

11/01874/FUL - Redevelopment of site for mixed use development comprising 14 residential apartments, ground floor café/restaurant (class A3 use) and associated basement car parking – GRANTED CONDITIONALLY

11/01875/CAC – Demolition of boundary walls – APPROVED

11/01145/FUL - Redevelopment of site for mixed use development comprising 14 residential apartments, ground floor café/restaurant (class A3 use), public toilet facilities and associated basement car parking – REFUSED – APPEAL LODGED BUT WITHDRAWN

11/01146/CAC - Demolition of boundary wall and steps - APPROVED

08/00615/FUL – Redevelopment of site for mixed use development comprising of 14 residential apartments, office, café/restaurant and associated basement parking - WITHDRAWN

5. Consultation responses

Lead Local Flood Authority— No objection. There is no change in the risk of flooding to or from the property caused by this variation.

Environment Agency – No comments.

Public Protection Service – No objection subject to conditions restricting hours of use.

Historic England – No objection

Historic Environment Officer – No objection

Urban Design Officer – No objection

Police Architectural Liaison – No objection following reinstatement of railings.

Local Highway Authority— No objection

6. Representations

There have been 63 letters of objection. The letters raise the following concerns:

- The development was originally reduced to 3 floors to make it acceptable and so adding a fourth floor is unacceptable and the roofline would no longer be in keeping.
- The additional buildings, solar panels and associated deck chairs etc would cause unacceptable clutter on the roof.
- The proposal is out of character and does not enhance or maintain the area.
- The replacement of the green roof with development will reduce the schemes green credentials.
- The loss of the biomass boiler and replacement with solar panels would result in the unacceptable loss of the green roof, which better maintained views from the conservation area and towards Mount Edgcumbe.
- The additional development will set a precedent for an additional storey and more residential accommodation.
- The additional height will block light, sun to neighbours and the park and interrupt local views and outlook.

- Neighbours and the park users will suffer loss of privacy.
- Loss of TV reception.
- There is a danger of things falling from the roof.
- The use of the roof would cause noise disruption to local residents.
- The weight of the water would be too much for the structure and lead to flooding of the apartments.
- There is no need for further swimming facilities in the area.
- The development would bring no community benefit and would be an ostentatious display of wealth.
- Any commercial use of the pool would give rise to parking problems.
- The removal of the Plymouth Limestone would give rise to a scheme of unacceptable quality.
- The loss of the railings would reduce safety.
- The previous scheme included methods for keeping gulls off the roof.
- An application of this nature should be considered by the Planning Committee.
- The pool will give rise to additional energy needs.
- The existing scaffolding is unsightly

There has been one letter of support:

- The development would support the aims of the 2020 vision for Plymouth, improve West Hoe and provide employment and housing.
- It would be efficient use of land.
- The people it would attract would increase council tax payments, prosperity for local business and in turn support infrastructure improvements.

Since these letters were received, the scheme has been amended and additional information has been submitted. The consultation deadline for letters to be received regarding these changes is December 15th. Any new comments raised will be reported in an addendum report.

7. Relevant Policy Framework

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

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. 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 a relatively 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).

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

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

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

- *Sustainable Design Supplementary Planning Document*
- *Development Guidelines Supplementary Planning Document*

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. This application turns on the following strategic objectives and policies of the Local Development Framework Core Strategy:- CS02 (Design), CS03 (Historic Environment), CS18 (Plymouth's Greenspace), CS22 (Pollution) and CS34 (Planning Application Considerations)
3. This application is for a variation to the plans for the redevelopment of the site for mixed use including restaurant and 14 apartments. The variations are for a roof top swimming pool, associated plant and pool rooms and therefore this report relates only to these changes. The main considerations are design and amenity issues.

