

PLANNING APPLICATION OFFICERS REPORT



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| Application Number | 18/00234/S73 | Item | 02 |
| Date Valid | 14.02.2018 | Ward | ST PETER AND THE WATERFRONT |
| Site Address | Former Quality Hotel Cliff Road Plymouth PL1 3BE | | |
| Proposal | Section 73 application to modify conditions: 1 (plans), 10 (further details), 11 (materials samples), 35 (deliveries and refuse collection) & 36 (use of loading bays) of planning permission 17/00952/FUL to allow for various amendments to the external design of the scheme, amended hours for deliveries and reconfiguration of the service yard to incorporate staff car parking spaces | | |
| Applicant | Henley Real Estate Developments Ltd | | |
| Application Type | Removal or variation of a condition | | |
| Target Date | 16.05.2018 | Committee Date | 05.04.2018 |
| Extended Target Date | N/A | | |
| Decision Category | Major - More than 15 Public Comments | | |
| Case Officer | Mr Tim Midwood | | |
| Recommendation | Grant conditionally subject to agreement of product specification of apartment building balconies balustrades and subject to completion of a Section 106 agreement | | |

I. Description of Site

The application site formerly accommodated a hotel. The hotel originally opened as the Mayflower Post House in 1970 coinciding with the 350th anniversary of the ship The Mayflower setting sail from Plymouth to America. The hotel passed through various operators and was most recently part of the Quality Hotel chain until it ceased operation in January 2014.

After a period of the site being monitored and secured, security was removed from the site in early 2015; there followed vandalism and anti-social behaviour, and a major fire occurred in May 2015.

Plymouth City Council acquired the site in January 2016, and demolition of the hotel took place in summer 2016. The demolition included all structures on site with the exception of a concrete substation which is retained at the south-eastern corner of the site. The hardstanding areas were broken up and the crushed aggregate was distributed across the site as a temporary surface. The trees along the northern boundary of the site have been protected and retained. There is a secure hoarding fence surrounding the sites entire boundary. There is a natural stone wall enclosing the site's southern side, which extends partly up Leigham Street and Prospect Place - other parts of the site boundaries are walls constructed from reconstituted (concrete) stone.

Prior to the demolition, the hotel provided 110 bedrooms. It comprised of a 10 storey concrete rectangular tower constructed in the 'brutalist' style, with a lower pavilion style two-storey extension to its western side. The building stood significantly forward of the Elliot Terrace/Cliff Road building line with a 148-space car park to the rear (accessed from Prospect Place and Leigham Street) so was highly prominent from the Hoe and beyond.

The site has two vehicle accesses - one from Leigham Street towards its junction with Cliff Road, and one from Prospect Place at the site's north western corner.

The site adjoins the Plymouth Marine Laboratory (PML) to the North, Leigham Street to the east (beyond which lies the residential development known as 'Azure'), and Prospect Place to the west. To the south of the site lies Cliff Road. The site itself slopes gently downwards from east to west, before the land drops away sharply beyond the western boundary down Walker Terrace and Cliff Road towards Millbay. To the south a large historic retaining wall constructed from Plymouth Limestone supports the site in a prominent, elevated position above Cliff Road. The northern footway of Cliff Road is also elevated significantly above the carriageway, and with the exception of the area where there is a concrete covered walkway and seating area, there is no railing or wall. Pedestrian access is available to the site's boundaries with the exception of that to the PML site. From the vehicular section of Prospect Place (which immediately west of the site is a single carriageway serving only 5 residential parking spaces to 1 Walker Terrace) a footpath ramps down to Cliff Road. A steep flight of historic steps also leads westwards down to Cliff Road from the Prospect Place footpath.

With the exception of the PML site, the site's context is residential. The Azure building to the east of Leigham St comprises residential apartments (and duplexes) with parking below. To the west of the site are residential uses fronting Walker Terrace and Cliff Road; closest to the site are 6 apartments at number 1 Walker Terrace and the apartments in Trinity Place which are at lower level on Cliff Road. Trinity Place sits at a lower level (fronting Cliff Rd) such that its roof projects only a small amount above the wall along the Prospect Place Footpath. 1 Walker Terrace features south-facing balconies on its rear elevation and benefits from views of the Sound over Trinity Place.

Although the site does not lie within a Conservation Area, The Hoe Conservation Area extends close to the site to include Azure and the eastern footway of Leigham Street, and West Hoe Park and the southern footway to Cliff Road to the south of the site. As discussed in the analysis section of this report, the Conservation Area also includes some of the city's finest Heritage assets, including the Citadel (Scheduled Monument), Smeaton's Tower and the Lorimer War Memorial (both Grade I listed), several Grade II*, and numerous Grade II listed buildings. The Hoe Park is also listed as Grade 2 on Historic England's Register of Parks and Gardens. To the south of the site its boundary is similar to that of the Conservation Area (although it excludes the Cliff Road footway), but it extends further west to include the Children's Play Area and Treasure Island.

2. Proposal Description

The application comprises various proposed amendments to the hotel and apartment's scheme consented by Planning Committee in July 2017 (ref:17/00952/FUL).

The following areas are subject to amendment as proposed within this application.

External cladding: as consented it was expected that the exterior of the proposed buildings would be clad in anodised aluminium. The use of this material had been agreed through the assessment of the earlier application, with a condition attached to the consent to agree the exact product and colouration of the cladding.

Proposed amendment: It is now proposed that the cladding is a steel product.

Roof overhang to the south façades: both the apartment building and the hotel building are approved with 'Brise Soleil' roof overhangs for solar shading.

Proposed amendment: It is proposed that the apartment building roof overhang is reduced to 1.8m and the hotel overhang to 1.5m.

Glazed balustrading to south elevation of the apartment building: as approved the waveform design to the balconies to the southern elevation were to be achieved through the affixing of cladding to the glazed balcony balustrades.

Proposed amendment: Details of the proposed balcony balustrades solution are still to be finalised at the time of writing.

Secondary canopy to apartment building entrance: the consent includes a secondary canopy to the apartment building entrance.

Proposed amendment: This feature is proposed to be omitted.

Glazing to the south elevation of the hotel: as approved the scheme would be brought forward with the hotel southern elevation glazed with a Structural Silicone Bonding (SSG) system.

Proposed amendment: This application proposes that a Capped Curtain Walling system is used instead. Externally this results in the glazing framing being increased from 25mm to 50mm. There is no change to the extent of glazing.

Perimeter feature frame to the south elevation of the hotel: approved plans indicate a 'feature fin' framing this elevation.

Proposed amendment: It is proposed that the feature frame is removed from the scheme.

Glazing to the hotel lift shafts on the north elevation to be opaque: the approved scheme included clear glazing to the north facing lift shafts of the hotel.

Proposed amendment: It is now proposed that the lift shafts glazing will be opaque, this is to obscure views of the concrete lift shaft structure.

Window to first floor hotel terrace: as approved a window is shown above the health suite.

Proposed amendment: This window is proposed to be removed.

Hotel swimming pool: as approved the hotel pool was of a length of 12.5m.

Proposed amendment: The applicants now propose a swimming pool of 7m.

Service yard reconfiguration and introduction of staff parking: the rear service yard to the hotel includes a substation and refuse store accommodated within freestanding buildings as approved.

Proposed amendment: It is proposed that these rear buildings are removed from the proposals with the facilities to be accommodated internally. The space made available through this change is proposed to be utilised for 8 staff car parking spaces. The omission of the buildings within the service yard would result in the loss of sedum roof provision.

Shelter within garden area: approved plans show a freestanding shelter within the garden terrace area.

Proposed amendment: The shelter is proposed to be removed.

Boundary and retaining walls: the approved scheme includes the retention of the Plymouth limestone boundary wall along the lane at the site's western boundary. This is retained within this proposal.

Proposed amendment: Some retaining walls are now proposed to be finished with render.

Landscaping and pedestrian access: the consented scheme included a stepped pedestrian access linking to the public footpath to the north side of Cliff Road.

Proposed amendment: Revised plans show the pedestrian path to Cliff Road removed. Other minor amendments to the layout of the front garden are proposed.

Hotel deliveries hours: the hotel has been approved with refuse collection and deliveries hours of 0700 to 2200 Monday to Saturday.

Proposed amendment: It is proposed that the refuse collection hours remain as consented, with approval sought for additional delivery hours on a Sunday and a Bank Holiday. As submitted this

application sought delivery hours of 0700 to 2200 on a Sunday and a Bank Holiday, however 1000 to 1600 on a Sunday and a Bank Holiday is now proposed.

3. Pre-application enquiry

A pre-application enquiry (17/02432/MAJ) was submitted in December 2017 to ascertain officer's opinions on a number of design amendments to the approved development. The changes concerned a number of the matters set out within the 'Proposal Description' section of this report, and advice was provided to the applicants prior to the current submission, however not all matters were resolved at this time and have since been subject to discussion and negotiation during the course of this application.

