

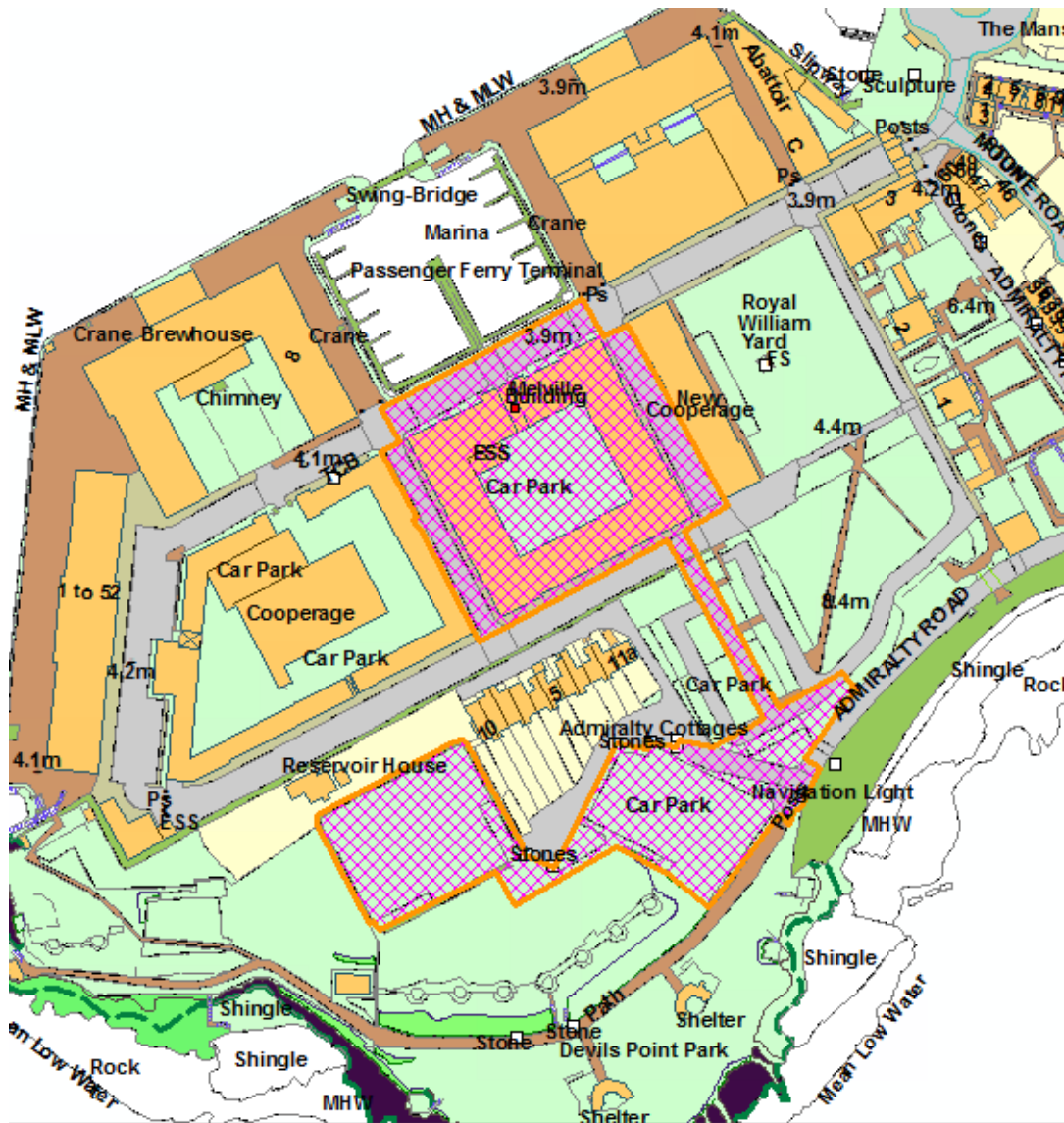
PLANNING APPLICATION REPORT



Application Number	16/01376/FUL
Date Valid	10.08.2016

Item	03
Ward	ST PETER AND THE WATERFRONT

Site Address	Melville Building, Royal William Yard Plymouth PL1 3RP		
Proposal	Change of use to hotel and flexible mixed use including shops (Class A1), restaurants & cafe (Class A3), office (Class B1), residential (Class C3), non-residential institutions (Class D1), assembly & leisure and courtyard events space (Class D2). Reconfigure Devil's Point car park & overflow parking in reservoir		
Applicant	Mr Adam Willetts		
Application Type	Full Application		
Target Date	28.02.2017	Committee Date	09.02.2017
Decision Category	Major - More than 5 Letters of Representation Received		
Case Officer	Miss Katie Graham		
Recommendation	Grant Conditionally Subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director of Strategic Planning & Infrastructure to refuse if not met		



I. Description of Site

The application site consists of a Grade I Listed Building, “Melville”, part of the nursery car park including a Grade II* boundary wall, Devil’s Point car park and the adjacent Grade II listed reservoir. These buildings are located in the destination Royal William Yard (RWY), sited within the Stonehouse Peninsula, which is also a designated Conservation Area.

Melville is located centrally within RWY fronting onto the basin. It was originally built as a general store and offices, and was largely complete by 1832. It is constructed from Plymouth limestone with granite trim and timber floors supported by cast iron columns. Melville is partly characterised by a central arched entrance with turret clock and dome above, and symmetrical built form. It is also characterised by a central courtyard, currently used for parking and a substation in the north west corner. There are also parking spaces surrounding the building. The building is currently vacant.

To the south east of Melville there is the existing nursery car park, providing 150 spaces. This is accessed from the main entrance to the Royal William Yard. There is a Grade II* boundary wall along the south and west boundary.

To the south is the existing Devil’s Point car park which provides 71 spaces. This is accessed from Admiralty Road. There is a Site of Special Scientific Interest (SSSI) located to the south of Devil’s Point car park.

The Grade II listed reservoir is located to the south west of Melville. This is grassed and has two

ramps which allows pedestrian access. The reservoir is located within a County Wildlife Site(CWS).

Admiralty Cottages are located to the north of the Devil's Point car park. These residential properties are accessed from Admiralty Road.

Reservoir House is sited adjacent to the north of the reservoir.

2. Proposal Description

Change of use to hotel and flexible mixed use including shops (Class A1), restaurants & cafe (Class A3), office (Class B1), residential (Class C3), non-residential institutions (Class D1), assembly & leisure and courtyard events space (Class D2).

Reconfigure Devil's Point car park & overflow parking in reservoir

3. Pre-application enquiry

15/02330/MAJ A scoping meeting was held (which addresses in principle comments only). The key comments were: Support for hotel use, concern over residential unit size, retail use will need to be restricted and a retail impact assessment provided, further discussions are needed in relation to upgrading the flood defences, changes to Devil's Point parking not justified, object to reservoir car parking due to potential heritage concern, but objection to loss of CWS and strategic greenspace. It was recommended that further pre-app was applied for but this was not pursued.

4. Relevant planning history

13/02320/FUL Change of use and conversion of building to form hotel with ancillary uses and associated works to building, courtyard and quarry Conditional Consent 27/02/2014

13/02321/LBC Repair works to building and alterations for conversion to hotel including works to courtyard and quarry Conditional Consent 27/02/2014

General:

10/00591/LBC - Replacement of defective limestone - Grant conditionally 11/06/2011

09/01247/LBC - Replacement of defective limestone - Granted conditionally 09/11/2009

00/00206/FUL - Change of use of the ground floor (south east wing) to form office/film archive areas - Grant Conditionally 26/04/2000

Relevant to proposal:

12/00868/FUL - The development of a new 150 parking space surface car park on the site of the Officers' walled garden, together with associated access and landscape screening works - Conditional Consent 24/09/12

13/01663/FUL - Retrospective change of use of parts of former public realm quay areas to continue use as outdoor seating areas for existing restaurants (use class A3) in Brewhouse and Mills Bakery buildings' - Conditional Consent 05/12/2013

5. Consultation responses

Police Architectural Liaison Officer:

Original Comments: Not acceptable due to concerns regarding the reservoir parking (lack of surveillance or lighting, no details of security /management).

Updated comments: Updates have gone some way to address comments. Request lighting plan.

Further comments: The revised layout has improved scheme but request proposed gates / barriers

marked on the drawings. The lighting plan does not appear to be to BS 5489 (which is hard to achieve with bollard and wall mounted lighting).

Final comments: Object to the reservoir scheme due to lack of bollards. Without bollards I would expect this car park to be used by 'boy-racers' and persons engaged in other anti- social behaviour due to its isolated position. If this becomes a problem for the site owner expensive retrospective measures would be required to alleviate the problem. Having discussed this with officers I was told the potential of a new site such as the reservoir would be an attractive site for these groups as it's isolated and would be seen as a good gathering spot. The issue of having to drive via the RYW was not considered to be a deterrent. Push for collapsible bollards at this site to ensure that this problem does not migrate further into the Devil's Point car park site. Otherwise it will absorb more valuable police time and place further pressures on the scarce resources of the authorities having to deal with the potential complaints for the local residents.

Historic England:

Original Comments: The proposal includes alternative layouts which raises procedural issues and also raised concerns over the compartmentalisation of Melville. Overall the scheme is less interventionist than the previous application. No objection to the proposed reuse of the (Grade II listed) reservoir site as overflow car parking, which makes use of a discreet location for cars, provides a use for a disused heritage asset, and should have the beneficial effect of easing car parking problems within the yard area itself.

Updated comments: Applicant has addressed concerns by limiting the amount of subdivision, by retaining open plan units on the ground floor and on the eastern side of the building. The hotel will result in compartmentalisation but the office will retain the open plan element. The previously approved bridge has been omitted. "the modest level of harm to the significance of the building incurred through the subdivision associated with hotel use is firmly outweighed by the heritage benefits of bringing this Grade I listed building back into active beneficial use". This is in compliance with para 15 of the NPPG. The latest amendments have minimised the harm to the significance of the listed building, and that these proposals therefore represent the building's optimum viable use.