4. The proposal gives additional height to the building. The enclosure around the pool to the north is 1.6m and the pool buildings are 2.3 m in height. Letters have expressed concerns that the proposed roof line would be out of keeping, that it would spoil views from the wider area, and that the previously approved roof being green blended in and was uncluttered.
5. The pool and buildings are set well back from the edges of the building. Because of this officers consider the proposal will not impact on closer views of the building and would not therefore change the appearance from the immediate vicinity.
6. The wider views would be affected, but from distances far enough away that officers consider they would not appear to be obtrusive. Again the fact that they are set well in from the edge of the building minimises the impact on the views.
7. The buildings themselves have been designed with clean lines and to be in keeping with the design of the main building. The materials used are high quality zinc cladding and glazing.
8. The privacy screen to the north of the pool and the pool buildings will screen any clutter and protect the view from The Hoe. The proposal also includes landscaping that would encourage plants to grow around the buildings to soften their appearance and help them to blend into the approved green roof. This will also assist in meeting the requirement to provide wildlife mitigation for the loss of the areas of green roof that this development entails.
9. Many of the letters of objection refer to the first application for this site, which included a full fourth floor and was refused by planning committee because it was unacceptably high. The main difference now, however, is that the buildings for the fourth floor are set well back and are of such a size that officers consider the character of the conservation area and the impact on the appearance of the area are maintained and the use of high quality materials will enhance the area in terms of design.
10. On balance, in terms of urban design and impact on historic environment officers consider that the proposal meets the requirements of policies CS02, CS03, CS19, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

Amenity issues

11. The property to the north, at 59 Pier Street, has windows in the side elevation facing the proposal, these are secondary windows or to non-habitable rooms. Grand Parade, to the west has habitable room windows facing the proposal. There would be some very slight reduction in light and outlook to these windows. Given that the windows in 59 Pier Street are not main windows to habitable rooms the impact is considered to be acceptable. The closest windows in Grand Parade are also secondary windows to habitable rooms, but given that they would be west of the proposal, there is approximately 15 m between the site and these windows, and the buildings are set back from the main west elevation of the apartment block, the impact is considered to be acceptable. The additional height of the swimming pool and buildings would therefore be unlikely to significantly affect the amenity of these properties.
12. The applicant has submitted images to show the overshadowing. When compared to the images showing the overshadowing for the approved building, officers conclude that there

would be no significant increase in loss of light or sunlight to neighbouring property or the park..

13. Privacy has also been a concern. To the east and west the swimming pool enclosure would be screened by the proposed buildings, which would mean that Grand Parade and the West Hoe Park would be protected. The nearest property would be number 59 Pier Street. Plans have been submitted to show lines of sight from the roof. As a result of this study amended plans have been submitted to show the proposed glazed screen being increased in height and installed with obscure glass. Officers consider that this would protect privacy and have no significant impact on light to neighbouring property.

Noise

14. Concerns have been expressed about levels of noise from the pool disturbing neighbours. The applicants have submitted a noise assessment, which considers the noise from plant machinery and use of the pool. It has been amended since first submitted to take account of the increase in height of the glazed, privacy screen to the rear of the pool. The report concludes that the predicted noise emissions associated with the proposed swimming pool pump and users are likely to have a low impact for all existing and proposed dwellings during the daytime and night time. These findings have been agreed by Public Protection officers subject to restricting the use to 21:00 hours. A condition has therefore been agreed to restrict the use of the pool as suggested.
15. Subject to these conditions, officers consider the proposal complies with policies CS34 and CS22 of the Local Development Framework, the Development Guidelines Supplementary Planning Document and the NPPF in terms of noise and amenity for neighbours.

Other matters arising from letters of representation.

16. Some of the letters of objection express concern about the safety of the structure and its use. The building will be subject to building regulation permission, which will cover issues such as whether the structure can take the weight of the water and guarding of the pool area. There is no access from the pool area to the rest of the roof.
17. Some concern has been expressed about the pool increasing energy needs. The original permission required that 15% of the carbon emissions for which the development is responsible will be off-set by low carbon production methods. This condition will be reiterated and the pool will have to be included in these calculations if approved. The proposal would therefore comply with Policy CS20 of the local development framework core strategy and the NPPF.
18. The rooftop landscaping details will be reduced in area by the installation of the pool and buildings. To mitigate this loss additional planting is proposed to screen the proposed buildings. Full details for the landscaping and the sustainable bird control system, to prevent gull nesting are required by conditions as for the original permission.
19. All other representations have been considered and do not raise any issues that would conflict with adopted policy.

Conditions

20. This is an application to vary the plans condition of the original planning application. As such it is necessary to reiterate all of the original conditions where they are still relevant and to update them to reflect current policies and the proposed amendments. For clarification, additional conditions are recommended in respect of the hours of use of the swimming pool.