4. Relevant planning history

The most recent and relevant planning application is:

17/00952/FUL - Demolition of the existing sub-station and erection of two buildings comprising a 80-bed hotel and ancillary facilities (11 storeys) and 88 residential dwellings (15 storeys), access, pedestrian/cycle way, landscaping, car parking and servicing and associated infrastructure works - approved by Planning Committee 27th July 2017 with a decision notice dated 15th September 2017.

5. Consultation responses

Urban Design Officer (PCC) - at the time of writing this report there remains design matters to be further addressed as detailed within the Analysis section of this report.

Design (Landscape) Officer (PCC) - no objection subject to conditions and advice, as detailed within the Analysis section of the report.

Devon and Cornwall Police Architectural Liaison Officer (Secured by Design Officer) - supports the application following the revisions received on 19th March 2018, which removed the previously proposed western pedestrian access, the proposals are now considered acceptable from a designing out crime perspective.

Devon Gardens Trust - reiterate an objection to the consented scheme, in which the Trust stated that the proposed development would result in more than substantial harm to the significance of designated heritage assets. The Trust concurs with comments made by Historic England in their letter of 19th February 2018 (detailed below).

Economic Development Department (PCC) - confirm support for the application for the reasons set out within the views on the previously permitted application.

Environment Agency - no comment.

Highway Authority - no objection subject to conditions and advices as set out within the Analysis section of this report.

Historic England - maintain a view established on the consented scheme that the proposed buildings will have a damaging impact on the setting of designated heritage assets. Historic England has considered whether the amendments will reduce the overall impact of the proposals on the surrounding historic environment. The amendments to the service yard are considered positive. The changes to the pedestrian access points and routes are not of concern. The reduction in the roof overhangs is considered positive. With regard to the balcony balustrades Historic England note the importance of a solution which ensures visual differentiation between these elements and the glazing throughout the elevation.

Historic Environment Officer (PCC) - no objections subject to conditions and advice as set out within the Analysis section of this report.

Housing Delivery Team (PCC) - no comment. The proposals do not change the housing provision.

Low Carbon Team (PCC) - no comment. The amendments do not relate to the energy generation/district heating aspects of the scheme.

Lead Local Flood Authority (PCC) - no comment. The amendments are not relevant to surface water drainage.

Ministry of Defence - no response. However the MOD's Defence Infrastructure Organisation responded at the pre-application stage (28th February 2017) to confirm that they 'have no safeguarding objections'.

Natural England- no comment. Previous comments made on the consented scheme resulted in financial contributions being secured through the Section 106 Agreement towards habitat regulations mitigation. These contributions would be secured if this application is approved.

Natural Infrastructure Team (PCC) - following the revisions received on 19th March 2018 no objection subject to conditions and advices. These revisions reinstated sufficient soft landscaping to meet the required biodiversity net gain.

Plymouth Waterfront Partnership - no response. Supported the consented scheme.

Public Health (PCC) - no response. Supported the proposals in principle at the pre-application stage.

Public Protection Service (PCC) - no objection subject to the submission of a satisfactory Delivery Management Plan, and that the delivery hours are limited to 1000 to 1600 on Sundays and Bank Holidays.

Queens Harbour Master - confirms that the proposals will have no impact on navigation.

6. Representations

Letters of representation have been received from 27 contributors, all of which raise an objection to the proposals. The key issues raised by the objectors in relation to this application are as follows.

Design:

- o There is a predominant theme of the objections received that the proposals result in a diminished build quality, with a downgrading of materials, finish, and an overall cheapening of the appearance of the proposed buildings.
- o In particular the proposed steel cladding has raised a number of concerns and notably whether this will deteriorate in a marine environment.
- o The proposed amendments to the façade appearance are of concern to a number of objectors, especially the potential for the wave form balconies impact to be decreased if the balustrade material is unsuitable, with the use of etched glass considered inappropriate as it will create a monolithic appearance, lacking contrast with the facade glazing.
- o The loss of roof detailing, through the reduced extent of the overhangs is considered a negative move by some objectors.
- o The loss of the hotel framing or feature fin to the south elevation is of concern to some.
- o There is also objection to the loss of clear glazing to the lifts as a feature.
- o Throughout a number of representations it is stated that the proposals lessen the appearance of the scheme as a high quality landmark or statement buildings.
- o There are concerns that the proposals will impact upon the conservation area, and heritage assets.

Hotel deliveries:

- o A further theme of a number of objections is that deliveries to the hotel should not occur on Sundays and Public Holidays as proposed, as this will create noise and disturbance to neighbouring occupiers (some objectors have misinterpreted this as 24 hours deliveries proposed).

Parking and highways:

- o The proposed staff parking will cause a noise nuisance.
- o Infringement to the access lane adjacent to Walker Terrace.
- o Concern regarding increased yellow lines to the junction of Prospect Place and Walker Terrace (this is not proposed).
- o The 20mph zone nearby should be extended to Citadel Road.

Other matters:

- o There are too many unoccupied apartments in Plymouth.
- o The site should come forward for a hotel development only, and not include apartments.
- o Reduced size of the swimming pool and whether this is satisfactory for a five star hotel.
- o The proposed gate to the southwest of the site is not necessary and dangerous due to lack of natural surveillance (now removed).

There are also various comments raised in association to the Former Quality Hotel, and how this building was constructed for the Mayflower 350th celebrations and did not stand the test of time in terms of a quality, and that history should not be repeated for this development.

Other matters have also been raised within the representations which cannot be considered as a part of this application, these are as follows:

- o The height of the proposed buildings - this has not changed from the consented scheme and is therefore not for consideration.
- o The replacement of the former single hotel building with two separate buildings and how this may cause subsidence to Cliff Road and impact upon the retaining wall adjacent to the children's playground - two buildings have been consented and is therefore not for consideration within this application.
- o Parking should be sufficient for both the hotel and the apartments - there is no change to the parking provision for the hotel guests, or for the apartment occupiers. There is additional parking proposed for hotel staff.
- o The vehicular access to the development should be from Prospect Place rather than Leigham Street - there is no change to the access location and as such this matter cannot be considered.

7. Relevant Policy Framework

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

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

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex I of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage of preparation having now been submitted for examination by the Planning Inspectorate, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision, particularly if there are no substantive unresolved objections. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the nature and extent of any unresolved objections on the relevant plan policies.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG).

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

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

8. Analysis

1. This application has been considered in the context of the Core Strategy as the adopted development plan, and the submitted Plymouth and South West Devon Joint Local Plan (JLP), the Framework and other material policy documents.

2. It is important to note that this is an application seeking minor material amendments under Section 73 of the Town and Country Planning Act 1990, and therefore the matters for consideration are restricted to those amendments sought.

3. A number of key matters were considered under the previous application (17/00952/FUL) and are not reconsidered within this application, these are the five year housing land supply; the proposed use of the site for a hotel and apartments; economic benefits; the layout and siting of the buildings; height and massing; low carbon measures; land contamination; flooding and surface water drainage.

4. This report focuses on the amendments now proposed which concern design matters; public realm; ecological matters; heritage; amenity; transport and highways considerations.

Design

5. There are a number of proposed amendments to the scheme as indicated earlier within this report, and these have been considered by officers and have been subject to extensive discussions with the applicants. Taking each of these matters in turn.

Removal of structural silicone glazing (SSG) from the hotel

6. It is proposed that the SSG is replaced with a capped glazing system. Whilst the loss of the simple elegance of the SSG system is regrettable, the developer's architect has assured officers that the visual impact of the proposed capped glazing system can be minimised to safeguard the lightweight appearance of the hotel - therefore leaving the apartment building to read as the accented bookend to the Hoe Esplanade buildings as intended by the consented scheme. It is proposed that the detail of the revised glazing system be controlled by condition.

Removal of "feature fin" around hotel south elevation

7. The "feature fin" on the approved scheme acted as a frame to the hotel south elevation.

Officers support the removal of the partial frame feature around the hotel south elevation and consider that this change will assist in simplifying the hotel elevation and allow it to appear more recessive in relation to the apartment building bookend.

Curtain wall glazing / loss of glass lifts

8. The curtain wall glazing is an important element of the scheme, and as approved the hotel also includes clear glazing to the lift cores. Officers have negotiated with the applicant to safeguard the extent of glazing, particularly that which was added to the consented scheme to ensure the north elevations did not appear as "backs" given the uncertainty around the timescale/delivery of Phase 2 of this scheme and the likelihood that these elevations will remain highly prominent in the immediate and wider city townscape for a significant time. The level of curtain wall glazing that has been retained is therefore welcome.

9. The loss of transparent glazing to the lift cores and lifts themselves (which was added to the consented scheme to generate movement and interest in the elevations, as well as drama, city views and optimisation of natural light for the occupants) is regrettable, but is accepted in the context of wider changes.

10. It is positive that, further to negotiation, glazing has been retained throughout on the top floor "attics" of both buildings to safeguard their lantern-like lightweight appearance of these elements. The approach should be consistent on all attic elevations and it is proposed that this be controlled by condition.

11. Opaque spandrel panels throughout the scheme should be glass externally with a black ceramic backing plate internally to give the appearance of glazing when viewed from street level and to give reflections of the sky with the attic components. The detailing of these elements is particularly important given the context, height and prominence of the buildings and it is proposed that this be controlled by condition.