Associated with the conversion of the Melville building is a proposal to use an existing drained reservoir as overflow car parking for the Royal William Yard. The reservoir is a Grade II listed structure, originally designed to provide fresh water for shipping vessels. Disused for many years, turf currently covers the originally cobbled surface and it is informally used for public recreation. In heritage terms the reuse of the reservoir for car parking has little physical impact, and indeed the sunken nature of the reservoir will minimise the visual impact of car parking on the setting of various nearby heritage assets. Suggest that a planning condition restricting the opening of the proposed car park to busier periods at the Royal William Yard could strike an appropriate balance between continued enjoyment and appreciation of the Western King Park and the need for the yard to provide adequate parking provision to sustain its operations.

It is proposed to create a vehicular access from the existing "nursery" car park through the Grade II listed perimeter wall of the Royal William Yard. Part of the existing Devil's Point car park would be grassed over to create a pedestrian route from the new aperture in the boundary wall to Western King Park. We feel these proposed arrangements have been handled with care and skill; the new opening in the wall is as small an intervention as possible and the landscaping arrangements to Devil's Point Car Park will enhance the setting of the various heritage assets surrounding.

Updated comments on later revisions for car park layout: Do not wish to offer any further comments.

Historic Environment Officer:

Ground Floor: The indicative proposals for retail / restaurant use are acceptable, and the removal of the electricity sub-station will be a great improvement to the courtyard space. The proposed use of the sets of opposing double doors to form glazed routes through the building is welcomed to improve permeability and create internal shop fronts. They will be quite heavy louvres throughout these passages as they will hide the tops of the columns. Lighting in these areas will be particularly important to draw people through the building.

Original flagstones should be left in-situ if possible, or if patchy, potentially lifted and used as the floor surface for the glazed routes.

The subdivision of the ground floor should be kept to a minimum to preserve the open character of the spaces. The stairs in each corner of the internal courtyard are to become service cores with lifts, with one new one being inserted, which minimises the intrusion for these elements within the rest of the space. The principle of lowering the ground floor window cills (facing into the courtyard) to create doors is acceptable, but thought should be given to whether they all need to be dropped and turned into doors, as shown on the plan, as this will mean some units will have a number of doors.

Details of the surface for the courtyard / events space will also be required.

First and Second Floors: The proposals show the entire left side of the building over both floors being heavily sub-divided to create the hotel. The principle of heavily sub-dividing half of the building is likely to be acceptable, subject to further details, although careful thought will be required in terms of fire, sound insulation, thermal insulation and the installation of services. The proposed roof terraces are also shown either side of the clock tower, it is unclear who would have access.

The right side of the building over both floors is proposed to be office space which has the advantage of being far more open plan and requiring considerably less sub-division and so preserving the character of the large open spaces. These partitions between the offices should be quite light weight to maintain this sense of space.

Having both a hotel and residential accommodation would substantially harm the character of the building by overly sub-dividing all the large open spaces which give this Grade I listed building its distinctive character.

The principles are acceptable and will overall cause less than substantial harm to this Grade I building at risk.

Devil's Point Car Parking Scheme: The 6m wide opening in the Grade II* listed wall is still proposed but without the addition of a further pedestrian opening as well, and the wall above the opening will also be retained. Details of this will be required along with details of the ramp to be created within the Nursery car park up to the new opening.

It is proposed that the Grade II listed reservoir will become a 95 space over flow car park. This is a good use for a semi-derelict former reservoir as it will refurbish it and give the structure a new long-term use. Further details of the works / repairs to the reservoir will be required but this could be conditioned or provided in the form of a schedule of works.

Overall the proposed works to the car parks will be beneficial and will enhance and improve the area around Devil's Point and Admiralty Cottages as well as the Grade II listed former reservoir.

Lead Local Flood Authority:

Original comments: No drainage strategy has been submitted and details should be submitted.

Updated comments : The drainage can be dealt with by condition

Natural Infrastructure Team (NIT):

No objection to the redevelopment of the Melville building itself. However, there are requirements to make the conversion of the Reservoir located on Devils Point into a car park acceptable including delivery of a comprehensive mitigation and compensation package and conditions to be added to the application.

Initially the NI Team had objections to the application due to the unacceptable loss of greenspace and CWS as a result of the Reservoir conversion as there was no proposed mitigation or compensation. However through the life of the application the applicant has provided more detail on the measure they will be implementing to mitigate impacts and compensate for the loss of an area of publicly accessible greenspace and part of the CWS.

The mitigation and compensation package now includes direct delivery of new wildflower planting around the reconfigured car park as well as S106 contributions towards – native planting on Devils Point, improved access infrastructure within the greenspace as well as a contribution towards the development of a Masterplan for the site to drive further improvements on Devils Point. The final element of the compensation scheme was that the remaining areas of public greenspace (including the rest of the CWS) be transfer to the Council to protect the special values of the site in perpetuity. This would form part of the compensation package for the development impacts. This land transfer was agreed in principle with the applicant but the NI Team requests that to make the development acceptable and the compensation package binding this land transfer should form part of the S106 that accompanies this application.

The proposed mitigation planting delivered directly by the applicant equated to 750sqM of wildflower planting around the existing car parking. This package would have been acceptable. However further revisions of the car parking design seems to have significantly reduced the space for wildflower planting and we therefore need to understand where the 750sqM will now be planted. It is recommended that a condition is attached to the application requiring, prior to commencement of any works on Devils Point, a plan to be submitted which details where the 750SqM of wildflower planting will be located.

Two trees will be removed as part of the proposals to break through the existing RWY wall. The landscape plan for the site should show where these trees will be replaced. It is suggested that this requirement is specifically detailed in a landscape condition.

The other element of mitigation required to make the development acceptable is a site specific contribution to the management of recreational pressure on the Plymouth Sound and Estuaries Special Area of Conservation. This will ensure the application complies with the requirements of the Habitat Regulations by ensuring the development does not have a significant impact on the European Marine Site.

Other items are required to be covered by condition including; the delivery and management of the wildflower planting (landscape condition) the delivery of an attractive and sensitive boundary treatment between the greenspace and the road with is proposed to lead down to the new Reservoir car park (boundary condition) and the submission of a full construction environmental management plan (CEMP). The development is being undertaken in a sensitive setting and therefore construction activities need to be strictly controlled to ensure they do not have an unacceptable impact on the natural environment (pre-commencement CEMP condition).

Transport:

This is one of the last remaining buildings within the RWY to come forward for redevelopment with the principle of a hotel use within Melville being included within the original Mott McDonald Transport Assessment (TA) for the RWY and subsequently included within the adopted Millbay and Stonehouse AAP. Therefore the principle of a hotel use within this building along with offices and supporting A1-A3 uses is accepted.

Trip Generation: Although the applicant is looking to secure a flexible consent with a number of different use classes it is likely that the primary uses within the building will be Hotel, Offices, Retail and Restaurants/Cafes. Therefore the trip generation has been based upon these uses. On the basis of the application of trip rates derived from the TRIC's database and on the assumption that the retail use would not be a generator of trips in its' own right (instead retail trips would form part of a linked-trip), the proposed mix of uses would generate in the region of 76 two-way movements during the am peak hour and 114 during the pm. Whilst it has not been in use for some considerable period of time it is noted that the former MOD use of the building would have been a generator of trips in its' own right. On the basis of the trip rates derived from both TRIC's (for the warehousing) and the office trip rates included within the original Mott McDonald TA, the previous use of the building would have generated around 84 movements during the am peak and 64 in the pm.

Whilst it is noted that the proposed use would generate double the number of two-way movements in the pm when compared to the previous use, such an increase (50 trips) equates to less than 1 vehicle per minute and would not give rise to any highway capacity issues on the local road network.

Furthermore if the decision were made to replace the proposed hotel floor space with residential units then the net increase in traffic movements would be similar to that associated with the hotel.

Car Parking: The previous application submitted for a Hotel within Melville proposed an off-site parking facility. This is no longer proposed as part of this new application and therefore an alternative approach has been taken to addressing the issue of car parking.

The proposed redevelopment of the Melville building will result in the loss of 90 existing unallocated car parking spaces within the Yard with the majority of those spaces being removed from the Melville courtyard area. Therefore the number of unallocated spaces serving the Yard as a whole reduces from 435 to 345.

Based upon the mix of proposed uses a maximum of 327 car parking spaces could be provided to serve the Melville building based upon application of the maximum car parking standards as outlined within the Development Guidelines SPD. However in view of the shared use approach that has been established for car parking serving the RWY, the current peak parking demand equates to 46% of the maximum standards (which results in the need for 150 spaces) and this reduces to 34% during the off-peak periods (111 spaces).

A number of car parking surveys have undertaken place both during on and off-peak periods during 2016. The results of these surveys would seem to indicate that car parking demand only outstrips supply for limited times during peak periods (these primarily being lunchtimes on Sundays when monthly food markets are taking place). During the remainder of the time

it can be seen that there is sufficient car parking capacity taking into account the loss of spaces as a result of the redevelopment of Melville although clearly during the peak lunchtime periods the difference between car parking demand and actual capacity reduces.

Devils Point Car Park: In order to help reduce some of the car parking shortfall and provide the further car parking considered necessary to serve Melville (between 111 and 150 spaces) it is proposed to reconfigure the public car park at Devils Point. This will reduce the number of publically accessible spaces from 71 (65 + 6 disabled) to 46 (41 + 5 disabled). It is the view of the Highway Authority that proportionally the provision of 5 disabled spaces within a car park providing 46 spaces in total is an over-provision of such and that the number of disabled spaces should be reduced to 3 in order to increase the number of general spaces.

The changes to Devils Point car park will result in the creation of a further 32 pay and display

spaces which will form part of the dedicated car parking allocation serving RWY (Devils Point North) and will be accessed through the Yard itself via a new link through the Walled Garden Car Park.

At present it is acknowledged that the availability of spaces at Devils Point for use by the general public is restricted as a result of the car park being used by staff/commuters working within the RWY. The planned introduction of parking restrictions by PCC to limit the duration of stay to will help address this problem. Parking surveys undertaken by US would seem to suggest that around half of the number of vehicles recorded during the surveys (max 89) are used by commuters for all day car parking. Therefore in the region of 40+ spaces would be required to meet the demands of visitors to the area and consequently the number of public car parking spaces proposed is considered to be acceptable.

Reservoir Car Park:

As mentioned above car parking demand often outstrips supply when larger events are taking place at the RWY and this is confirmed by car parking survey data and forecasted future demand profiles provided by the applicant's traffic consultant. Therefore in order to address these periods of increased demand it is proposed to provide a further 95 spaces within the former reservoir area at Western Kings. Whilst this car park would be available on a daily basis in reality it is only likely to be used during peak periods of increased activity at the Yard. For the majority of the time this parking area would remain vacant (being the car park furthest away from the Yard these spaces would be the last to be used).