9. Human Rights

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

10. Local Finance Considerations

The provisional Community Infrastructure Levy liability (CIL) for the additional floorspace provided by this development is £1,775.89 (index-linking applied, but subject to change before final liability confirmed).

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.

No obligations are sought in respect of this development.

12. Equalities and Diversities

There are no conflicts with CS34 in respect of equalities and diversity.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance as identified above. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. All representations have been taken into account and none of the considerations raised are considered by officers to justify refusal of this proposal.

13. Recommendation

In respect of the application dated **25/09/2015** and the submitted drawings Amended documents received, it is recommended to: **Grant Conditionally**

14. Conditions

BUILT IN ACCORDANCE WITH PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 3605-220 RevF (south), 3605-221 RevE (east), 3605-222 Rev E (north), 3605-223 RevF (west), 3605-230 Rev B (section), 3605-216 Rev A (roof plan), RP/P01 Rev A (Roof garden), 3605-201 (site plan), 3605 – 211 (basement), 3605-212 (ground), 3605-213 (first), 3605 – 214 (second), 3605 - 215 (third), and the accompanying Noise Assessment

Reason:

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

Pre-occupation Conditions

PRE OCCUPATION - MECHANICAL EXTRACT VENTILATION DETAILS

(2) Prior to occupation, the applicant shall provide the Local Planning Authority with plans and specifications (including siting and design) in respect of any proposed mechanical extract ventilation system for the ground floor commercial unit, which must be approved for use in writing prior to the installation of any such equipment.

Prior to submitting the report, the applicant should carry out a noise impact survey to establish current background levels and submit a report detailing the results of the survey and the likely impact on noise the mechanical extract ventilation system will make to these levels to the local Planning Authority. The information should outline details of methods proposed to reduce any noise caused by the operation of the mechanical extract ventilation system to ensure that the noise emanating from equipment (LAeqT) does not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

The information should include details of the design and route of the system including the ducting, and the proposed methods for reducing vibration and noise caused by the operation of the system, including sound attenuation measures to prevent noise and vibration transmission through the system and the building fabric itself, together with details of methods to eliminate or reduce to an acceptable level cooking smells, and should include confirmation of any odour control methods proposed for use in conjunction with the system, i.e., filtration systems, odour neutralising systems, etc.

The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

Reason:

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

PRE OCCUPATION - MOD EXPLOSIVES SAFEGUARDING

(3) Prior to use of the development commencing, the applicant shall provide written confirmation verifying that the building has been designed and constructed to withstand structural collapse or damage that could cause critical injury, in the event of an explosion within the statutory explosive safeguarding zone surrounding Plymouth Sound. The approved details shall thereafter be so retained and maintained unless the written consent of the Local Planning Authority is given to any variation.

Reason:

The site of the proposed development falls within the outer statutory explosive safeguarding zone surrounding Plymouth Sound. All buildings within this zone should be 'non-vulnerable' that is of robust construction and design, so that should an explosive incident occur, buildings nearby will not collapse or sustain damage that cause critical injury to the occupants. Further information is therefore required to demonstrate that the development is not a vulnerable structure in accordance with adopted Policy CS02 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

PRE - OCCUPATION - MECHANICAL PLANT DETAILS

(4) Prior to use of the ground floor commercial unit commencing, the applicant must provide the Local Planning Authority (LPA) with plans and specifications in respect of any proposed mechanical plant, such as air conditioning or refrigeration condensers, or other similar equipment, which must be approved for use in writing by the LPA prior to the installation of any such equipment.

The applicant should carry out a noise impact survey to establish current background levels and submit a report detailing the results of the survey and the likely impact on noise the mechanical plant will make to these levels taking account of the cumulative effect of the mechanical extract ventilation plant to the local Planning Authority. The information should outline details of methods proposed to reduce any noise caused by the operation of the mechanical plant to ensure that the noise emanating from equipment (LAeqT) does not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

Reason:

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

PRE OCCUPATION - GREEN ROOF LANDSCAPE DESIGN AND BIRD CONTROL PROPOSALS

(5) Details of the green roof soil medium and water irrigation system and a programme for the implementation of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

These works shall be carried out as approved prior to occupation of the building and thereafter so maintained and retained. These details shall also include cultivation and other operations associated with plant and grass establishment; the implementation, phasing and proposed ongoing maintenance programme together with details of the design of a seagull and bird control system for the roof of the building.