Balustrade waveforms

12. The sweeping, curved balcony balustrade waveform is the key architectural feature of the scheme. Throughout the evolution of the scheme, the colour of the balustrade has always linked to the colour of the cladding. With the new scheme the construction of the balustrades has changed. The applicant wishes for the waveform to now be formed on the glass itself rather than by a front-mounted anodised aluminium panel as previously proposed. Officers have undertaken extensive

negotiations with the applicant with the aim of ensuring that the strong contrast of the waveform concept is retained. It is noted that the Plymouth Design Review Panel also place great weight on the need to retain the strong contrast of the balustrade waveforms. Officers are also concerned to ensure that, in the revised scheme, harmony is safeguarded between the new cladding type and colour and new balustrade type and colour. At the time of writing, the applicant has unfortunately not been able to supply a sample of balustrade glass with a colour to match their new proposed cladding colour. Officers need to see this sample to assess whether the strength of the appearance of the balustrade waveforms will be retained and it is therefore proposed that a "notwithstanding" condition is put in place in this respect.

Cladding

13. Officers have had extensive negotiations with regards to the proposed changes to the architectural cladding.

Officers are pleased that the curved form of the buildings has not been revised to a faceted approach. However, officers have been concerned with various issues relating to the cladding, including to ensure that the new product is sufficiently robust for the extreme weather the cladding will be subject to in this exposed coastal location. The applicants' architect proposed anodised aluminium with the consented scheme on the basis that they considered it the best material for the exposed context (the anodised finish being bonded at the molecular level and therefore colour-fast) and mindful of the powder coated finish wearing off components of the adjacent Azure development. Anodised aluminium has a metallic sheen that will not be present with the steel cladding option proposed and officers have taken this into consideration. Whilst the consented anodised aluminium cladding would always be officers' preference (because aluminium will never rust and never have the risk around corrosion of cut edges and damage during construction) officers consider that, on balance, the steel Europanel product now proposed can be supported in principle (subject to agreement on colour) provided the HPS200 Ultra coating, in the Signature colour range with a 30 year guarantee, is used and providing a condition is put in place to ensure that the cladding will be maintained in good, clean condition and appearance as long as the proposed buildings remain on the site and that any problems with corrosion, discolouration, weathering or other defects will be rectified promptly.

14. With regards to the new colour of the cladding - at the time of writing officers understand that the applicant's preferred option is "Albatross" grey from the HPS200 Ultra Signature colour range. However, officers need to consider this colour in relation to the revised balustrade waveform colour - a sample of which has not been received at the time of writing. Officers would have preferred to have certainty on this issue. If it proves impossible or unaffordable for the applicant to obtain bespoke balustrade waveform panels in a matching colour, it may be necessary to review the cladding colour to ensure that it achieves harmony with a balustrade colour that is available and affordable to the applicant. With this in mind, a "notwithstanding" condition is proposed to allow further review of the new cladding material when the applicant is able to obtain information and a sample of the new balustrade.

15. It should also be noted that while the compliance of the cladding material with Building Regulations is not a planning consideration, it has been confirmed by the Building Control Officer that the HPS200 Ultra Signature colour range is acceptable from a Building Regulations position.

Plymouth limestone plinth

16. Officers are pleased that, further to negotiation, the proposed Plymouth limestone plinth has been retained on the buildings, as this is considered a fundamentally important feature - ensuring the scheme links to local character, the Hoe's geology and cliffs.

Removal of roof overhang / brise soleil

17. Officers have no objection to the removal of the brise soleil and would have supported the complete removal of the roof overhang on the basis that this would reduce to some extent the apparent bulk of the buildings as experienced from street level. However, the applicant has decided to retain a smaller overhang and the solar shading function this provides is acknowledged.

Rationalisation of retaining walls, fencing and railings

18. The principle of this change can be supported. Officers have negotiated the retention of the Plymouth limestone boundary wall along the lane at the site's western boundary and are pleased that this is retained in the application. Retaining walls finished with render - as shown in the submitted sketch - cannot be supported, as render in this position would be particularly vulnerable to staining and algae growth. The preferred option would be to form the retaining walls in Plymouth limestone (including existing Plymouth limestone recycled from the site). The re-grading of landscape to achieve the reduction in retaining walls has exposed the walls of the future district heating enclosure, which is in a prominent location at the southeast pedestrian entryway to the site adjacent the Hoe Promenade. The visible walls of this structure should also be finished in Plymouth limestone.

Removal of Cliff Road steps

19. The loss of steps from Cliff Road linking to the north/south pedestrian route through the site obviously reduces pedestrian permeability through the site. However, in the context of the other changes this is not considered to be a major issue - since in reality the remaining pedestrian routes are more accessible in terms of levels and are more likely to be used in terms of desire-lines by people moving to and from the site from the Hoe park and through the site to and from Millbay.

Removal of roof window to first floor hotel terrace area above hotel health suite

20. This feature would not be visible from street level and officers have no issue with its removal.

Removal of shelter to garden terrace area

21. Officers have no objection to the removal of the garden shelter.

Reduction in the size of the hotel swimming pool

22. Officers are pleased that the swimming pool is retained, albeit in a smaller format. The revised building footprint in relation to this is supported.

Removal of external hotel service yard plant areas

23. This is considered a positive change and de-clutters the service yard area.

Removal of secondary canopy to apartment building entrance

24. There is no objection to the removal of this feature.

Design Review Panel

25. In addition to the assessment carried out by Council officers the amendments have also been presented to the Plymouth Design Review Panel and the key feedback from the panel may be summarized as follows:

- o It is felt the proposed wave form balustrade and its strong contrast is fundamental to the design integrity and concept of the approved scheme.
- o The proposed glass balustrades may result in a loss of contrast, strength and clarity of concept.
- o Etched glass can weather badly in an exposed coastal location due to salt build up.
- o The use of clamps on the glass balustrades may have a large impact upon the appearance of the building.
- o The cleaning regime for the building and its long-term management should be considered at this stage.
- o The Panel is supportive of the proposed cladding colour; although suggests a darker option could be considered in relation to the proposed stone in both dry and wet conditions. Furthermore whatever the cladding material is used, its appearance over time should be considered, not just its functional longevity.
- o The Panel is very supportive of the proposed stone; finish options should be considered.
- o The Panel are supportive of the proposed glazing change to a compression system.
- o It may be beneficial to consider thickening the roof cap or high-level stringer course on the hotel building.
- o The Panel is supportive of the removal of the previously proposed brisole.
- o The Panel is supportive of the proposed landscape changes.
- o The Panel is very supportive of the provision of public access to the external areas, and it is suggested that after dark external lighting should be considered.

26. The Design Review Panel have raised a number of interesting points, the majority of which concur with officers views on the proposed amendments. A key message from this independent review is the absolute need for the waveform concept to be satisfactorily retained, and that this can only be achieved if the balcony balustrade material and approach is carefully considered and implemented.

27. The second key point from the panel is that the cladding must be not only of an appropriate colour and appearance, but also of a material that is durable for the marine location.

28. In the most part it is considered that the proposals are acceptable from a design position; however there remain reservations with respect to the appearance of the apartment building due to the currently unresolved balcony balustrade approach and how the crucially important waveform appearance is to be successfully achieved. In order to resolve this matter exact product specification for the balustrade glazing is to be provided and reviewed in the context of the proposed cladding.

29. Subject to the satisfactory outcome of the balustrade and cladding discussions, and the satisfactory discharge of planning conditions in this regard, and conditions concerning other matters outlined above, it is considered that the application would be acceptable and meet with the expectations of policy CS02 of the Core Strategy and policy DEV20 of the JLP.

Heritage:

30. The aforementioned amendments have been considered by the Council's Historic Environment Officer. It is reiterated that the assessment within this application cannot revisit the original application, it is focussed purely on the impact that the proposed changes will have on the appearance of the buildings and their immediate sensitive surroundings.

Site layout and landscape

31. From an historic environment viewpoint, the changes proposed to the landscaping and the reduction in the height of the walls are relatively minor and will have very little overall impact on the Hoe. The removal of the proposed steps to Cliff Road are considered beneficial to the scheme overall, and the site retains its public access but now via Leigham Street. The low walls appear to be rendered blockwork, but the use of natural limestone should be considered to tie in with the surrounding area. The proposed improvements to the service yard area to the north of the hotel are welcomed as this will remove some of the clutter from the space.

Amendments to the southern and northern elevations

32. The proposals change the roofline by removing the large brise soleil and reducing the size of the overhangs on both buildings. This gives them a more streamlined and simplified appearance, and reduces their visual bulk, which is considered to be an enhancement to the approved design.

33. It is proposed to change the glazing on the hotel from silicone glazed curtain walling, which gave a seamless appearance, to dark grey curtain walling. The adjacent frame around the southern elevation will also reduce in depth and the balconies will be more recessive and less obvious. This will change the appearance of the building to a degree, but it is not considered to be detrimental to the scheme overall, providing the glazing system is of a high quality and suitable for a marine environment. A sample of the glazing should be requested as a condition.

