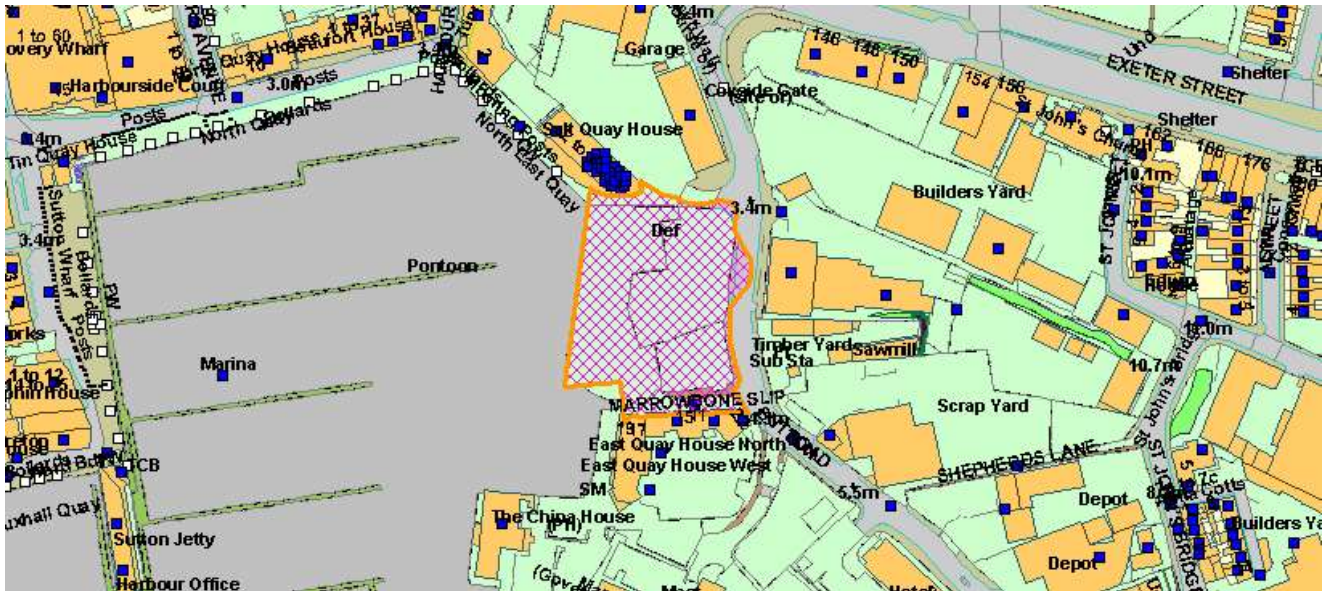


PLANNING APPLICATION OFFICERS REPORT



Application Number	18/01245/FUL	Item	01
Date Valid	20.07.2018	Ward	SUTTON AND MOUNT GOULD
Site Address	Land At Sugar Quay East Quay Sutton Harbour Plymouth		
Proposal	Erection of a 20 storey (plus basement) mixed use development comprising basement car parking, 170 residential apartments, ground floor and mezzanine commercial space (Class A1, A2, A3 & A4), a gym (Class D1) and co-working space (Class B1a) and associated landscaping, public realm & infrastructure works		
Applicant	Sutton Harbour Holdings PLC		
Application Type	Full Application		
Target Date	19.10.2018	Committee Date	08.11.2018
Extended Target Date	08.11.2018		
Decision Category	Member referral		
Case Officer	Mrs Janine Warne		
Recommendation	Conditionally approved, delegated to Service Director of Strategic Planning and Infrastructure to refuse if the S106 agreement is not signed by the target date or an otherwise agreed date through an extension of time		



This application is being presented before the Planning Committee as it is a Member Referral by Cllr Sue Dann and Cllr Mary Aspinall

1. Description of Site

The application site is approximately 0.55ha and is located on the East Quay of Sutton Harbour. The site fronts the Harbour, between Salt Quay House and Jewson’s builder’s merchant’s yard to the north and Marrow Bone Slip to the south, which provides public access to the water. The Eau 2 building (also known as East Quay House) lies beyond the slipway to the south. Sutton Road bounds the site to the east and there is pedestrian access along the quayside to the west. Part of the site is currently in temporary use as a car park; the rest is vacant and surrounded by hoardings.