Reason:

To ensure that satisfactory landscape works and bird control systems are implemented in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

Other Conditions

OPENING HOURS

(6) The commercial use hereby permitted shall not be open to customers outside the following times: 08.00 - 23.00 hours Mondays to Sundays.

Reason:

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

PROVISION OF PARKING AREA

(7) Notwithstanding the details of the car parking shown on the submitted plans, no work shall commence on the layout of the parking area until details of the design and layout of each car parking space has been submitted to and agreed in writing by the Local Planning Authority.

Each parking space shown on the subsequently approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason:

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

SUSTAINABILITY

(8) Unless otherwise agreed previously in writing with the Local Planning Authority, the applicant shall provide to the Local Planning Authority a report for approval identifying how for the period up to 2016, a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by low carbon 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 energy production methods shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

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

DESIGN DETAILS

(9) Notwithstanding the submitted details, further details shall be submitted to and approved in writing by the Local Planning Authority (to include drawings including sections at a scale of not less than 1:20 with key details at a scale of 1:10) for the following:

1. Details of the design, method of construction and finish of the winter garden bays (including balconies, balustrades, frames, spandrel panels and junctions with ground floor loggia/colonnade, stone and render);

2. Details of the design, method of construction and finish of the windows including junctions with head, cill's and jambs;

3. Details of the design, method of construction and finish of the ground floor loggia/colonnade including soffit and lighting adjacent to commercial unit;

4. Details of the design, method of construction and finish of the principal entrance doors and ground floor commercial unit window system, including junctions with ground floor loggia/colonnade together with details of the basement garage door/gate;

5. Details of the design, method of construction and finish of the junctions between stone, render and concrete including parapet at 3rd floor;

6. Details of the design, method of construction and finish of the 3rd floor penthouse including details of the curtain walling system, soffits, stone clad columns, walls and eaves;

7. Details of the design, method of construction and finish of the access gates to lower ground level;

8. Details of the design, method of construction and finish of the boundary railings/stone plinths, replacement boundary wall adjacent to the highway and junctions with ground floor loggia/colonnade;

9. Details of the proposed siting, design and external materials of any roof plant, rooms, screening, services or lift rooms and any wall or roof vents, ducts, pipes or other accretions to the roof or elevations. Unless otherwise agreed in writing with the Local Planning Authority, before any roof plant and/or machinery is used on the premises, it shall be enclosed with sound insulating material and mounted in such a way which will minimise the transmission of structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority.

The approved details shall be strictly adhered to during the course of development and thereafter be so retained and maintained.

Reason

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

EXTERNAL MATERIALS

(10) Samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

SURFACING MATERIALS

(11) Samples of all surfacing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

COMPLAINTS WITH HIGHWAY REQUIREMENTS

(12) The details of the proposed access and highway improvements approved by the 278 agreement shall be strictly adhered to during the course of development. The development shall not be occupied until the approved access and highway improvements have been completed on site.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

HIGHWAY DETAILS

(13) Development shall comply with the details approved by the Highway Authority for the junction between the proposed service road and the highway and the building shall not be occupied until that junction has 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 NPPF.

ACCESS

(14) Adequate road access for contractors with a proper standard of visibility shall be maintained to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

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

LANDSCAPE MANAGEMENT PLAN

(15) A green roof landscape and bird control system management plan, including long term objectives, management responsibilities and maintenance schedules for the roof landscaping maintenance and bird control measures for a minimum of ten years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development for its permitted use and shall thereafter be carried out in accordance with the approved schedule.

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.

COMMERCIAL DELIVERIES AND COMMERCIAL WASTE COLLECTION RESTRICTION

(16) Unless otherwise agreed previously in writing with the Local Planning Authority, all commercial deliveries and commercial waste collection to the ground floor commercial unit shall be made within the following hours Monday - Sunday 8am-6pm.

Reason:

To protect existing and proposed residents from potentially noisy activity outside reasonable hours in accordance with policy CS13, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

REPORTING OF UNEXPECTED GROUND CONTAMINATION

(17) In the event that contamination is found at any time when carrying out the development hereby approved 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. 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,

archeological 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'.

Where remediation is necessary a remediation scheme must be prepared, which 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.