Cycle Parking:

As the proposed split of uses within the building is not yet known it is difficult to determine how many secure and covered cycle parking spaces will be required. I would therefore recommend that a condition be attached which requires cycle parking being provided in accordance with the minimum standards as set out within the Development Guidelines SPD. Layout:

The proposed ramp from the nursery car park through to Devils Point (North) is relatively steep at a gradient of 1:10. In view of this I would recommend that high friction surfacing be provided on this section of road which links the 2 car parking areas.

The creation of a delivery area on the western side of the Melville building would result in HGV's having to undertake a very tight 90 degree turn in order to access Back Alley. This may necessitate the removal of 1 or 2 existing on-street spaces and would need to be determined by carrying out tracking plots.

Transport Strategy (TS):

Upon its' approval it was accepted that the RWY Transport Strategy would be a document that would need to be updated as further development within the RWY comes forward. Whilst an addendum to the approved TS has been submitted in support of this application, it is recommended that the TS is fully updated to reflect the changes to it brought about by this application and that this be made subject to a condition.

Travel Planning:

One of the criticisms of Urban Splash has been a distinct lack of progress in respect of the promotion and delivery of the approved Travel Plan and associated monitoring of the measures contained within it in order to deliver modal shift. A further over-riding concern is that the creation of more car parking serving the RWY could lead to a negative impact in terms of encouraging the use of sustainable modes of transport for journeys being made to and from the RWY.

The TP refers to each individual occupier funding their own bespoke TP initiatives in line with those measures set out in the site-wide approved TP. However it is not currently clear how this will be achieved and it is therefore recommended that a condition be attached which requires occupiers to fund the provision of a travel voucher for all members of staff who may wish to use sustainable modes of transport to access the site. The cost of such will be based upon the cost of the 3 month bus pass (£65 per month for zones 1 and 2) and shall have flexibility to be used for the purchase of either a bus pass or vouchers towards the purchase of a bicycle. I would recommend that a condition be attached relating to the need for a suitable Travel Plan for Melville which accords with the site-wide document.

To conclude The Local High Authority do not raise any objections to this application however recommend that the conditions are attached to any grant of consent.

Housing Services:

Refuse storage needs to be provided. Consideration should be given to the Housing Health and Safety Rating System (HHSRS)

Natural England:

Internationally and Nationally Designated Sites – Further information required:

The application site is located approximately 150m from the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and 1.6km from the Tamar Estuaries Complex Special Protection Area (SPA). These are European designated sites. As a competent authority you need to have regard to the Habitats Regulations. The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment (HRA).

Condition requested for pollution prevention guidelines.

Site of Special Scientific Interest - No objection – no conditions requested. This application is in close proximity to Western King Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application as submitted (i.e. there will be no extension to the boundaries of the Devil's Point car park to encroach on the SSSI) will not damage or destroy the interest features for which the site has been notified.

Protected Species: Standing Advice should be used for the consideration of this application.

Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework.

Updated comments on mitigation and draft CEMP: Agree that the mitigation comprehensively covers discussion with NIT and that with these measures in place a separate HRA will not be required.

Environment Agency:

The proposal can be acceptable provided that planning conditions are included to ensure that the development will be safe over its lifetime and a legal framework to secure funding for the future upgrade of the defences is agreed.

Our position mirrors that taken in respect of the previously approved application 13/02320/FUL and seeks to ensure that the defences for the main entrance and Firestone tunnel are completed and that the glass balustrade around the yard and steel plate around the basin will be upgraded to meet the challenge of Climate Change. Our recommended conditions together with comments justifying our position are set out below. Recommended conditions: Flood Resilience Measures, Flood Emergency Management Plan (Flood Action Plan), Flood Defence Delivery Plan (Flood Management Strategy).

Public Protection Service:

Concern over the proposed gym and probable impacts including noise and vibration. The complaints range from being able to hear classes taking place to the vibrations and thudding of weights and medicine balls being dropped on the floor. On the whole the airborne noise complaints have been managed through negotiation and enforcement, however when the problem centres on the thudding and vibration of weights being dropped on the floor this has proved a lot more difficult to resolve.

There is concern that if residential is above the gym the same thing is likely to happen. Despite the

assurance of the raised acoustic floors mentioned in section 5.9 of the Design and Access statement it is not considered that this would mitigate the impact of weights etc.

It is for this reason this department would not support office or residential above a gym in this location. Hotel accommodation above a gym would however not pose so much of a problem as hotel guests are transient and would not be subjected on a daily basis. To clarify, Public Protection would approve the placing of a gym beneath a hotel but not beneath office or residential units. Royal William Yard is a mixed use site and has a number of commercial food outlets existing beneath sensitive residential property. This has given rise to a number of noise and odour complaints throughout the site. Consideration must be given to controlling sources of noise and odour, in particular arising from use of outside spaces and the operation of food businesses from mechanical units. The applicant has advised that extraction systems will be installed as required in line with current guidance and acoustic flooring is to be installed providing a barrier between commercial and Hotel/Residential uses. Support plans to bring building back into use.

Economic Development Department:

Support the success of the regeneration of the site to date, including the previous investment needed. Acknowledge the challenge that Melville (along with the other remaining building Factory Cooperage) poses. On this basis no objection to a pragmatic delivery focused approach which includes commercial (A1 or A3) use on the ground floor, and residential (C3) use on the first and second floors. Whilst not preferred outcome, these may be delivered. Hotel (C1), office (B1), and conference (D1) use would certainly be preferable from a land use planning and economic development perspective, not just for RWY, but for Plymouth, but may not be viable, and flexibility will be required if Urban Splash are to achieve anything at all. Otherwise there is a genuine risk that Melville will remain empty and disused for the foreseeable future, and will continue to deteriorate. Suggest a pragmatic flexible approach is needed for the parking proposals.

- Support ground floor alterations to Melville which will help viability of commercial units
- Events space in courtyard also add viability
- Residential units are small but acceptable
- Office use supportable and has worked well within the RWY
- Careful consideration needed of the new access and reservoir parking.

South West Water:

No objections to the proposal

Queens Harbour Master:

No comment

6. Representations

656 Objections on following grounds:

Devil's Point:

- Devil's Point should remain as greenspace for everyone to enjoy
- New junction from nursery car park
- Devil's Point is used by older and more vulnerable people
- Pleasant short walk and view
- Only 2 disabled spaces
- Number of free spaces reduced, free parking spaces should be retained
- Car park used by staff who work at RWY to avoid parking fees as opposed to genuine users of Devil's Point
- Approval could set a precedent for development on Devil's Point
- Adverse impact on tranquillity and extent of Devil's Point

- Devil's Point designation as local green space proposed as part of Plymouth Plan and is widely supported
- Removal of listed wall
- Should be retained as a free car park
- 2 hour parking is not sufficient for family day out
- Car park would blight area
- Used by people fishing and walkers
- Car park not big enough currently so should not be reduced
- Historically important location
- Need signage for Admiralty Cottages for private land

Reservoir:

- Kept as green space for people of Plymouth
- Not spoilt by cars
- Infringement upon relaxation and health benefits
- Lack of compensation for communities who use reservoir
- Reservoir used by public for recreation
- Reservoir is not an unused historic monument so refurbishing but removing its value to community is inappropriate
- No details on overflow use, and how this is managed, meaning it could be used more often
- If reservoir developed this will require compensatory investment in family and natural resources
- Reservoir part of area to roam
- Loss of reservoir as a recreation facility
- Contrary to Plymouth Plan consultation responses
- Contrary to NPPF in respect of historic environment and protection of local green space
- There has been no assessment of the significance and harm to the reservoir in heritage terms contrary to NPPF para 132
- Use of reservoir for parking contrary to Local Green space designation
- Reservoir used for sports, walking, facilities, children playing, dog walkers,
- Should be used for community use
- Historical site which needs to be respected, a car park will not respect this.
- Reservoir within Conservation Area
- SSSI surrounds the site and will be impacted
- Need to preserve green space for younger generations and to prevent obesity
- Impact of pollution and noise from traffic on residents and wildlife
- Significant impact on Reservoir House and Admiralty Cottages including noise and pollution
- Reservoir only one of two of a kind in the country?
- Previous refused multi-storey on reservoir (1995)
- Reservoir County Wildlife Site
- Historic military use and land mark for Plymouth
- Should be used as a free car park for visitor use
- Reservoir should be memorial to Dockyard water boats /D Day landings

Traffic Impact:

- Increased risk to pedestrians on Admiralty Road
- Lack of consideration to access from Nursery car park
- Impact upon access to Admiralty Cottages
- Increase in parking spaces and reduction in parking duration will impact upon traffic flow in peak times
- Admiralty Road has no pavement and increase in traffic would give rise to harm for pedestrians

- Why would cars exit via RWY if they can exit via Admiralty Road
- Admiralty Cottages would possibly need to queue to get to their homes along Admiralty Road
- No details for how the gates to serve Admiralty Cottages would work
- Gate serving Admiralty Cottages will no longer be safe as next to highway
- Access road to Reservoir will mean area above no longer safe
- Traffic increase makes walking unpleasant
- Events already cause congestion on the streets
- Durnford Street already congested
- Traffic noise and disturbance
- Vehicular access is being prioritised over pedestrian and cycle
- Impact upon wildlife due to pollution

Parking:

- Parking should be retained within RWY
- Parking should be retained free for public
- Parking adequate at RWY
- Stonehouse Creek still under used
- Simply adding a time limit to the existing car park would increase availability
- Could Strand overflow car park be opened permanently?
- Need for more car parking not demonstrated
- There should be no more parking
- Provision of extra car parking will not encourage the use of more sustainable methods of transport
- Existing car parks are only at capacity at peak times
- Recent bus service improvements and cycling
- Alternatives have not been explored (e.g. do nothing, more buses including park and ride, differential parking charges, changes to travel plans for existing uses, changes to public transport provision linking with other waterfront sites, valet parking, improved signage including sign outside advising number of spaces, use of other land within RWY for parking including road behind Melville, Old Cooperage, green space in front of New Cooperage, and removing/reducing pavements, multi storey within RWY, parking in royal marine barracks, suspend allocated parking)
- People can use alternative car park if full at RWY on very busy days
- Residents in Stonehouse already struggle finding a parking space
- Workers in RWY will now have to pay for parking
- Disabled spaces should be reserved along waterfront at Devil's Point
- Could wall boundary treatment be improved as part of the works?
- 2 day survey not sufficient
- Changes to parking management at RWY not acceptable
- Insufficient parking surveys (only 5 taken)