34. The balconies on the apartments building have a strong wave form on them, which is a bold and attractive feature. Without this the building takes on a more mundane and monolithic quality. Instead of aluminium, it is now proposed to form these balconies using an all-glass balustrade system with potentially the wave form pattern etched into the glass to create opaque sections, rather than using individual aluminium panels. Officers are concerned that unlike the aluminium cladding, the etched glass will not provide enough of a contrast for the wave form to be clearly visible against the glazing behind. It is therefore recommended that a sample of the proposed glass be provided so that its appearance can clearly be seen before this is agreed. Again it is essential that the glazing system is of a high quality and suitable for a marine environment.

35. On both buildings it is proposed to change the agreed rain screen cladding to steel, which despite its 30 year guarantee, officers are concerned may rust and therefore dramatically and adversely change the appearance of both buildings in a relatively short space of time. Although it states that this product is guaranteed for installation in a marine environment, officers are concerned over its

appearance and durability and would like to see examples of where this product has been used in similar locations. The cladding will require regular maintenance and treatments to ensure it does not rust and the cost of this needs to be taken into account. It is therefore recommended that this change is not agreed unless it can be clearly demonstrated that this product is suitable for the site in question and that it is of a high enough quality to withstand the weather.

36. The changes proposed to the northern elevations are relatively minor and consist of the canopy over the main entrance to the apartments being removed, and some changes to the rear glazing, which will have a minimal impact on this elevation. Officers are pleased to note however, that it is still the intention to retain all of the limestone cladding to the main base level of both buildings and the hotel podium extension.

37. In summary, given the prominent location of these buildings within the most sensitive part of the city, their appearance is extremely important, not only because they will have such a high profile, but also to minimise the harm that the development will have on the settings of a variety of designated heritage assets. The materials used must therefore be of the highest quality for them to be acceptable and for them to retain their appearance for years to come.

38. Some of the proposed changes will have a very minimal impact on the appearance of the hotel and apartment block, but others require more information before a final decision on their suitability can be reached, for example the glazing system for the hotel, the etched glass balustrade and the cladding. At present, not enough information / samples have been provided for a firm decision to be made and therefore conditions should be attached to any approval requiring further information is submitted.

39. It is considered that subject to the satisfactory resolution of matters raised within this section of the report, including the satisfactory discharge of conditions, policy CS03 of the Core Strategy and policies DEV20 and DEV21 of the JLP would be fulfilled.

Public realm:

40. The approved scheme includes a substantial amount of public realm to the front of the site; this will be accessible to the public between 8am and 10pm daily from 28th March to 28th October and from 8am to 8pm during the rest of the year. The gardens will be suitable for use for wedding or event space.

41. This application proposes some changes to the public realm. The most notable change is the loss of the previously approved southern pedestrian access point to Cliff Road, this route would have utilised steps, necessitated by the topography of the site. This application as submitted included a western pedestrian access to link to the public footpath along the western boundary of the site; however this route was considered a poor replacement for the approved route, due to lack of natural surveillance. Furthermore this westerly access route would have resulted in the loss of previously approved soft landscaping which would lessen the biodiversity benefits of the scheme.

42. It is now proposed that frontage of the site will be served by one pedestrian access point at the junction of Leigham Street and Cliff Road, this route is as per the consented scheme and is DDA compliant. Pedestrian access from the north of the site will also be retained.

43. While it is regrettable that there is a loss of pedestrian access to the grounds it is considered that there is still sufficient accessibility for hotel guests, apartment occupiers, and for the general public during the permitted hours, and that the amended proposals are acceptable from a public realm perspective.

44. Other changes to the public realm are minimal, including the removal of the shelter within the front garden area, and the slight enlargement of the lawned area and the removal of steps and terracing within this area which will make it more useable.

45. The aforementioned changes are supported by the Council's Landscape Officer, and the Police Architectural Liaison Officer has also considered the revised pedestrian access and routes, and is satisfied.

The Landscape Officer has also considered the other amendments to the public realm, and does have some concerns, firstly that some of the hard landscaping is proposed to be amended from granite or natural stone to a resin bound gravel, which is considered less robust and attractive. A revised landscape plan will be required by condition.

46. Furthermore the design of the vehicle entrance from Leigham Street needs to be reconsidered, to ensure traffic slowing while remaining attractive. Further details of this junction are required by condition, and will involve discussions between the applicants and our landscape designer, as well as the transport planning officer.

47. Again further details of the staff car park entrance will be required by condition, to be assessed by the Landscape Officer, and the Transport Officer.

48. In order to meet the full satisfaction of the Landscape Officer, all hard and soft landscape details will be subject to conditions, to include tree pits and planting details, landscape implementation and its phasing and timing pre-occupation, and the submission of a Landscape Management Plan pre-occupation.

49. Policies CS02 of the Core Strategy and DEV24 of the JLP would be satisfied subject to the resolution of items raised within this section of the report, and the satisfactory discharge of the relevant conditions.

Ecological matters

50. The application presents some changes to the scheme which required consideration from an ecological angle, particularly the proposed changes to the extent of the soft landscaped areas.

51. As noted earlier in this report the application initially proposed reduced soft landscaping resultant of the western pedestrian link, and this would be of concern to the Council's Natural Infrastructure Officer as it would reduce the biodiversity net gain secured through the extant consent.

52. Through revisions to the application the soft landscaping has been reinstated, returning the scheme to a position where the required biodiversity mitigation and enhancement as set out in the approved EMES can be achieved. Therefore the Natural Infrastructure Officer does not object to the proposals subject to conditions 12, 25 and 30 of the extant consent being attached should consent now be granted.

53. Furthermore the Natural Infrastructure Officer notes that the submitted landscaping plan shows new trees reduced from 18-20cm girth to 12-14cm girth and this needs to be addressed, also all planting beds should be at least 500mm wide to ensure planting establishes successfully. These matters will be addressed through details to be submitted and approved for condition 12.

54. The proposals are considered compliant with Core Strategy policy CS19 and Joint Local Plan policies DEV24, DEV28 and DEV30 subject to the above considerations.

Amenity

55. With respect to amenity there are two areas which need to be addressed within this application. Firstly, the issue of the proposed increased delivery hours to the hotel. As approved the hotel benefits from permitted hours of 0700 to 2200 Monday to Saturday for both the deliveries of goods to the hotel and for refuse collection. Condition 35 of the extant consent ensures this.

56. As initially presented within this application the applicants proposed amending the delivery hours to 0700 to 2200 daily to include Sunday's and Bank Holiday's. The justification for this being the need for fresh produce deliveries to be made daily, thus ensuring that the hotel can fulfil its five star status where guests would expect that fresh fish, bread etc. was delivered daily. The applicants do not propose any amendment to the approved refuse collection hours.

57. A number of objections from neighbours and the local community have been received with respect to the proposed delivery hours, citing noise and disturbance on Sunday or a Bank Holiday as a concern.

58. The applicants have confirmed that the scale of deliveries would be modest, i.e. small vans delivering fresh bread, fish and meat. However exact details of the delivery types and frequency are unknown at this time and will become clearer as the applicants finalise operational arrangements for the hotel.

59. The proposed extended delivery hours have been considered by the Council's Public Protection Service (PPS) and it is recommended that a Delivery Management Plan (DMP) is submitted by the applicants for consideration. This DMP will set out measures to mitigate noise disturbance and must include details of the number of deliveries that will be required on a Sunday or a Bank Holiday, the nature of the deliveries, the size / type of delivery vans to be used, and how noise will be minimised, for example by restricting the use of vehicle reversing alarms and measures to prevent noise from delivery cages.

60. Furthermore the PPS has recommended that deliveries on Sundays and Bank Holidays are restricted to 1000 to 1600 only, and the applicants have confirmed that this will be acceptable and workable for the hotel operation.

61. It is therefore recommended that the amendment to Condition 35 of the extant consent is limited to additional Sunday and Bank Holiday delivery hours of 1000 to 1600, and that an additional condition is added requiring the submission of a satisfactory a DMP prior to commencement of works.

62. It is considered that the inclusion of these extra measures will ensure that the amenity of neighbouring occupiers is protected, in accordance with Core Strategy Policy CS22 and JLP Policy DEVI.

63. The second amenity matter is the addition of staff parking to the area previously reserved for service yard deliveries. This proposed change would be achieved through the relocation of a freestanding building from the service yard to the internal basement, thus freeing up space and allowing 8 staff parking spaces to be accommodated.

64. The service yard and proposed staff parking is accessed from a vehicular entrance at the corner of Prospect Place and Walker Terrace. While this area is approved for hotel servicing it is appreciated that this application proposes some additional vehicular movement associated with staff parking, and this may be of concern to neighbouring occupiers. However the staff parking spaces proposed are minimal constituting 8 spaces located behind the sites western boundary wall, and it is considered that this is unlikely to cause adverse impact upon the amenity of neighbouring occupiers, and thus the expectations of Policy CS22 of the Core Strategy and DEVI of the JLP are met. The implications of this amendment from a transport and highways aspect are discussed later in this report.