2. Proposal Description

The proposal seeks full planning permission for a 21 storey landmark building comprising retail and restaurant units at ground floor level together with 170 residential apartments on the upper floors and basement car parking.

The proposed residential apartments are a mix of:

- 74 x 1 bed apartments
- 66 x 2 bed apartments
- 30 x 3 bed apartments (including 2 ‘duplex’)

2,947 sq. m of commercial space is proposed on the ground and upper-ground/mezzanine floors for use as shops (Class A1 – no more than 499 sq. m), or financial and professional services (Class A2), restaurants or cafes (Class A3) or drinking establishments (Class A4).

The roof of the commercial plinth provides both private amenity space for future residents and a seating area for the commercial units.

A gym (Class D1) is also proposed at ground and upper-ground/mezzanine level in the south-eastern corner of the building and a co-working space (Class B1a) is also proposed at upper ground/mezzanine level.

Parking provision for 106 cars is proposed at basement level, with access from the south of the building, off Marrowbone Slip. Additional parking for future residents of Sugar Quay is proposed through an extension to Harbour Car Park, located on Lockyer's Quay, to the south of the Sugar Quay site. The extension is subject to a separate planning application (ref: 18/01246/FUL) which is also being presented before the Planning Committee. This proposed car park extension provides two additional floors of parking providing 114 additional spaces, with 62 parking spaces dedicated to the residential development hereby proposed and an additional 36 spaces to be made available for residents of Sugar Quay on an optional basis via the issue of permits.

Cycle parking and refuse storage is proposed at ground floor level.

Amended plans and additional information has been submitted. In summary the primary changes relate to the top of the building, which has been revised with the 'wraparound' blue bank being refined to a simplified and more elegant point and some associated internal alterations to the residential unit and its terrace at the top of the building. In addition, the servicing arrangements for the building have been revised.

3. Pre-application Enquiry

Pre-application discussions took place (ref: 18/00686/MAJ), commencing in April 2018. In summary, early advice centred around the design of the proposed building – whilst the building is within the 'Tall Building Zone', justification for the tall, stepped, T-plan, landmark building (which is a radical departure from previously consented schemes and masterplans) was sought. High quality, more elegant design was encouraged and sail-like geometries were recommended and explored. Officers also recommended that the pre-application proposals should be presented before a Design Review Panel. However this was not something that the applicant wanted to pursue.

The opportunity to facilitate the Sutton Harbour Area Action Plan (AAP) concept of a new boulevard linking the site's quayside to St John's Church and Exeter Street was supported in principle. The proposed commercial uses and the level of active frontages in this part of the Harbour were welcomed, as well as flexibility in uses to optimize viability and occupation.

Meetings were held with key external consultees, including the Environment Agency to discuss flood protection measures. The environmental concerns were also discussed in great detail, in conjunction with our ecologists.

In terms of affordable housing, delivery Officers advised that this is one of the top priorities for the Authority, identifying the relevant policy criteria and seeking further information on how this would be addressed. Transport/parking requirements were reviewed by the Highways Authority. And as the scheme progressed, other material planning considerations were highlighted and discussed including the historic environment (pre-app discussions also took place directly with Historic England), sustainability, drainage, designing out crime, land contamination etc. The potential S106 contributions to mitigate the impact of the development were also identified.

Further to the above, earlier pre-application discussions took place, under ref: 15/01294/MAJ, between July 2015 and March 2018. These discussions focused on the potential introduction of student accommodation in this location; something the Local Planning Authority did not support in principle.

4. Relevant Planning History

18/00912/ERS103 - Request for Screening Opinion for proposed 21 storey building comprising circa 175 residential apartments and 5 commercial units (2,940 sq. m) with 120 underground car parking spaces - an Environmental Impact Assessment not required.