Melville:

- Lacks vision as previous application
- Object to restaurants, cafe due to noise, smells and traffic
- Object to hotel as this will cause noise and pollution

General:

- Plans will benefit the one group of the community at expense of another
- No noise /air quality assessment
- Concern over future development. What can Council do to safeguard the environment and community green space from encroachment?
- If Urban Splash (US) propose to remove amenities then additional amenities should be

- provided such as picnic areas, public toilets and improved bus route
- Erosion of beauty spot
- Support regeneration of RWY but the changes to parking and Devils Point is not acceptable
- Light pollution from lighting, want to review details of lights
- Previous appeal decision in 1995 for a multi storey car park at the reservoir was dismissed
- Object to removal of gates at Admiralty Cottage entrance, no details of replacement gates
- Second set of gates at Admiralty Cottages should be automated
- Area in Index of Multiple Deprivation, should a risk assessment be carried out
- Not sufficient consultation from Urban Splash with residents
- Moving anti social behaviour a few metres further away from Admiralty Cottages not a solution

3 letters of support:

- Improve safety situation e.g. dangerous driving and racing, and drug taking
- Police call outs will be reduced
- CCTV will assist
- Conversion of Melville will improve RWY
- Redevelopment of Melville acceptable
- Improved secure parking with security will be a good thing
- Stonehouse has public amenities such as Tennis Club
- Devil's Point used for people who may only want to park for half an hour
- Support hotel in Melville and associated employment provided

Non Planning:

- Restrictive covenants on land
- Conflict with right of way
- Object to building house, hotel, retail units at Devil's Point
- Lose place to swim
- Impact on property prices
- Land ownership plans query
- Concern that car park will lead way set a precedent for housing/further development at Devil's Point

Amended Plans:

- Mound along Devil's Point will restrict view
- Not enough Disabled Spaces (based on an earlier revision)
- Layout wasteful and could incorporate more parking spaces
- Amended plans are better than original scheme and a better compromise for residents and community
- Use of bollards a positive addition, how will this be managed?

7. Relevant Policy Framework

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

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

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
- Planning Obligations & Affordable Housing 2nd Review Supplementary Planning Document

5 year housing supply

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”

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.”

For the reasons set out in the Authority’s Annual Monitoring Report (January 2016) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2016-21 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 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

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.

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...

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”

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.

8. Analysis

1. This application has been considered in the context of the development plan policies MS01, CS01, CS03, CS04, CS07, CS12, CS13, CS15, CS18, CS19, CS20, CS21, CS22, CS28, CS32, CS33 and CS34, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

2. Melville Building Principle

The site forms part of the site allocation for Royal William Yard (MS01) within the Millbay and Stonehouse Area Action Plan (AAP). Policy MS01 specifies the Melville building for use as a hotel. This building is one of the remaining buildings to be converted at Royal William Yard.

3. The proposed conversion and listed building works will ensure the preservation of this important listed building, which is currently on the Buildings at Risk register. This will require a substantial amount of investment due to the scale of the building and the extent of repair works required. However, as discussed in more detail below, the proposal will result in an optimum viable use of the building, securing its use for future generations.

4. The proposed hotel use will contribute towards Plymouth’s visitor offer. Tourism, leisure and attracting visitors are priorities for the City and a priority for the Local Economic Strategy. The Melville Building has been unoccupied since the early 1990’s and therefore a mixed use high-end development which will bring this substantial building back into use, create employment opportunities and further increase Royal William Yard’s appeal for visitors is strongly supported by Council’s Economic Development Department. In addition, the City has a lack of top-end hotels and therefore a 4* or 5* hotel will particularly be encouraged as part of this development.

5. As part of the Council's growth agenda, for developments of this size, stature and scale, 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. This should demonstrate how local people and local businesses will benefit from the development in terms of job opportunities, apprenticeship placements, work experience opportunities, business supply chain opportunities and other employment and skills priorities. A condition will be recommended in order to request further details of the employment and skill strategy.

6. Overall, the proposed hotel is considered to significantly contribute towards the tourism economy of Plymouth and will result in substantial investment in the building which should benefit the surrounding community and the wider Plymouth area. By supporting the development of tourism, the proposal is considered to comply with Core Strategy Policy CS04 Future Employment Provision.

7. Due to the policy consideration, it is important to secure the hotel use as part of this application. Officers consider the best way to do this is through a condition.

8. Mixed Use

The application includes a range of uses, as well as the hotel, including retail, café/restaurants, offices, residential, non-residential institution, assembly and leisure. These are reviewed separately below.

9. Retail

The scheme proposes retail on the ground floor of the building. These are in modest sized units, and the retail statement advises that there will be a max of 600m² of A1 retail. The AAP identifies small scale retail to meet local needs and leisure or tourism related retail. With the provision of conditions to restrict the size of units and total amount of retail, the retail provision is considered acceptable and will not have a detrimental impact on the city centre.

10. Café/restaurants

Up to 3100sqm of Café restaurants (A3 Use Class) is included as part of this application. The AAP proposes food and drink within the RWY, although not specifically the Melville building. Overall the principle of A3 uses in this location is acceptable and will enhance the leisure use and vibrancy of the RWY.

11. A number of conditions are recommended to deal with the noise impact from the A3 uses, these conditions include a management plan, hours of operation, restriction on use class, outdoor table/seating construction, restricting outside music and smoking areas. These are all recommended by the Public Protection Service (PPS) and are consistent with previous applications, including an application which approved the outside seating around the inner basin.

12. Offices

The proposal includes up to 9425m² of B1 Office space. Offices are included within the AAP and are acceptable in principle.

13. D1 Use Non-residential Institution

D1 Use class includes a range of different uses. The agent has clarified that up to 9425 sqm of D1 could include non-residential education and training centres (for University and College) and/or art galleries. It is considered that in principle all these uses would contribute to a sustainable mixed community at RWY.

14. D2 Use Assembly and Leisure

The agent has clarified that the D2 Use would be for gym, again a max. of 9425 sqm. The previous application included a gym as part of the hotel use. Public Protection Service have raised a concern regarding the relationship between residential/office and a gym. It is considered that a gym adjacent to residential would create amenity issues, and a condition is recommended to prevent this as requested by Public Protection Service. However it is considered that an office and gym are compatible uses and should be able to operate together however a condition is recommended to deal with a noise management plan for the gym.

15. Residential

Application forms state a maximum of 40 residential units (20 x 1 bed, 20 x 2 bed). An indicative layout plan submitted with the full application shows the second floor subdivided into 40 apartments and this shows that it is possible to convert the building into 40 apartments. In principle residential has been implemented elsewhere within the RWY. Whilst the AAP policy does not propose residential for Melville, there is no objection in principle to this use in this location. The indicative 1 bed units propose a size of accommodation of 40 sqm which is considered acceptable in terms of amenity space. There is no private outside amenity space for the residential units. However like the majority of the other residential units elsewhere in RWY, these units will benefit from the waterfront location with areas of public open space within close proximity. There is no objection on this basis. It should also be noted that the site allocation policy MS01 exempts any residential from providing affordable housing.

16. This is considered to be in compliance with Core Strategy CS01 Development of Sustainable Linked Communities.

17. Melville Building Alterations

In order to facilitate the conversion, a number of alterations are proposed to the building. These alterations include:

- * Alteration of windows to form doors around the courtyard
- * New internal lobby doors on historic external loading bay doors
- * New internal stair case and lift cores
- * Remove secondary phase timber panelling
- * Creation of new openings within rubble stone walls
- * Raised acoustic floors
- * Plant spaces
- * North block inset roof terraces

18. The key consideration is the impact upon the character and appearance of the listed building and the setting of the adjacent listed buildings, in accordance with Policy CS03 Historic Environment of the Adopted Core Strategy and the NPPF. In addition, the principle of enabling development to secure the viable use of a listed building is a key consideration.

19. The proposal includes a variety of repairs and alterations to the listed building. Many of the conservation principles for repair have been established through the previous conversions at Royal William Yard, and also through the Conservation Plan (2007). The submission in some cases presents options for the repair, to be determined as the works are progressed. The key areas of alteration are assessed below.

20. Amended Plans and Subdivision

The application was originally submitted showing different options for the internal layout of the building. Historic England (HE) had concerns with this approach, as this had the potential to lead to a more intensive subdivision of the building. The application was 'amended' through confirming one set of layout plans. This shows the ground floor split into commercial units, and the first and second floor split vertically, with one half of the building proposed as hotel, and the other half as

office/commercial. This has addressed HE's concerns and their comments now note support for the application. This layout also means the glazed bridge is no longer required, which has reduced the impact to the listed building. The set of plans which show the hotel and no residential also address HE's and the Historic Environment Officer's concerns regarding the possibility of too much subdivision.

21. Roof Terraces

Two roof terraces are proposed to the north and south of the clock tower. The current scheme proposes the roof terraces set down below a parapet wall, to a level which would mean they would not be visible from the front elevation, and only partially visible from the rear elevation set behind an overhanging roof plane. It should also be noted that roof terraces have been approved and implemented elsewhere in Royal William Yard. Given the reduced visual impact, there is no objection to the roof terraces. In addition these formed part of the previously approved scheme.

22. Alteration of windows to form doors around the courtyard

Twenty two windows are proposed to be formed into doors around the central courtyard. Existing door openings are proposed to be retained. This alteration has been previously carried out in the Brewhouse and Mills Bakery. It is proposed that the window openings are extended to create the door openings, with cor-ten steel lining the new openings. These openings will allow for the commercial units to create active frontages onto the courtyard, which has been successful previously. It is accepted that these are necessary to allow for the greatest opportunity for sustained viable units.

23. Creation of glazed routes

Three glazed routes are proposed, one in each elevation, with the exception of the north elevation which has the existing open archway. This will allow for links through the building, improving upon the existing, and providing links to and from the Cooperage buildings. This will also create a frontage for the commercial units and help to improve their viability.