Transport and highways

65. The key change from a transport and highways perspective is the inclusion of 8 car parking spaces for employees within the area consented for hotel service yard. Condition 36 of the consented scheme requires that this area is only used for loading and unloading of vehicles.

66. The applicants seek to vary Condition 36 to enable part of the service yard to be used for car parking. This would be feasible as the formerly approved outbuilding facilities within this area are now proposed as internalised. As such there is sufficient area for proposed staff car parking spaces alongside servicing to take place.

67. The proposed amendments have been considered by the Council's Transport Officer. The provision of 8 staff parking spaces is considered acceptable for an expected employment number of 75, as this is a relatively low level of staff parking, to be used by employees essential to ensuring a 24 hour operation. The majority of staff will travel to work on foot, cycle or public transport, which is encouraged through a Green Travel Plan. The Transport officer raises no objection to the staff parking proposed.

68. The current application does not propose any additional vehicular access points beyond those approved to Leigham Street and Prospect Place under the extant consent. With respect to the approved access points there are concerns with regard to the proposed hazard to slow down vehicles entering the site from Leigham Street, this hazard was shown on previously submitted plans and remains on the current plans, however the design of this access point will be further discussed with the applicants and a condition requires further details to be submitted for consideration.

69. The Transport Officer raises no objection to the application subject to conditions ensuring the reinstatement of the footway where the existing footway crossing is removed, the submission of details of both road junctions (to Leigham Street and Prospect Place), and that the approved car parking is constructed prior to occupation. Subject to the satisfactory submission of these details it is considered that the proposals are acceptable from a transport and highways position, being compliant with Policies CS28 and CS34 of the Core Strategy and DEV31 of the JLP.

70. Furthermore the junction detail condition will ensure that neighbours' concerns that there may be an infringement to the access lane adjacent to Walker Terrace are addressed. Two other highways related matters from representations are a concern, that increased yellow lines to the junction of Prospect Place and Walker Terrace may be proposed, it is confirmed that this is not the case and that any such proposal would need to be undertaken through a Traffic Regulation Order, and not a planning application. The matter of the potential for the 20mph zone nearby to be extended to include Citadel Road is a wider matter and cannot be considered as part of this application; however our transport officers can monitor this matter.

Other matters

71. For completeness the following matters raised by objectors are addressed:

72. Comments have been received there are too many unoccupied apartments in Plymouth, in response officers advise that the applicants have put forward a range of units sizes which meet local need and appeal to the market, and the provision is considered acceptable to officers.

73. There has been some comment that the site should come forward for a hotel development only, and not include apartments, and in response officers advise that the apartment element of the proposals is needed to ensure that the scheme is viable and that hotel will come forward.

74. Representations have been received that the reduced size of the swimming pool is not suited to a five star hotel. The applicants have advised that the new pool size is more suited to a boutique style hotel, and is acceptable in planning terms.

75. Finally the proposed gate to the southwest of the site was considered unnecessary by some and dangerous due to lack of natural surveillance, this access has now been removed from the proposals.

9. Human Rights

76. 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

77. The proposed development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to the fact that it is located within the area in which residential uses are charged at £0 per square metre. Hotel uses are also charged at £0 per square metre. An informative is attached to this effect.

11. Planning Obligations

78. 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.

79. Details of the Planning Obligations secured under the earlier planning consent are set out under the report and addendum report for 17/00952/FUL and these obligations are unchanged as a result of this current application.

12. Equalities and Diversities

80. New routes around the site are proposed. Although out of necessity given the topography of this area, some of these feature steps, however the new route from Prospect Place to Leigham Street will be step-free and the hotel will be fully accessible from the Hoe via the site frontage without steps. All apartments are also fully accessible via lifts.

13. Conclusions and Reasons for Decision

81. In drawing a conclusion on the application the consideration needs to (as set out in section 7. Relevant Policy Framework) take into account Section 70 of the 1990 Town and Country Planning Act which requires that regard be had to the development plan, any local finance and any other material considerations as well as Section 38(6) of the 2004 Planning and Compensation Act which requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. The requirements of para 12 of the NPPF are also relevant which states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.'

82. The Development plan in relation to the determination of this application and its key considerations currently comprises of the Local Development Framework Core Strategy (Adopted April 2007). The Submitted Plymouth and South West Devon Joint Local Plan (the JLP) will replace

the Core Strategy as the statutory development plan for Plymouth once it is formally adopted. Consideration therefore should look firstly to the Core Strategy as the Development Plan but also to the JLP as a material consideration. When considering the weight afforded to the JLP this must be considered in the context of the guidance in Annex I of the NPPF. Taking in to account the advanced stage of preparation of the JLP and that it is considered to be in full consistency with the NPPF this is considered to have a significant degree of weight.

83. The application proposes a series of minor material amendments to a consented scheme. The details of these amendments are set out in the Proposal Description and Analysis sections of this report.

84. As per the Proposal Description this application proposes amendments to Conditions 1 (plans), 10 (materials), 11 (material samples), 35 (deliveries and refuse collection) and 36 (use of loading bays) of the approved development.

85. Furthermore Condition 2 is amended to reflect that this is a Section 73 application and to clarify that commencement of development must occur within 2 years of 15th September 2017 (the date of the original consent).

86. Previous Condition 3 regarding the phasing of delivery has been renumbered Condition 37. New Condition 3 requires the submission and approval of a Delivery Management Plan

87. Condition 29 has been amended to reflect that there are less access points to the Publicly Accessible Areas.

88. Condition 38 is a new condition and requires a maintenance regime for the proposed cladding.

89. As detailed within the Analysis section of this report it is considered that the proposed amendments to the external design of the buildings are on balance acceptable and will not detract from the overall appearance of the scheme, or surrounding views, and will not harm the nearby designated heritage assets. However at the time of report writing the final appearance of the scheme has not been fully resolved as officers await the submission of details and a sample of the proposed balcony balustrade material to be used on the southern elevation of the apartment building. This material will be considered alongside the proposed cladding material before a final view can be reached. This process is required to ensure that officers are able to support the proposals from a design and heritage position.

90. The proposed amendments to the public realm, and hotel servicing hour's changes and the proposed staff parking are considered acceptable, subject to the various conditions attached to this report.

14. Recommendation

In respect of the application dated **14.02.2018** it is recommended to Grant conditionally subject to agreement of product specification of apartment building balconies balustrades and subject to completion of a Section 106 agreement

15. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Apartments Balcony Detailed Section and Elevation 2172_AA(21)20 - received 14/02/18