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

MECHANICAL EXTRACTION PLANT HOURS OF OPERATION

(18) No mechanical extract ventilation system or other mechanical plant shall be operated on the premises outside the following hours:-

Monday to Sunday 08.00 - 23.00 hrs

Reason:

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

Part M4(19) COMPLIANT

(19) Notwithstanding the submitted drawings, unless otherwise previously agreed in writing with the Local Planning Authority, at least 20% of the residential units hereby permitted shall be part M4(2) compliant in accordance with details (including details of the precise siting of the specific units) which shall have been previously submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed previously in writing with the Local Planning Authority, the approved details shall be fully implemented prior to completion of the development or occupation of the 20th residential unit (whichever is the sooner) and thereafter so maintained and retained.

Reason:

To ensure that 20% of the dwellings on site are built to the equivalent of 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.

COMMERCIAL WINDOW DISPLAYS

(20) Unless otherwise previously agreed in writing with the Local Planning Authority, at least 75% of the ground floor commercial unit display windows shall be constructed so as to permit open views into the commercial unit. For the avoidance of doubt, no more than 25% of the total display window area shall be obscured in whole or in part by walling, screening, obscure glazing or other such similar fixed or applied screening.

Reason:

In order to maximise the extent of visibly active ground floor uses in the interests of the appearance and character of the building and locality and in accordance with adopted Core Strategy policies CS01, CS02, CS34 and relevant Government advice contained the NPPF.

SOUND INSULATION

(21) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. Unless otherwise agreed in writing with the Local Planning Authority, the good room criteria shall be applied, meaning there must be no more than 30 dB Laeq for living rooms (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).

Prior to any occupation of the development, the developer shall submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria.

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance from commercial users of West Hoe Park to comply with policies CS22 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

USE OF THE OUTDOOR AREA

(22) The outside seating area shall not be used by customers outside the hours of 0800 to 21:00, other than for use as a designated smoking area. The siting and size of the smoking area shall have been previously submitted to and agreed in writing with the Local Planning Authority and shall thereafter be limited to the approved area.

Reason:

To protect the amenity of the residents to comply with policies CS22 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

CYCLE STORAGE

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

Reason:

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

USE RESTRICTION

(24) The proposed swimming pool and terrace shall not be occupied after 21:00 hours or before 07:00 hours on any day.

Reason:

To protect the amenity of the residents to comply with policies CS22 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL

(1) 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 and has negotiated amendments to the application to enable the grant of planning permission.

INFORMATIVE: DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(2) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

INFORMATIVE: EXCLUSION FROM RESIDENT PARKING PERMIT SCHEME

(3) The applicant should be made aware of the fact the development will be excluded from obtaining permits and visitor tickets, including business tickets, for use within the resident parking scheme, as existing and as proposed.

INFORMATIVE: GREASE SEPARATION

(4) The applicant is recommended to consider the fitting of a grease separator within the kitchen of the ground floor commercial unit. Building Regulations doc. H states that drainage serving kitchens in commercial hot food premises should be fitted with a grease separator, complying with prEN1825-1:2004 and designed in accordance with prEN1825-2:2002 or other effective means of grease removal.

INFORMATIVE: FOOD HYGIENE AND SAFETY ADVICE

(5) The applicant is strongly recommended to contact the Food Safety and Standards Team, Public Protection Service, prior to finalising plans for and commencing work on the internal layout of the commercial unit to ensure that the layout, equipment and facilities meet with the requirements of health and safety, and food law.

The applicant is urged to visit the pages of the food safety and standards team on the following link for further information and to access a food premises registration form
<http://www.plymouth.gov.uk/homepage/environmentandplanning/foodsafety.htm>

INFORMATIVE: CUSTOMER TOILETS

(6) The developer is reminded that toilet and hand washing facilities must be provided for use by customers as well as staff in the commercial A3 unit, in order to meet the provisions laid down in Approved Document G and BS 6465-1:2006 & A1:2009. The aforementioned documents should be referred to in order to determine the numbers of facilities required in the commercial A3 unit based on the number of anticipated customers and staff. The facilities should be adequately ventilated, with a minimum of 15 air changes per hour, to remove stale air and odour.

INFORMATIVE: NOISE INSULATION

(7) As noise insulation works can be costly after developments are completed, it is advised that in order to meet the above criteria a noise assessment is carried out to assess the additional level of insulation required to meet the required standard prior to development. This may reduce costs after the development has been completed.