24. Courtyard

The application proposes less intervention within the courtyard than the previously approved scheme (which included a swimming pool). The substation which currently takes up a large part of the courtyard is proposed to be removed, which will improve the character and appearance of the listed building and is therefore consistent with the NPPF and Core Strategy Policy CS03.

25. Overall, it is considered that the character of the listed building will be safeguarded in accordance with Core Strategy Policy CS03. There will be some loss of significance through the alterations, however great weight is given the assets conservation, and finding a viable use for this Heritage Building at risk. The following statement from Historic England summarises the application and the positive recommendation.

26. "Historic England supports these proposals, which will bring a sustainable new use to the Grade I Listed Melville Building and ongoing benefits to the wider historic estate the Royal William Yard. The Melville Building is the centrepiece of the yard but has remained on our register of Heritage at Risk for many years as attempts to provide a sustainable future for it have foundered. These proposals represent an opportunity to put in place one of the last pieces of a Royal William Yard regeneration jigsaw, and move towards completing one of the finest pieces of heritage-led urban regeneration in the South West."

27. **Flood Risk**

The application site is partially located within Flood Zone 2 along the front (North West) elevation. A site specific flood risk assessment has been submitted. This identifies two primary

flood risks to the building (extreme tidal event and surface water flooding). It is suggested these risks will be managed by the provision of an appropriate flood management plan, demountable defences and flood resilient construction.

28. The proposed hotel and residential use constitutes a 'More Vulnerable Use' in the NPPF. As the site is allocated through the Area Action Plan for a hotel use, this means there is no requirement for a sequential test. However, under the NPPF requirements, the development needs to be safe, including access/egress, for its lifetime allowing for climate change.

29. Due to the above requirement an assessment has been made of the existing defences in place at Royal William Yard. Whilst the existing defences are functioning to current requirements and predicted sea level change for the next 50 years, in the following 50 years onwards, it has been noted that the flood defences in place would not protect the building for the lifetime of the development taking into account climate change. Accordingly, the proposal would not strictly comply with the NPPF requirements.

30. Urban Splash has started a fund to contribute towards the upgrade of the flood defences. It is proposed that they contact the LPA/Environment Agency regarding possible match funding options at a future date once a level of their funding has been established. The EA have agreed this approach, and with the provision of conditions, the proposal is considered acceptable in terms of flood risk and in compliance with Core Strategy Policy CS21 and paras 100 to 104 of the NPPF.

31. **Drainage**

Drainage details have been submitted which show the drainage will use the existing system which will outfall into the inner basin. The Drainage Officer has recommended a condition to deal with the details of the drainage.

32. Some objections have raised concern about the sewage system and issues relating to smell. Officers have subsequently sought SWW comments and they have confirmed no objection to the application.

33. **Low Carbon**

A statement has been submitted that states the building will minimise energy consumption and also provide for energy integration. The energy consumption will be minimised by use of natural ventilation where possible, high efficiency gas boiler plant, a control and monitoring strategy, LED lighting, low water use sanitary ware, and low temp hot water heating. It is also confirmed that the heating systems have been designed to allow for future connection to a district heating system. It is not considered that other methods of renewable energy production, such as solar panels, would be appropriate for this building. On this basis the application is considered to comply with Core Strategy Policy CS20.

34. **Protected Species in Melville**

The application has been submitted with an Ecological Mitigation and Enhancement Strategy (EMES) dated July 2016. A bat and barn owl survey was undertaken in April 2016 but no evidence of bat roosting or birds nesting was recorded and a Preliminary Ecological Assessment (PEA) was conducted in June 2016. Together these surveys provide sufficient information to ensure that protected species are being protected and that the Melville Building is being enhanced for biodiversity, in accordance with Core Strategy Policy CS19.

35. **Impact upon Amenity**

The proposal includes an outside seating area to the front of the building and also within the courtyard. There is also an outside seating area within the roof terraces. It is noted there is an approved application at RWY for the retention of areas of outside seating (13/01663/FUL see

planning history above). This approved the retention of the outside seating subject to a number of conditions relating to a management plan, music and smoking area restriction. Public Protection has no objection on this basis.

36. An acoustic report has been submitted in support of this application. This has assessed the outdoor seating, restaurant breakout noise, lounge and bars, plant and ventilation equipment, the impact on Admiralty Cottages, Brewhouse and Mills Bakery and the internal relationship.

37. Based on this assessment there are no significant noise impacts arising from the proposed development, which is considered to comply with para 123 of the NPPF and Core Strategy Policy CS22.

38. The proposed roof terraces on the front/north elevation are set down by 1.5m from the parapet, which will provide some mitigation against overlooking from the terraces. In addition, the roof terraces are 43m distant from the nearest residential buildings (Mills Bakery and Brewhouse), which is considered to be a sufficient distance to ensure there are no issues over overlooking and impact upon the privacy of the occupants of this property. This is considered to comply with Core Strategy CS34 Planning application considerations.

39. Change to Devil's Point Car Parking

Currently there are 71 spaces (including 6 disabled) at Devil's Point (DP). These spaces are accessed from Admiralty Road and with no parking restrictions or charges.

40. Two set of amended plans have been received, and re-advertised, which has amended the layout of Devil's Point from what was originally submitted.

41. The total parking at Devil's Point car park is now proposed to increase to 78 spaces, with 46 in Devil's Point south, and 32 in Devil's Point north.

42. The key amendments sought through the application process have been to address the split of spaces between Devil's Point north and south. The original scheme proposed 29 spaces in Devil's Point south, which was increased to 35 spaces, and finally the 46 spaces currently proposed.

43. Overall the amount of parking at Devil's Point is proposed to be increased by 7 spaces.

44. The spaces at Devil's Point south are accessed from Admiralty Road, as per the existing situation. These spaces are proposed to be retained as free parking for visitors to Western Kings and managed by PCC. It is understood that there is an intention to install restricted short stay parking in this location. The intention of this is to try and address an existing issue where the spaces are being used by commuters to RWY which take up spaces within Devil's Point. This issue is reflected in some of the letters of objection where it is noted that people can struggle to find a space in the Devil's Point car park.

45. The spaces in Devil's Point north are proposed to be accessed from the existing Nursery car park. A vehicular access is proposed from the Nursery car park at RWY, with a proposed ramp and the removal of a section of wall. This access road links to the reservoir to provide access for the overflow parking (discussed in more detail later).

46. The current access arrangement for nearby Admiralty Cottages is proposed to change by the removal of their private access road, fence, access gate and piers. The residents will still access their property from Admiralty Road. An electric gate is proposed which will allow these residents access from Admiralty Road to their properties through the car park. Whilst some residents have raised concern that this will be an inconvenience, the introduction of an electronic fob access gate

is not considered to impact upon amenity and is a common form of providing secure access vehicular access to properties.

47. Another concern raised by residents is that on days of events, people try to park in DP car park first, which then leads to congestion in the car park and on Admiralty Road. It is considered that the provision of the reservoir car parking, accessed from RWY, combined with the short term restricted in Devil's Point south, will go some way to resolve this existing issue.

48. There are 5 proposed disabled spaces in Devil's Point overlooking the waterfront. This is more than the policy requirement of 3. The Transport Officer has noted preference for 3 disabled spaces, so that 2 more spaces can be allocated for general public use. However the 5 spaces have been proposed in order to address Ward Councillor concerns regarding the loss of disabled spaces.

49. *Surface treatment and landscaping*

The proposal includes re-landscaping Devil's Point car park. Currently the car park is tarmac and in need of repair. The proposed surface treatment is to follow the same treatment as the Nursery car park which is a buff tarmac for the access road and grassed parking spaces using a plastic geo-grid system. The access from Devil's Point to the reservoir proposes to use the same extent of the existing tarmac which is proposed to be upgraded to the buff tarmac.

50. In addition the parking area is proposed to be grassed along with wildflower planting and a bank to help to screen the car park from the waterfront. This improved landscaping will improve the appearance of this area, and will contribute in part to the loss of grass in the reservoir. Further wildflower planting is proposed along the access to the reservoir, creating a wildflower buffer.

51. Some letters of representation have raised concern that the proposed bank and planting, which is proposed to screen the car park, will block views from the car park. The letters of representation have advised that people like to sit in their cars and view the Sound. In order to avoid any loss of views, the landscape condition will require details of the bund. This means officers can review the detail to ensure the view would not be lost.

52. **Proposed access from Nursery Car Park**

The access to Devil's Point includes the removal of a 7.8m section of Grade II* listed wall is proposed to be removed to create this access. A section has been submitted which shows that the access will be created by making an opening in the wall, with the top section of wall retained. It is proposed to finish the opening with a cor-ten steel which is consistent with other interventions within the RWY. Historic England have commented that they consider the new opening in the wall is as small an intervention as possible and the landscaping arrangements to Devil's Point Car Park will enhance the setting of the various heritage assets surrounding. The NPPF states (para 134): "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." Taking into account Historic England's comments, it is considered that the removal of a section of wall, to allow for the connection of Devil's Point and RWY, will allow for better links between the sites and the provision of more parking which will support the future of both RWY and Devils Point. In addition, the improvement of the landscape of the area is considered to improve the setting of the listed wall.

53. Concerns have been raised by local residents in relation to the potential conflict of traffic movements between residents accessing Admiralty Cottage and users of the Devil's Point car park. In terms of the layout, the Transport Officer has not raised any objection to the creation of this access and this is not considered to create a highway safety issue. The Transport Officer has recommended that the access ramp uses a high friction surfacing as this is a steep ramp, and this is dealt with through condition. In addition, there is no transport objection to the general layout to

the changes to Devil's Point and reservoir.

54. Reservoir car parking

The existing reservoir is proposed to be used for overflow parking. The existing access ramps are proposed to be used for vehicular and pedestrian access. These are proposed to be resurfaced with the buff tarmac as used in the nursery car park. The reservoir itself will be renovated, revealing and using the original granite setts surface and repairing the railings.

55. The reservoir itself is Grade II listed. The renovation of the railings and exposing the original surface treatment is considered to enhance the character and appearance of the listed structure. In addition, by revealing the original structure this will better reveal the significance of the reservoir, in accordance with para 135 of the NPPF.

56. Historic England have not objected to the use of the reservoir for parking and have commented "it makes use of a discreet location for cars, provides a use for a disused heritage asset, and should have the beneficial effect of easing car parking problems within the yard area itself."