Hotel Curtain Wall Typical Detail 2172_AA(25)33 - received 14/02/18

Apartments Level -1 Proposed Plan 2172_AG(04)01 Rev D received 14/02/18

Apartments Proposed Plan Level 00 2172_AG(04)02 Rev F received 14/02/18

Apartments Proposed Plan Level 01 2172_AG(04)03 Rev E received 14/02/18

Apartments Proposed Plan Level 02 2172_AG(04)04 Rev E received 14/02/18

Apartments Proposed Plan Level 03 2172_AG(04)05 Rev E received 14/02/18

Apartments Proposed Plan Level 04 2172_AG(04)06 Rev E received 14/02/18

Apartments Proposed Plan Level 05 2172_AG(04)07 Rev E received 14/02/18

Apartments Proposed Plan Level 06 2172_AG(04)08 Rev E received 14/02/18

Apartments Proposed Plan Level 07 2172_AG(04)09 Rev E received 14/02/18

Apartments Proposed Plan Level 08 2172_AG(04)10 Rev E received 14/02/18

Apartments Proposed Plan Level 09 2172_AG(04)11 Rev E received 14/02/18

Apartments Proposed Plan Level 10 2172_AG(04)12 Rev E received 14/02/18

Apartments Proposed Plan Level 11 2172_AG(04)13 Rev D received 14/02/18

Apartments Proposed Plan Level 12 2172_AG(04)14 Rev D received 14/02/18

Apartments Proposed Plan Level 13 2172_AG(04)15 Rev E received 14/02/18

Apartments Proposed Plan Level 14 2172_AG(04)16 Rev E received 14/02/18

Apartments Roof Level Plan 2172_AG(04)17 Rev E received 14/02/18

Hotel Proposed Basement Plan 2172_AG(04)20 Rev G received 14/02/18

Hotel Proposed Ground Floor Plan 2172_AG(04)21 Rev H received 14/02/18

Hotel Proposed Plan Level 01 2172_AG(04)22 Rev G received 14/02/18

Hotel Proposed Plan Level 02 2172_AG(04)23 Rev E received 14/02/18

Hotel Proposed Plan Level 03 2172_AG(04)24 Rev E received 14/02/18

Hotel Proposed Plan Level 04 2172_AG(04)25 Rev E received 14/02/18

Hotel Proposed Plan Level 05 2172_AG(04)26 Rev E received 14/02/18

Hotel Proposed Plan Level 06 2172_AG(04)27 Rev E received 14/02/18

Hotel Proposed Plan Level 07 2172_AG(04)28 Rev E received 14/02/18

Hotel Proposed Plan Level 08 2172_AG(04)29 Rev E received 14/02/18
Hotel Proposed Plan Level 09 2172_AG(04)30 Rev E received 14/02/18
Hotel Proposed Plan Level 10 2172_AG(04)31 Rev E received 14/02/18
Hotel Proposed Roof Plan 2172_AG(04)32 Rev E received 14/02/18
Context Elevation - South 2172_AP(05)01 Rev G received 14/02/18
Context Elevation - North 2172_AP(05)02 Rev G received 14/02/18
Context Elevation - East 2172_AP(05)03 Rev G received 14/02/18
Context Elevation - North-West 2172_AP(05)05 Rev G received 14/02/18
Proposed North-South Sections - Apartments and Garden Terrace 2172_AP(06)02 Rev B received 14/02/18
Proposed North-South Site Sections - Apartments 2172_AP(06)03 Rev B received 14/02/18
Proposed West Footpath Section 2172_AP(06)05 Rev B received 14/02/18
Proposed East Sidewalk Sections 2172_AP(06)07 Rev A received 14/02/18
Proposed Service Yard Section 2172_AP(06)09 Rev A received 14/02/18
Proposed Longitudinal Section Along Leigham Street 2172_AP(06)10 Rev A received 14/02/18
Swept Path Analysis 63233-CUR-00-DR-TP-004 Rev 02 received 14/02/18
Ground Floor Site Proposed Plan 2172_AP(04)50 Rev I received 19/03/18
Context Elevation - West 2172_AP(05)04 Rev I received 19/03/18
Proposed North-South Site Sections - Hotel 2172_AP(06)01 Rev C received 19/03/18
Proposed Access Ramp Sections 2172_AP(06)08 Rev B received 19/03/18
Proposed Site Landscape Plan 2172_AP(09)01 Rev I received 19/03/18
Proposed North view 2172_AP(10)30 Rev E received 19/03/18
Proposed South View 2172_AP(10)31 Rev E received 19/03/18
Proposed North and South Elevation - Context 2172_AP(10)01 Rev D received 19/03/18

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.

2 CONDITION: COMMENCE WITHIN 2 YEARS OF ORIGINAL PERMISSION

The development hereby permitted shall be begun before the expiration of two years beginning from the date of the original permission (15th September 2017).

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004 and in accordance with Core Strategy Objective I0(8) (Delivering Adequate Housing Supply) and Policy SPT3 of the Plymouth and South West Devon Joint Local Plan.

3 CONDITION: DELIVERY MANAGEMENT PLAN

PRE-COMMENCEMENT

No development shall take place until a Delivery Management Plan (DMP) for the hotel has been submitted to and approved in writing by the Local Planning Authority.

The approved plan shall set out the measures to mitigate noise disturbance from hotel deliveries and must include details of the number of deliveries that will be required on a Sunday or a Bank Holiday, the nature of the deliveries, the size / type of delivery vans to be used, and how noise will be minimised, for example by restricting the use of vehicle reversing alarms and measures to prevent noise from delivery cages.

The agreed DMP shall be implemented in full during the operation of the development, unless a variation is agreed in writing by the Local Planning Authority, in advance.

Reason: To safeguard the amenity of neighbouring occupiers against noise impacts and to avoid conflict with Policies CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and DEVI of the Plymouth and South West Devon Joint Local Plan.

Justification: To ensure that measures can and will be put in place to ensure no adverse noise impact on neighbouring occupiers.

4 CONDITION: CONTAMINATED LAND

PRE-COMMENCEMENT

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - o adjoining land
 - o groundwaters and surface waters
 - o ecological systems
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2. Submission of Remediation Scheme

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

Section 3. Implementation of Approved Remediation Scheme

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

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

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the

requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 - 123 of the National Planning Policy Framework 2012.

Justification: To ensure that risks to health through contamination are properly considered and addressed before building works commence.

5 CONDITION: TREE PROTECTION MEASURES

PRE-COMMENCEMENT

In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, paragraphs 61,109 and 118 of the National Planning Policy Framework 2012 and Joint Local Plan Policy DEV30.

Justification: To ensure the trees are protected throughout the scheme.

6 CONDITION: ARBORICULTURAL METHOD STATEMENT

PRE-COMMENCEMENT

No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority in relation to the 6 existing trees to be retained on the northern boundary. The statement shall detail how the trees are to be protected during construction and in particular the installation of the footpath and resin bound surfacing. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012 and Joint Local Plan Policy DEV30.

Justification: To ensure the trees are protected throughout the scheme.

7 CONDITION: SURFACE WATER DRAINAGE

PRE-COMMENCEMENT

Further details of the following aspects of the surface water drainage system for the development hereby approved shall be submitted to and approved in writing prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority:

a/ A surface water exceedance flow plan, clearly identifying exceedance routes which take account of the requirements of any relevant landowners.

b/ Confirmation of the drainage infrastructure adoption and maintenance proposals.

c/ Relevant extracts of a detailed Construction Environment Management plan setting out how the surface water drainage system and wider water environment will be constructed during the construction (and any demolition) phase.

Construction stage details required by part c/ of this condition shall be implemented in accordance with that approval prior to the commencement of development. The surface water drainage strategy for the completed development shall be implemented in accordance with details set out in submitted drainage strategy (Curtins, ref B064404 dated 28/04/17, supplemented by Flood Exceedence Sketch dated 03/07/17) and in accordance with alternative or additional details agreed as a requirement of this condition prior to the first occupation of the development hereby approved (and thereafter maintained as such) unless an alternative timetable is first submitted to and agreed in writing by the Local Planning Authority.

Justification: To ensure the drainage provisions within the development are adequately provided for (including construction stage provisions) before development commences and does not cause undue problems to the wider drainage infrastructure.

8 CONDITION: EMPLOYMENT AND SKILLS PLAN

PRE-COMMENCEMENT

No part of the development hereby approved shall be commenced until an Employment and Skills Plan has been submitted to and approved in writing by the Local Planning Authority. The Employment and Skills Plan should demonstrate how local people and local businesses will benefit from the development in terms of job opportunities, apprenticeship placements, work experience opportunities, business supply chain opportunities and other employment and skills priorities. The Employment and Skills Plan should cover the groundworks phases as well as the construction phase of the development.

The development shall thereafter be carried out in accordance with the approved Employment and Skills Plan unless a variation to the strategy is agreed in writing in advance by the Local Planning Authority.

Reason:

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

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

9 CONDITION: DETAILED CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

PRE-COMMENCEMENT

Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the management plan shall be in accordance with the submitted "Environmental and Site Waste Management Plan (Rev2)" (dated 05/03/2017), and shall also comply with the requirements of the Council's Code of Practice for Construction and Demolition Sites (which can be viewed on the Council's webpages), including its guidance on hours of working. Any variance from these documents should be highlighted and justified in writing in the submitted management plan.

All construction works associated with the development shall be undertaken in accordance with the approved management plan or in accordance with any variation to it approved in writing by the Local Planning Authority.

Reason:

In the interests of the retention and protection of the marine environment, including the European Marine Site features, and to protect the residential and general amenity of the area from any harmfully polluting effects in accordance with policies CS19, CS34 and CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

Justification: To ensure that measures can and will be put in place to ensure no adverse effects from the construction phase of the development.

10 CONDITION: FURTHER DETAILS

PRIOR TO RELEVANT PART OF THE WORKS

The relevant part of the works hereby approved shall not take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority:

Apartments:

- a) typical sections through apts balconies and facade to show balustrade details (06), soffit, and window/door/curtain walling frames (13)
- b) dividers between balconies (12)
- c) sections to demonstrate roof edge (14) and louvres

- d) horizontal sections through rear elevation to demonstrate relationship between cladding (02), curtain wall glazing (13), windows (09) and spandrel panels
- e) vertical sections through rear elevation to demonstrate relationship between limestone plinth (04), projecting featuring cladding (01) and glazed top floor (13), including any spandrel panels
- f) entrances including doorsets glazed canopy (10), Leigham St entrance canopy, and other doorsets

Hotel:

- g) curtain walling/glazing to hotel ground and first floor (south elevation),
- h) curtain walling to main hotel south façade, including spandrel panels (13), and relationship to framing (01), ground and first floor curtain walling, recessed balconies and top floor glazing
- i) sections through pool/leisure suite south elevation to show relationship between glazing, limestone walling (04) and terrace balustrade (05)
- j) section through roofline
- k) horizontal sections through rear elevation to demonstrate relationship between cladding (02), curtain wall glazing (13), and windows (09)
- l) vertical sections through rear elevation to demonstrate relationship between limestone plinth (04), projecting featuring cladding (01) and glazed top floor (13), including any spandrel panels
- m) glazing overlooking Prospect Place footpath at basement & ground floor (including any windows which are to feature obscure glazing)
- n) entrances including doorsets and glass canopy (10) and other doorsets including servicing access
- o) Any plant or equipment which exceeds the height of the flat roof to the northern or eastern parts of the building

The works shall be completed in accordance with the approved details prior to occupation of the relevant buildings unless an alternative timetable is submitted to and agreed in writing in advance by the Local Planning Authority.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policies CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, PLY20-21 & DEV20-22 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 of the National Planning Policy Framework 2012.