57. It is also considered that there is an overall reduction in harm to heritage, through the removal of parking in Melville (Grade I). Overall, it is considered that there will be less than substantial harm to the reservoir heritage asset, which means para 134 of the NPPF is relevant. This harm, when weighed against the benefit of securing parking which will contribute towards the viability of the RWY as a whole is not considered significant to warrant refusal.

58. Parking surveys have been submitted which shows that there is a demand for parking when events are held which outstrips the supply. On this basis the provision of additional parking for events is considered acceptable and there is no Transport objection to this provision.

59. Whilst Historic England have suggested that the use of reservoir be restricted, the location of the reservoir, through the RWY, nursery car park and Devils Point car park, will mean it is likely to be the last area of parking used. The Transport Officer also notes that this is likely to be last area of parking for RWY, and likely to only be used when there is need for events.

60. Some of the letters of objection have raised concern about the future use of the reservoir if approved for a car park. As noted above the use of the reservoir as a car park requires little alterations to the historic structure, and is considered acceptable on this basis. Any future application would require consideration under the same heritage policies, including the impact on the listed structure. Notwithstanding this, it should be noted that each application is considered on its own merits and therefore it is not appropriate to consider any possible future use of the reservoir.

61. Sustainable Transport Methods

Officers have been in discussion with Urban Splash (US) regarding other sustainable transport methods to RWY. It is understood that a park and ride scheme has been in place for a major event. There is also a bus service to RWY which has previously been subsidised by US through S106 contributions. There are also individual event management plans which are required to detail the sustainable transport options for visitors.

62. To encourage sustainable transport measures for Melville a condition is proposed which requires occupiers to fund the provision of a travel voucher for all members of staff who may wish to use sustainable modes of transport to access the site. The cost of such will be based upon the cost of the 3 month bus pass (£65 per month for zones 1 and 2) and shall have flexibility to be used for the purchase of either a bus pass or vouchers towards the purchase of a bicycle. In addition a condition is proposed to ensure there is sufficient cycle parking.

63. Anti-Social Behaviour and Management

It is understood that the site currently suffers from anti-social behaviour, particularly in terms of boy racers. By upgrading the car park, with lighting and bringing it under the parking management with regular visits there will be better management of both the reservoir and Devil's Point. This will help to address the anti-social behaviour issues affecting the area. The Police Architectural Liaison Officer has requested that a bollard be installed to prevent access if/when there is an issue. US have advised that due to the location of the reservoir, (e.g. the access through RWY and nursery car park), mean it's unlikely to be an issue, and are not minded to install the bollards at this stage. Officers are of the view that whilst any bollards would ideally be installed before use, it is considered that the installation of bollards at a later date if there is an issue would be reasonable and could be installed easily. It is not considered that the lack of bollards would constitute a reason for refusal.

64. Biodiversity

The reservoir and access is within a County Wildlife Site (CWS). The CWS extends from the reservoir across the whole of the Devils Point area. There is also an adjacent SSSI located to the south of the reservoir and Devil's Point car park. For clarity the application site does not fall within the SSSI.

65. CWS are not legally protected and are designated due to the presence of particular habitats and species. In conjunction with the Natural Infrastructure Team, a mitigation and compensation package has been sought to address the loss of biodiversity and green space. This includes s106 contributions for shrub planting over a period of 5 years and the implementation of 750 sqm wildflower planting. These are detailed in Section 11. With the provision of this mitigation, it is considered that the limited loss of biodiversity from the reservoir is acceptable.

66. Impact on Strategic Greenspace

The proposal includes the loss of strategic green space, through the loss of the reservoir. As noted previously, the reservoir will be restored to its former surface treatment. The reservoir whilst a listed building is also designated as strategic greenspace.

67. The policy consideration through CS18 of the Core Strategy is "development on greenspace areas will not be permitted where it would result in unacceptable conflict with the functions or characteristics of that area." The key consideration is therefore whether the use of the reservoir for overflow parking will unacceptably conflict with the function/characteristics of Devil's Point.

68. The Devil's Point area and reservoir are stated to be used for a number of recreational and amenity uses. These are all referenced within the letters of representations. All these uses can continue to take place at Devil's Point within the surrounding Strategic Greenspace.

69. Amended plans have now included the provision of planting to create a buffer between the access to the reservoir and the adjacent greenspace. This will provide a visual buffer and will help to prevent any potential conflicts between users of the greenspace and vehicle movements.

70. Mitigation has been sought to address the harm caused by the loss of the area. The principle of this is to improve the quality of surrounding green space in order to mitigate against the loss of quantity. A S106 contribution to go towards improving the interpretation and masterplanning for the area has been agreed and is detailed in Section 11. On this basis, and taking into account the landscape improvements to Devil's Point and the wildflower planting, it is considered that the proposal will not result in an unacceptable conflict with the function or characteristic of that area.

71. European Marine Site (EMS)

The site boundary is in close proximity to the European Marine Site (approx. 55m). The construction impacts of the development on the European Marine Site can be mitigated through a

Construction Environmental Management Plan (CEMP). An outline CEMP has been submitted with this application, and a condition will be added to deal with the detail.

72. Normally the recreational impact upon the EMS can be dealt with through CIL. As this application will not trigger a CIL payment, the mitigation payment has to be sought through a different method. A S106 payment has been agreed which will contribute towards managing fishing impacts at Devils Point. In addition a detailed CEMP (submitted through condition) can deal with the impact upon the EMS.

73. As the impacts upon the EMS are considered to be negligible and can be mitigated it is not considered that an Appropriate Assessment under the Habitat Regulations Assessment will be required. This has been confirmed with Natural England who have no objections. On this basis the application is considered to comply with Core Strategy Policy CS19.

74. Conservation Area

The Conservation Area Appraisal and Management Plan (CAAMP) for Stonehouse Peninsula and specifically Western Kings notes the area requires enhancement and it is considered that this proposal with the benefit of the landscape enhancements will help to address this current issue. It goes on to state that opportunities will be taken to reduce any adverse impacts of existing parking provision. It is considered that the improvement to Devil's Point is such an opportunity. The CAAMP also notes the reservoir historic boundary walls, and the proposal includes the enhancement of the railings around the reservoir. Principle 5 of the CAAMP advises that prominent insensitive parking provision will not normally be acceptable. It is considered that the provision of parking within the reservoir reduces the impact of the parking to the wider Conservation Area. The conversion of Melville will also enhance the Conservation Area through the repair and enhanced appearance of the listed building.

Overall the proposal is considered to preserve (reservoir) and enhance (Devil's Point and RWY) the character and appearance of the Conservation Area and in accordance with Core Strategy Policy CS03.

75. Impact Upon Amenity

Reservoir House is located to the north of the reservoir. The outlook from the property will be changed through the removal of the grass however this in itself is not considered to harm the outlook. When the reservoir car park is in use this will give rise to some harm on the outlook however this is not considered significant enough to warrant refusal. The house is sited fronting onto the reservoir but on the elevated ground around the reservoir.

76. Admiralty Cottages are located to the north of Devil's Point car park. These properties are currently accessed from Admiralty Road and through a private drive. This application proposes to remove this drive as part of the reconfiguration of Devil's Point car park. The properties will still be accessed from Admiralty Road, and then through the parking area via a fob access gate.

77. The proposed change of use of the reservoir and Devil's Point arrangement does not raise any issues relating to loss of light or overlooking.

78. Air quality

The site is not located within or near to the Air Quality Management Area. The Public Protection Service has not raised any concerns with regard to air quality as a result from the proposal. The increase in parking (102 spaces) does not trigger the need for an air quality assessment (which is triggered by over 300 spaces). On this basis, it is not considered that the proposal will have an unacceptable impact on air quality, in accordance with Policy CS22.

79. Public Consultation

There have been representations that Urban Splash have not consulted with the public on their proposals. It is understood there was a consultation event held before the application was submitted. In addition any consultation undertaken by the applicant is encouraged, however is not mandatory.

80. For clarity, this application has been subject to 3 rounds of consultation due to 2 rounds of amended plans through the planning application process.

81. Deed /covenant issues

Letters from local residents of Admiralty Cottages and Reservoir House have raised an issue relating to potential conflict with deeds/covenants to their properties. Any conflict with deeds/covenant is a legal issue and not a material planning consideration.

82. Previous Planning Appeal

Some of the letters of objection have referenced a previous appeal for a multi storey car park that has been dismissed at the reservoir in 1995. Officers have taken the following into account:

- * the change in policy at both local and national level
- * the time since this appeal and also the change in RWY
- * the differences between the schemes, with the current scheme much reduced in terms of parking numbers and scale.

On this basis it is not considered that this proposal would result in the same extent of impact as this previously dismissed appeal and it not accorded much weight.

83. Plymouth Plan Consultation

The public submitted four nominations for Devil's Point to be designated as a Local Green Space in 2015 as part of the Plymouth Plan. In the latest Joint Plan consultation, which ended on 12th August 2016, the entire area of the CWS was put forward as a suggested Local Green Space. The Joint Local Plan (final document) is not yet out to consultation so has limited weight, however it should be noted that if the application for the carpark was approved this would prevent this element of the areas being designated a LGS, but would not prevent the rest of the site from being designated, the boundary would just require changing.

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 residential element of the application is CIL Liabe, however as the application is a conversion, it will not trigger any CIL contributions. S106 obligations are being sought, as outlined below.

11. Planning Obligations

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

are met.

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

Shrub-bed enhancements

Enhance area of south facing shrub beds to deliver enhanced biodiversity and amenity value, completed over 5 years,

To mitigate for the loss of CWS.

Yearly Contribution for 5 years £7,000 per year

Total Contribution £35,000

Access/Signage/Interpretation

Improvement to the path network. New signage across the site and interpretation of the natural and built heritage.

To mitigate for the loss of greenspace.

Total Contribution £40,000

Masterplan Contribution

Contribution to site masterplan to direct future investment and support funding bids. To compensate for the loss of reservoir site there is a need to enhance the whole site. External funding is needed to support this and this contribution will start the process of evidencing need on the site and the benefits of investment.

Total Contribution £25,000

Creation of Wildflower Meadow

To mitigate for the loss of CWS.

European Marine Site

To mitigate increased use of Marine Site through managing recreational fishing activities on Devil's Point. This will help to meet the requirements to manage the recreational impacts on the EMS.

- Residential £823, or
- Hotel £593.40

S106 Monitoring Fee

£1800

Total S106 Mitigation £102,393.40

This has been agreed with Urban Splash and the S106 is currently being drafted.

Land Transfer

The Natural Infrastructure Team have requested that discussions to agree the transfer of land at Devil's Point from Urban Splash to PCC is dealt with through the planning S106. This has been requested to mitigate against the loss of the green space within the reservoir. The principle of land transfer of Western Kings back to PCC has been agreed with Urban Splash, however it may not be legally possible to include this within the S106 agreement, and therefore the matter will be dealt with outside of the planning process. Notwithstanding this the transfer of Western Kings back to PCC will bring the area back under PCC control. This will have the benefit of allowing the LPA to request S106 monies towards the area and is considered to be a benefit for the City and residents.

12. Equalities and Diversities

All the ground floor will be level access, with level thresholds. Lift access is provided internally,

which means the upper floors are fully accessible. The only exception to this is the clock tower which cannot be accessed by lift.

At Devils' Point car park, 5 disabled spaces are proposed which is over and above the policy requirement.

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 MS01, CS01, CS02, CS03, CS04, CS07, CS12, CS13, CS15, CS18, CS19, CS20, CS21, CS22, CS28, CS32, CS33 and CS34.

This is a proposal for the conversion of one of the final remaining and prominent buildings of the Royal William Yard mixed use development. The scheme will include a significant amount of investment into the Building at Risk, through repairs and aiming to secure the optimum viable use of the building. A number of uses have been proposed in order to be able to adapt the building to possible future uses. Crucially the application includes a hotel, which is the sites allocated use, and a condition is attached to ensure the hotel is implemented. The design and alterations will create a unique, high quality environment, which will be considered an asset to the Royal William Yard and to Plymouth's visitor offer. The scheme has also contributed towards addressing the future flood risk management of the Royal William Yard in years to come.

The alterations to Devil's Point car park will modestly increase the amount of parking available, and will significantly enhance the appearance of Devil's Point through landscape improvements.

The use of the reservoir for overflow parking will allow for events to continue and support the viability and vitality at RWY. The changes will result in a reduction in strategic green space and CWS. In order to mitigate this, S106 contributions have been sought in order to enhance the quality of the surrounding CWS and Greenspace.

14. Recommendation

In respect of the application dated **10.08.2016** and the submitted drawings it is recommended to **Grant Subject to S106 Obligation - Full**

15. Conditions

1) CONDITION: COMMENCE WITHIN 2 YEARS

The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

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

2) CONDITION: APPROVED PLANS

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

I103 GA 001 PLI Site Location Plan
I103-GA-010 rev A Proposed ground floor plan
I103-GA-011 rev A Proposed first floor plan
I103-GA-012 rev A Proposed second floor plan
I103-GA-013 rev A Proposed roof plan
I103-GA-024 rev A Indicative layout ground
I103-GA-025 rev A Indicative layout first
I103-GA-026 rev A Indicative layout second
I103-GA-030 PLI Proposed north elevation
I103-GA-031 PLI Proposed east elevation
I103-GA-032 PLI Proposed south elevation
I103-GA-033 PLI Proposed west elevation
I103-GA-034 PLI Proposed inner north range
I103-GA-035 PLI Proposed inner east range
I103-GA-036 PLI Proposed inner south range
I103-GA-037 PLI Proposed inner west range
I103-GA-040 PLI Proposed Section AA
I103-GA-041 PLI Proposed Section BB
I103-GA-042 PLI Proposed Section CC
I103-GA-043 PLI Proposed Section DD
I103-GA-04 PLI Proposed Section EE
I103-GA-045 PLI Proposed Section FF
I103-GA-080 PLI External Repairs- North Elevation
I103-GA-081 PLI External Repairs- East Elevation
I103-GA-082 PLI External Repairs- South Elevation
I103-GA-083 PLI External Repairs West Elevation
I103-GA-084 PLI External Repairs Inner Courtyard 1
I103-GA-085 PLI External Repairs Inner Courtyard 2
I103-GA-210 Rev H Devils Point Proposed Plan
I103-SCH-100 PLI Historic Fabric Treatments- Ground 1
I103-SCH-101 PLI Historic Fabric Treatments- Ground 2
I103-SCH-102 PLI Historic Fabric Treatments- First 1
I103-SCH-103 PLI Historic Fabric Treatments- First 2
I103-SCH-104 PLI Historic Fabric Treatments- Second 1
I103-SCH-105 PLI Historic Fabric Treatments- Second 2
I103-SCH-106 PLI Repairs and Alteration Schedule- Ground
I103-SCH-107 PLI Repairs and Alteration Schedule- First
I103-SCH-108 PLI Repairs and Alteration Schedule- Second
I103-SCH-109 PLI Repairs and Alteration Schedule- Roof
I103-C-020 PLI Typical loading bay door (frameless)
I103-C-021 PLI Typical loading bay door (metal frame)
I103-C-022 PLI Typical loading bay door section
I103-C-023 PLI Typical louvred window to plant
I103-C-025 PLI Loading bay door railings
I103-C-026 PLI Public Routes Plan & Section 1
I103-C-027 PLI Public Routes Section 2 & Details
I103-C-030 PLI New Core 4 staircase plan
I103-C-030 PLI New Core 4 staircase section
I103-C-033 PLI Clocktower staircase
I103-A-001 PLI Typical partition details
I103-A-002 PLI Ceiling Type A
I103-A-003 PLI Ceiling Type B
I103-A-011 PLI Junction to existing/acoustic floors
I103-A-050 PLI Typical parapet detail (slate finish)
I103-A-051 PLI Typical new insulated roof detail

I103-A-052 PLI Typical Louvred Plenum Details
I103-A-054 PLI Roof lantern details
I103-A-070 PLI Typical new openings to internal stone walls
I103-A-071 PLI Enlarged openings to courtyard
I103-A-074 PLI Roof Terrace Details

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.

3) **CONDITION: PRE COMMENCEMENT EMPLOYMENT AND SKILLS STRATEGY**

CONDITION: 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.

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 Justification: To ensure that opportunities for employment are incorporated into the development, including the construction/conversion period.

4) **CONDITION: PRE COMMENCEMENT CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

CONDITION: Prior to commencement, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan throughout the implementation of the scheme hereby approved.

The CEMP should:

1. Provide information about how the County Wildlife Site and the adjacent Site of Special Scientific Interest (SSSI) will be protected from damage
2. Follow the Environment Agency's Pollution Prevention Guideline 5, to minimise any impact associated with the construction works
3. Limit the dumping, spreading or discharge of any materials and chemicals on site;
4. Ensure that all chemicals are securely stored at a safe distance away from the intertidal area during construction.
5. Minimise disturbance from works and machinery on the marine environment.
6. Minimise debris entering the marine environment.

Reason:

To ensure the development does not impact upon water quality and to avoid conflict with Policy CS22 and to ensure wildlife habitats are protected to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Pre Commencement Justification: To ensure that wildlife habitats and water quality are adequately protected from the development.

5) **CONDITION: PRE COMMENCEMENT: LANDSCAPE DESIGN PROPOSALS**

CONDITION: No development shall take place to Devils Point, Reservoir or Nursery car park until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours, including bunding/mounds; means of enclosure, including details of gates, repair works to walls, and the embossed concrete wall; car parking layouts; other vehicle and pedestrian access and circulation areas; details of the boundary between the access to the Reservoir and Devil's Point green space, hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; planting plans including the location of all proposed plants their species, numbers, densities, type (i.e. bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection].

Reason

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

Pre Commencement Justification: To ensure the landscaping can be properly incorporated within the development proposals.

6) **CONDITION: PRE COMMENCEMENT FIT OUT REFUSE STRATEGY**

CONDITION: Prior to commencement of the fit out for each unit, details of the siting and form of bin store for disposal of refuse and recycling for each unit shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage provision for each unit shall be fully implemented before the respective unit is first occupied/ brought into use and henceforth permanently made available for future occupiers/users 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 Justification: To ensure that the development can reasonably accommodate the refuse requirements that are acceptable to the local planning authority.

7) **CONDITION: PRE COMMENCEMENT GYM MITIGATION**

CONDITION: Prior to commencement of the D2 Gym, details of management, hours of operation, and floor mitigation to prevent noise and vibration, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the Gym is first occupied/brought into use and henceforth permanently retained as such unless an alternative strategy is agreed in writing.

Reason:

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

Pre Commencement Justification: To ensure any gym use is of adequate construction to prevent issues relating to noise and vibration.

8) **CONDITION: PRE COMMENCEMENT STREET DETAILS DEVIL'S POINT**

CONDITION: No development shall take place to the Nursery car park, Devil's Point or the Reservoir until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

Pre Commencement Justification: To ensure that the development can reasonably accommodate the external design / layout / levels / gradients / materials etc that are acceptable to the local planning authority.

9) **CONDITION: PRE-COMMENCEMENT GROUND WORKS: DRAINAGE**

CONDITION: Prior to commencement of any ground works of Melville, details of a scheme for the management of the site's surface water shall be submitted to and approved by the Local Planning Authority. The details shall include as a minimum;

- i. details of the final drainage scheme, including pathways and flow routes for excess surface water during extreme weather,
- ii. A construction quality control procedure, and
- iii. A plan for the future maintenance of the system and of any overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that the scheme is completed in accordance with the agreed details. The scheme shall thereafter be maintained in accordance with the approved details unless otherwise agreed 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 Policy CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

Pre Commencement Justification: To ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure.

10) **CONDITION: PRE-COMMENCEMENT WILDFLOWER PLANTING**

CONDITION: Prior to commencement of works at Devil's Point or the Reservoir, a plan should be submitted and agreed in writing with the Local Planning Authority the location and management of 750SqM of wildflower planting. The delivery and long-term maintenance of the wildflowers must form part of the plan. The agreed planting shall be fully implemented and retained as such.

Reason:

In the interests enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118 as outlined within the applicants EMES.

Pre Commencement Justification: To ensure the landscaping can be properly incorporated within the development proposals.

11) **CONDITION: PRE OCCUPATION FLOOD DEFENCE DELIVERY PLAN**

CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of the development, a detailed delivery plan for the implementation and upgrading of flood defences for Royal William Yard as a whole shall be submitted to and approved in writing by the Local Planning Authority. The agreed delivery plan shall then be fully implemented.