11 CONDITION: MATERIALS SAMPLES

PRIOR TO RELEVANT PART OF THE WORKS

The relevant part of the works hereby approved shall not take place until samples of the following materials have been approved in writing by the Local Planning Authority. Sample panel(s) demonstrating proposed materials together shall be erected on site for inspection by the Local

Planning Authority, with an associated specification of materials submitted to the Local Planning Authority for approval.

All external building materials, including:

- a) Plymouth limestone (04), to include details of stone finish, jointing and mortar details)
- b) Plymouth limestone random rubble (16) to include details of stone finish, jointing and mortar details)
- c) Steel Cladding
- d) Curtain wall frames (13)
- e) Curtain wall glass
- f) Curtain wall opaque/spandrel panels (03)
- g) Balustrade glass to form waveform balconies (05)
- h) Apartment Balcony dividers (12)

All hard Landscaping materials, including:

- i) Block paving
- j) Granite paving
- k) Granite setts
- l) Tactile paving
- m) Kerb edgings between granite and macadam
- n) Grasscrete
- o) Resin bound gravel
- p) Natural stone for retaining and boundary walls in the frontage area (notwithstanding the details shown on submitted drawings)

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policies CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, PLY20-21 & DEV20-22 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 of the National Planning Policy Framework 2012.

12 CONDITION: LANDSCAPE DESIGN PROPOSALS

APPROVAL PRIOR TO RELEVANT WORKS; IMPLEMENTATION PRIOR TO OCCUPATION

The relevant part of the works hereby approved shall not be commenced until full details of the relevant hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried

out in accordance with that approval prior to the first occupation of the buildings, or in accordance with any alternative timetable agreed in writing in advance by the Local Planning Authority.

Further hard landscaping details, which shall be in accordance with the approved 'Proposed Site Landscape Plan' shall include:

- a) finished levels or contours;
- b) all means of enclosure, including railings to northern and western edges of car park
- c) any changes needed to existing boundary structures
- d) Retaining wall structures along new East-West pedestrian/cycle route car parking areas;
- e) all retaining walls and banks
- f) minor artefacts and structures
- g) Scheme signage
- h) Surfacing to new East-West pedestrian/cycle route, including junctions with existing footways and treatment in vicinity of retained trees
- i) Pedestrian and vehicular gates, including gates to servicing access

Details of soft landscaping works shall include:

- j) 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),
- k) 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].
- l) Tree pits (each tree will require no less than 15cu m of root zone)
- m) Sedum blanket roofs as set out in submitted Ecological Mitigation and Enhancement Strategy
- n) Biodiverse roofs as set out in submitted Ecological Mitigation and Enhancement Strategy
- o) any planting (or structures) to be provided to the western end of function suite terrace at hotel level 01, including an assessment of how these will prevent any unacceptable overlooking of adjacent residential properties

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.

13 CONDITION: ACOUSTIC STANDARDS FOR SUBSTATION

PRIOR TO INSTALLATION

New electricity substations at the site shall not be installed until full details of the acoustic properties of their enclosures, including confirmation of the expected noise levels at the nearest noise sensitive properties have been submitted to and approved in writing by the Local Planning Authority. The substations shall be installed in accordance with approved details and be maintained as such thereafter.

Reason:

To protect existing adjacent and proposed future residents from unwanted noise, after occupation of the building to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

14 CONDITION: EXTRACT DESIGN FOR KITCHENS

PRIOR TO INSTALLATION

Prior to installation, the following additional information shall be submitted to and approved in writing by the Local Planning Authority to enable review of the design of the ventilation systems for the commercial kitchens:

- i) Schematic plans of the ventilation and ducting systems from point of extract through to dispersion point, including the proposed siting of mechanical plant within the systems
- ii) Technical information on the exhaust fans proposed
- iii) Technical information of the odour filtration and other odour abatement measures proposed for the kitchen extraction systems

The systems shall be installed in accordance with that approval and maintained as such thereafter.

Reason:

To protect the residential and general amenity of the area from noise 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.

15 CONDITION: EXTERNAL PLANT DETAILS

PRIOR TO INSTALLATION

Prior to installation, the following additional information shall be submitted to and approved in writing by the Local Planning Authority to enable review of the design and siting of external plant (including refrigeration and pool filtration plant):

- i) Details and siting of any and all external plant
- ii) Any noise abatement measures proposed for externally sited plant
- iii) Details of any vibration reduction measures proposed for both internally and externally sited plant

The plant shall be installed in accordance with that approval and maintained as such thereafter.

Reason:

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

16 CONDITION: DETAILS OF NEW JUNCTIONS

PRE-OCCUPATION

Details of the alterations to form the two junctions located in Leigham Street & Walker Terrace/Prospect Place between the proposed service road and the highway (including the footpath along the northern boundary) shall be submitted to and approved in writing by the Local Planning Authority; the buildings hereby shall not be occupied unless an alternative timetable is agreed in writing by the Local Planning Authority until those junctions have been constructed in accordance with the approved details.

Reason:

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

17 CONDITION: CAR PARKING PROVISION

PRE-OCCUPATION

The buildings shall not be occupied or brought into beneficial use until the car parking area shown on the approved plans has been drained, surfaced, and laid out in accordance with the approved details, and that area shall not thereafter be used for any purpose other than the parking of vehicles (except in the event that planning permission for its use for alternative purposes is granted).

Reason:

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

18 CONDITION: TRAVEL PLAN

PRE-OCCUPATION

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

19 CONDITION: CLOSURE OF EXISTING ACCESS

PRE-OCCUPATION

The buildings shall not be occupied or brought into beneficial use until the existing access to the site in Leigham Street has been permanently closed in accordance with details previously agreed in writing with the Local Planning Authority.

Reason:

In the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

20 CONDITION: TRAFFIC REGULATION ORDER

PRE-OCCUPATION

Prior to any occupation of the development hereby permitted the developer shall fund and begin the process to amend the Traffic Regulation Order (TRO) to take account of the proposed new vehicle entrance/exit in Leigham Street and the associated relocation within the street of the car parking bays and restrictions. The details of which shall be prior agreed between the developer and the Council Highway Authority. The actual associated costs of which shall be borne by the applicant.

Reason:

To preserve the function and safety of the Local highway Network and convenience to the public in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

21 CONDITION: CYCLE PARKING PROVISION

PRE-OCCUPATION

The relevant dwelling or building shall not be occupied unless otherwise agreed in writing by the Local Planning Authority until space has been laid out within the site in accordance with further details to be submitted to and approved in writing by the Local Planning Authority for bicycles to be securely parked. The details shall include:

- * no less than 44 secure and undercover cycle parking spaces for the apartments
- * no less than 7 secure and undercover for hotel staff
- * visitor provision as shown on the approved proposed site landscaping plan

The details once approved shall remain available for their intended purpose in accordance with that approval and shall not be used for any other purpose without the prior written 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.

22 CONDITION: LOADING AND UNLOADING PROVISION

PRE-OCCUPATION

The relevant dwelling or building shall not be occupied unless otherwise agreed in writing by the Local Planning Authority until adequate provision is 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 off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

23 CONDITION: REFUSE STORAGE

PRE-OCCUPATION

The bins stores shown on approved ground floor apartment, ground floor site layout, and hotel basement plans shall be provided prior to the beneficial occupation of the relevant building unless otherwise agreed in writing by the Local Planning Authority. The stores shall thereafter remain available for the storage of refuse and recycling only, and waste associated with the relevant use shall thereafter be stored only in the stores except on the day of collection.

Reason:

To ensure that adequate space is provided for the storage of waste associated with the development as required by policy CS26 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

24 CONDITION: EXTERNAL ARTIFICIAL LIGHTING

PRE-OCCUPATION

The buildings hereby approved shall not be occupied until a scheme of external artificial lighting has been provided at the site in accordance with details which are to be submitted to and approved in writing in advance by the Local Planning Authority. The details shall accord with the submitted external lighting design and scoping statement unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure an acceptable lighting design for the scheme which is sympathetic in design terms given the site's prominence and which also safeguards the amenity of adjacent occupier and the safety of users of the site and its immediate surroundings in accordance policies CS02, CS03, CS32 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, PLY20, 21 and 28, & DEV20-22 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 and 69 of the National Planning Policy Framework 2012.

25 CONDITION: LANDSCAPE MANAGEMENT PLAN

PRIOR TO OCCUPATION

A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all areas of the site, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development for its permitted use or in accordance with any alternative timetable agreed in writing in advance by the Local Planning Authority. The landscape management plan shall thereafter 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.

26 CONDITION: APARTMENT SOLAR ARRAY

PRE-OCCUPATION

Unless an alternative strategy to reduce Carbon Dioxide emissions from the proposed apartments to the satisfaction of the Local Planning Authority has first been submitted to and approved in writing by the Local Planning Authority, the apartments hereby approved shall not be occupied until a solar PV array of no less than 220 sq m has been installed and made fully operational in accordance with

details to be submitted to and approved in writing in advance by the Local Planning Authority. The submitted details shall be sufficient to enable a visual assessment of the proposed installation so shall include details of array layout and size, panel appearance (including colour, reflectivity, frames and surface conductors), and supporting frames/structures.