Reason:

To ensure that an appropriate standard of flood protection is provided and maintained for the proposed development now and in the future, in accordance with the National Planning Policy Framework and Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

12) **CONDITION: PRE OCCUPATION FLOOD RESILIENCE MEASURES**

Prior to the occupation of Melville, details of the measures intended to provide flood resilience and resistance for the development shall be submitted to the Local Planning Authority, for approval in writing. The approved measures shall be installed before the occupation of the building, or in accordance with a programme of implementation, and shall thereafter be maintained.

Reason:

To reduce the risk of flooding to the proposed development and future users in accordance with the National Planning Policy Framework and Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

13) **CONDITION: PRE OCCUPATION FLOOD EMERGENCY MANAGEMENT PLAN**

CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of the development, a detailed flood emergency management plan for Royal William Yard shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated and occupied fully in compliance

with the agreed strategy thereafter.

Reason:

To reduce the risk of flooding to the proposed development and future users in accordance with the National Planning Policy Framework and Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

14) CONDITION: PRE-OCCUPATION: LANDSCAPE ECOLOGY MANAGEMENT PLAN

CONDITION: A landscape ecology 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 ecology management plan shall be carried out 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 paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

15) PRE OPERATION : EVENT SPACE MANAGEMENT PLAN CONDITION

CONDITION: The applicant shall submit to the LPA 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 event space management plan shall be carried out as approved.

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

16) CONDITION: PRE OCCUPATION CAR PARK DELIVERY STRATEGY

CONDITION: No occupation of the Melville building shall take place until a plan for the phased delivery of car parking has been submitted to and approved in writing by the LPA and the approved spaces shall be provided in accordance with the approved strategy. Each car parking space shall be constructed, drained and surfaced and thereafter the use of that space shall be managed in strict accordance with the updated RWY Transport Strategy.

Reason:

To enable vehicles used by staff or visitors to the RWY 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.

17) **CONDITION: PRE OCCUPATION RWY TRANSPORT STRATEGY**

CONDITION: The occupation of the building shall not commence until an updated RWY Transport Strategy (previously dated May 2014) has been submitted to and approved in writing by the Local Planning Authority. The revised document will take into account changes to the layout of car parking areas along with details relating to the management and control of those areas.

Reason:

To ensure that the over-arching TS for the RWY has been updated to reflect the changes to it brought about by this application and that it continues to promote the use of sustainable modes of travel for journeys being made to and from the RWY through both the Travel and Events Management Plans in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

18) **CONDITION: PRE OCCUPATION CYCLE PROVISION**

CONDITION: The building 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 an appropriate level of cycle parking to be provided which is in accordance with the minimum standards as set out within the Development Guidelines SPD. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

19) **CONDITION: PRE OCCUPATION LOADING AND UNLOADING**

PROVISION CONDITION: Before any part of the building is occupied, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable such vehicles to be loaded and unloaded clear of the access routes that serve the RWY 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.

20) **CONDITION: PRE OCCUPATION TRAVEL PLAN**

CONDITION: A Travel Plan for Melville building shall be submitted to the Local Planning Authority no later than 6 months prior to occupation of the building. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the RWY in accordance with the approved site-wide Travel Plan. It shall include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; details of associated funding to support sustainable travel initiatives and the

name, position and contact telephone number of the person responsible for its implementation. The use hereby permitted shall not be occupied until the Travel Plan for the Melville building has been approved in writing by the Local Planning Authority and from the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

21) **CONDITION: HOTEL**

CONDITION: The hotel floor space as shown on:

I 103-GA-024 rev A Indicative layout ground

I 103-GA-025 rev A Indicative layout first

I 103-GA-026 rev A Indicative layout second

Shall not be used for any other purpose than a hotel use.

Reason:

To ensure the development complies with Development Plan Policy MS01 of the Millbay and Stonehouse Area Action Plan.

22) **CONDITION: NOISE FROM PLANT AND EQUIPMENT**

CONDITION: The noise emanating from the fans/ventilation equipment/air conditioning/plant/etc. (LAeqT) should 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.

Reason:

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

23) **CONDITION: NOISE MANAGEMENT PLAN HOTEL, A3 USE**

CONDITION: Prior to the operation of the hotel or any A3 use, a management plan shall be submitted and agreed in writing by the Local Planning Authority. Once agreed the management plan shall be fully implemented and complied with unless otherwise agreed in writing.

As a minimum the management plan must specify;

- The position of the designated smoking areas which must be at least 2 metres away from the façade of any building with residential properties adjacent or above.
- The controls to ensure that the smoking area must be used for smoking only. In line with any time restrictions.
- The actions in place to control any noise likely to affect nearby

residential properties.

- How the applicant intends to monitor any activity that may affect residential properties, which should include as a minimum the provision of hourly security checks of the outdoor seating to identify any activity or behaviour that may affect residential properties.
- Procedure for implementation of appropriate control measures to deal with unacceptable activity that may impact on the amenity of the area.
- Supplying residents a phone number of the security desk to contact in the event of any disturbance. Any calls received must be recorded and made available to the Local Authority.
- A system of training must be completed and maintained with local businesses operating in Royal William Yard, to ensure compliance at all times with the management plan.
- The management plan must be reviewed annually and on any occasion when significant changes to the businesses take place or any complaints are received from local residents.

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

24) **CONDITION: NOISE HOURS OF OPERATION**

CONDITION: The outdoor seating areas must not be used outside of the following times: -

Monday to Saturday 10.00 - 22.30 hrs

Sunday 11.00 - 22.30 hrs,

After 21:00 no external seating is to be allocated to customers. The external seating must be cleared of customers by 22:30.

External furniture must only be set up or removed between the hours of 10:00 am and 22:40pm Monday - Saturday and 11:00am and 22:40pm on Sundays.

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

25) **CONDITION: OPERATIONAL RESTRICTIONS TO ENSURE USE REFLECTS USE CLASS**

CONDITION: The supply of alcoholic drinks to the external seating area must be by waiter/waitress service only. In prominent positions in the outside seating areas signage must be present stating the opening times of the outside area and that it is served by waiter/waitress service only.

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

26) **CONDITION: OUTDOOR TABLES AND FURNITURE**

CONDITION: Any moveable furniture used in the outside area must fitted with rubber feet.

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

27) **CONDITION: NOISE / MUSIC**

CONDITION: Music is not permitted in the outdoor seating areas, unless agreed in writing from the Local Planning Authority.

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

28) **CONDITION: SMOKING AREA - NOISE AND ODOUR NUISANCE**

CONDITION: Smoking shall only take place in designated smoking areas which must be at least 2 metres away from the façade of any building with residential properties adjacent or above. Prior to use any smoking area must be approved by the Local Planning Authority. After 22:30 hours the designated area must be used for smoking only.

Reason:

To protect the residential and general amenity of the area from noise and odour emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

29) **CONDITION: REPORT UNEXPECTED CONTAMINATION**

CONDITION: 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 and where further remediation is necessary a remediation scheme must be prepared which 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 development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007.

30) **CONDITION: GYM USE SITING**

CONDITION: Any D2 Use Gym shall not be located immediately below, above or adjacent to C3 Residential.

Reason:

To prevent any resultant noise or vibration impact that would give rise to an impact upon future occupiers in accordance with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007.

31) CONDITION: D2 GYM USE RESTRICTION

CONDITION: The D2 premises shall be used for Gym and for no other purposes (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

The D2 Gym use shall be restricted to maximum of 3000sqm gross internal floor space.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 and 123 of the National Planning Policy Framework 2012.

32) CONDITION: RETAIL RESTRICTION

CONDITION: The retail units shall not exceed a total of 600 sqm GIA (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.

33) CONDITION: A3 USES

CONDITION: The A3 units shall not exceed a total of 3100 sqm GIA (m2).

Reason:

In order to ensure a mix of development consistent with Development Plan Policy MS01 of the Millbay and Stonehouse Area Action Plan and the A3 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.

34) CONDITION: DI USES

CONDITION: The DI premises shall be used for art galleries, education/training centre (University or College) and for no other purposes (including any other purpose in Class DI of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 and 123 of the National Planning Policy Framework 2012.

35) CONDITION: TREE REPLACEMENT

CONDITION: If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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 are subsequently properly maintained, if necessary by replacement.

36) CONDITION: ENERGY AND SUSTAINABILITY STATEMENT

CONDITION: Development shall be carried out in accordance with the M&E Energy & Sustainability Statement, unless otherwise agreed in writing by the Local Planning Authority.

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.

37) CONDITION: BIODIVERSITY

CONDITION: Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy and addendum.

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 paragraphs 109, 118.

Informatives

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

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended),

will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see www.plymouth.gov.uk/cil for guidance.

2) **INFORMATIVE LICENCING ACT 2003**

INFORMATIVE: All businesses operating within the Royal William Yard must have regard to the requirements placed on them by their premises licence. These may be more stringent than the planning conditions and may place restrictions on the number of outdoor covers that they are permitted to operate which conflicts with the number for which planning permission has been granted.

3) **INFORMATIVE: NESTING SEASON**

INFORMATIVE: It is an offence under the Wildlife and Countryside Act to damage to destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting.

4) **INFORMATIVE: CONDITIONAL APPROVAL**

INFORMATIVE: 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.

5) **INFORMATIVE SMOKING AREAS**

INFORMATIVE: You should consider the effect that patrons of the yard smoking may have on residential properties. In particular it is advisable to designate areas close to any building as non-smoking to minimise any odour or noise having an adverse effect on residential properties.

Public Protection would recommend that any designated smoking area is at least 2 metres away from the façade of any building with residential properties adjacent or above. Prior to use any smoking area must be approved by the Local Planning Authority as identified in the noise management plan. After 22:30 hours the designated area must be used for smoking only.

6) **INFORMATIVE PROVISION OF SANITARY ACCOMMODATION**

INFORMATIVE: When allocating outdoor seating to a particular business the applicant should take into account the number of WC's, urinals and associated sanitary accommodation is suitable to comply with BS6465 - 1:2006 +A1:2009 British Standard Sanitary Installations

7) **INFORMATIVE VIABILITY HOTEL USE**

INFORMATIVE: Should any application be submitted for alternative uses for the hotel use, and a variation submitted for condition 21, viability will be a material consideration.

8) **INFORMATIVE: RESIDENT PARKING PERMIT SCHEME**

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