Reason:

To reduce Carbon Dioxide emissions from the development in a manner which is sympathetic to this prominent site as required by policies CS20, CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (adopted 2007), policies DEV20-22, and 34 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 and 94-96 of the National Planning Policy Framework 2012.

27 CONDITION: APARTMENTS FUTURE DISTRICT HEAT CONNECTIVITY

PRE-OCCUPATION

Measures set out in the submitted document titled 'Apartment block strategy to facilitate future connection to District Heating Network' (Couchperrywilkes dates 02 June) to facilitate connection of the apartment block to future District Heat networks shall be provided prior to the occupation of the apartments hereby approved unless an alternative strategy to enable connectivity to future District Heat networks to the satisfaction of the Local Planning Authority has first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To reduce Carbon Dioxide emissions from the development as required by policy CS20 of the Plymouth Local Development Framework Core Strategy (adopted 2007), policy DEV34 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 94-96 of the National Planning Policy Framework 2012.

28 CONDITION: HOTEL COMBINED HEAT AND POWER UNIT

PRE-OCCUPATION

The hotel hereby approved shall not be occupied until a Combined Heat and Power Unit has been commissioned at the site (including measures to enable future connection to district heat network) in accordance with details set out within the following documents submitted in support of the application:

* Submitted Energy Statement (Couchperrywilkes, ref 17150)

* Email from Couchperrywilkes to Jonathan Selman dated 02 June 2017 confirming that the central gas fired boiler / CHP plant will serve the Hotel domestic hot water demand (including gym,

restaurants, bars, bedrooms and function suites), heating demand of ventilation plant (serving all elements of the building), and heating demand associated with swimming pool plant

Reason:

To reduce Carbon Dioxide emissions from the development as required by policy CS20 of the Plymouth Local Development Framework Core Strategy (adopted 2007), policy DEV34 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 94-96 of the National Planning Policy Framework 2012.

29 CONDITION: PUBLICLY ACCESSIBLE AREAS

PRE-OCCUPATION DETAILS; ONGOING COMPLIANCE

The owner of the site shall permit public access to the following areas of the site following first beneficial occupation in accordance with a management and maintenance plan to be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the site:

- a) East-West street to be formed along the northern boundary providing access from Prospect Place to Leigham St
- b) Garden Terrace and surrounding footpath in the frontage area to the south of the proposed building, which is accessed from Cliff Rd/Leigham St to the east, and the car park (between the two buildings) from the north
- c) North-South route through the car park providing a link between a) and b)

The 'Night Gates' shown on approved plan that provide access from a) to c) can be closed and secured to restrict public access between the following hours: 22:00 through to 08:00 between March 28th and October 28th, and 20:00 through to 08:00 for the remainder of the year. The East-West street a) shall remain open 24 hours a day.

The management plan shall set out details for future maintenance and management of these publicly accessible parts of the site, which shall thereafter be managed in accordance with the approved management plan unless a variation is agreed in writing by the Local Planning Authority.

Reason:

To secure the community benefits of the scheme brought by providing public access as set out in policy PLY28 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and to allow the arrangements for management and maintenance of these public routes and publicly accessible parts of the site to be agreed to ensure that the safety, security and well being of users, as well as satisfactory environmental standards will be maintained in accordance with policies CS02, CS32 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, PLY20, 21 and 28, & DEV20-22 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 and 69 of the National Planning Policy Framework 2012.

30 CONDITION: BIODIVERSITY (EMES) MEASURES

PRE-OCCUPATION

Measures set out in the submitted Ecological Mitigation and Enhancement Strategy shall be implemented in accordance with that document - except where set out below - prior to first beneficial occupation of the buildings hereby permitted or in accordance with any alternative timetable agreed in writing in advance by the Local Planning Authority.

- a) Soft landscaping measures agreed through other conditions attached to this consent, which shall be delivered in accordance with that approval even if in conflict with the submitted EMES
- b) Revised proposals for bird nesting boxes (including swifts), which shall be provided in accordance with details which shall be submitted to and approved in writing in advance by the Local Planning Authority.

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.

31 CONDITION: ACOUSTIC STANDARDS FOR APARTMENTS DESIGN

PRE-OCCUPATION

The development should be built in such a way that it meets BS8233:2014 Good Room criteria, meaning there must be no more than 35 dB LAeq for living rooms and bedrooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB LAf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Reason:

To protect the residents from unwanted noise, after occupation of the building avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

32 CONDITION: ACOUSTIC STANDARDS FOR APARTMENTS - VERIFICATION

PRE-OCCUPATION

Prior to occupation of the apartment building hereby approved the applicant shall submit in writing for approval a noise verification report demonstrating compliance with the levels required in the 'ACOUSTIC STANDARDS FOR APARTMENTS - DESIGN' condition attached to this consent).

Reason:

To protect the residents from unwanted noise, after occupation of the building to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

33 CONDITION: ROOF PLANT AND EQUIPMENT

Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no plant or equipment shall be added to the roof of any of the buildings hereby permitted without the prior written consent of the Local Planning Authority (any application for which will be expected to demonstrate the visual impact of such equipment), except in the following circumstances:

- a) Solar PV array to the apartment block in accordance with details approved under the relevant condition attached to this consent
- b) Equipment sited within the plant well of the hotel roof which does not protrude above the height of the adjacent flat roofs to the north and east

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policies CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, PLY20-21 & DEV20-22 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 of the National Planning Policy Framework 2012.

34 CONDITION: NOISE FROM PLANT

The noise emanating from all plant associated with the Hotel (LAeqT) shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at any time as measured at the facade of the nearest residential property. All plant installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason:

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

35 CONDITION: DELIVERIES AND REFUSE COLLECTION

Goods deliveries to the hotel hereby approved, shall be carried out only between the hours of 0700AM and 2200PM Monday to Saturday, and 1000AM and 1600PM Sundays or Bank Holidays.

Refuse collections (as well as any outdoor handling of glass waste) to the hotel hereby approved, shall be carried out only between the hours of 0700AM and 2200PM Monday to Saturday.

Reason:

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

36 CONDITION: USE OF LOADING AREAS

The land indicated on the approved plans for the loading and unloading of vehicles and staff car parking shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience, and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

37 CONDITION: PHASING OF DELIVERY

GRAMPIAN CONDITION

No development of the residential part of the scheme (including groundworks) shall commence until the hotel part of the scheme has commenced (including groundworks). No more than 70, or an

alternative number submitted (with written justification) to and approved in writing by the Local Planning Authority, of the apartments shall be occupied until the hotel hereby approved is open and ready for occupancy.

Reason:

In order to ensure the delivery of the hotel in line with relevant policy aspirations set out in policies PLY20, 21 and 28 of the Approved Plymouth and South West Devon Joint Local Plan (and the evidence that underpins it), in order to realise the economic and wider public benefits of the scheme in accordance with the planning balance with particular reference to paragraph 134 of the National Planning Policy Framework 2012.

38 CONDITION: CLADDING MAINTENANCE

The proposed Europanel steel cladding, specified with a HPS200 Ultra coating in the Signature colour range with a 30 year guarantee, shall be maintained in a good, clean condition and appearance as long as the proposed buildings remain on the site and any problems with corrosion, discolouration, weathering or other defects will be rectified promptly.

Reason: To ensure that the appearance of the buildings remains satisfactory throughout their lifetime and that the buildings are in keeping with the standards of the vicinity in accordance with Policies CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, PLY20-21 & DEV20-22 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 of the National Planning Policy Framework 2012.

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: CODE OF PRACTICE

The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.

3 INFORMATIVE: BASEMENT KITCHEN EXTRACT SYSTEM

The current plans advise that the extraction system for the basement kitchen will terminate at roof height as part of the pollution dilution and dispersal model. This will require a long run of ducting and increased energy to vent the air to this height: this may have an adverse impact on noise and effectiveness of extract cleaning. Cleaning of the ducting should be undertaken in line with the HVCA guidance document TR/19. A scheme to vent kitchen air at or near ground level could be considered where an enhanced system of odour abatement is to be installed and maintained.

4 INFORMATIVE: PUBLIC HIGHWAY APPROVAL

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should contact Plymouth Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

5 INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

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

6 INFORMATIVE: COMMERCIAL VEHICLE CROSSING

The applicant should contact the Highway Authority to facilitate the works in the highway by way of a licence and fees in accordance with this authority's procedure for the construction of a Commercial Vehicle Crossing.

7 INFORMATIVE: EXTERNAL LIGHTING SCHEME

You are advised when designing a scheme for the above to discharge the relevant condition attached to this consent of the desirability of an innovative lighting scheme for the development as suggested by emerging Joint Local Plan Policy PLY28.

8 INFORMATIVE: MARINE GRADE MATERIALS

You are advised when specifying materials for the development prior to submitting these for approval to discharge the relevant condition attached to this consent to specify materials of an appropriate specification to withstand this exposed marine environment.

9 INFORMATIVE: CONDITIONAL APPROVAL NEGOTIATED

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