17/01573/FUL - Use of the site for temporary car park – APPROVED

15/01335/FUL - Continuation of use as a temporary car park for 24 months – APPROVED

14/01011/FUL - Continuation of use of boatyard land as temporary car park for 12 months - APPROVED.

12/00680/FUL - Use of boatyard land as temporary car park accommodating 49 vehicular spaces, 4 motorcycle spaces and associated access and circulation areas and works - variation of condition 2 of planning permission 09/00763/FUL to enable original permission to be extended for a further 2 years – APPROVED.

09/01882/FUL - Development of mixed use residential scheme comprising 62 residential apartments (C3 use) and 4 ground floor commercial/retail units (A1, A2, A3, A4, B1a and B1 (marine related employment use)), within a 5/10 storey building, with associated car parking, services and public realm works – APPROVED.

09/00763/FUL - Change of use of land from boatyard to temporary car park to accommodate 49 vehicular spaces, 4 motorcycle spaces and associated access and circulation areas and works (3 year consent) – APPROVED

08/02194/FUL - Erection of mixed use office scheme (including use classes A1, A2, A3, and B1) within a three/four storey building, with associated internal car parking and the erection of an external electricity substation building – APPROVED

07/02041/FUL - BBC telecommunications equipment, comprising of 2 satellite dishes, weather camera and off-air reception array – APPROVED

06/01368/FUL - Demolition of light industrial unit/office unit, redundant public house and erection of mixed use residential scheme (including use classes A1, A2, A3, B1a and B1 Marine related employment uses) comprising 101 residential flats within a ten/eleven storey building and three storey office building, with associated parking – APPROVED

06/00394/FUL - Demolition of light industrial/office unit and erection of mixed use residential scheme (including use classes A1, A2, A3, A4, B1, B2 and B8) comprising 107 residential flats within a ten storey building and four storey office building, with associated parking, waterfront piazza and retention, extension and refurbishment of public house – WITHDRAWN

5. Consultation Responses

Highway Authority – No in-principle highway objection raised, subject to recommended conditions seeking further details regarding road access for contractors, the submission of a Pedestrian Accessibility Audit (PAA), a car parking management strategy and a Travel Plan, and securing access/highway improvements car parking and cycle provision.

Detailed comments have been provided and are detailed in the analysis section below.

Environment Agency (EA) – In the initial consultation response, no in principle objections were raised. However the EA recommended that the application should not be determined until an appropriate contribution towards the future upgrade of defences for Sutton Harbour has been agreed. If this could not be secured, the EA would raise an objection on the grounds that the development is not safe over its lifetime.

In an updated consultation response (dated 4th September) the EA sought the sum of £250,000 towards works to upgrade flood defences at Sutton Harbour, which was subsequently agreed with the applicant. In a further response (dated 15th October) the EA confirmed that the proposal will be acceptable subject to the Section 106 agreement and the inclusion of conditions to cover the mitigation measures set out in the Flood Risk Assessment (FRA), contaminated land and the final Construction Environment Management Plan (CEMP).

Public Protection Service – No objections, subject to recommended conditions relating to land contamination, code of practice during construction, management of the proposed gym use, the reduction of sound transmission and vibration from the proposed gym, sound insulation measures for residential units, details and noise reduction measures of any ventilation systems, restrictions on opening hours for commercial uses, restrictions on hours of deliveries and refuse collection, and food refuse storage details.

Economic Development Department(ED) – is supportive of the proposal in respect of its potential to support existing city centre and waterfront businesses and its creation of additional business space, including co-working space.

From a Waterfront Masterplan delivery perspective, ED identified the need for S106 contributions to footway/cycleway links around and to and from Sutton Harbour (£238,000 requested) and the pressure on the Hoe/Hoe Foreshore (£235,000 requested). ED also identified the need for the submission of an Employment and Skill Plan, sought by a restrictive planning condition.

Urban Design Officer – Through detailed pre-application discussions, the scheme has evolved in design terms. The Local Planning Authority's Urban Design Officer supports the current scheme.

In response to the submission of amended drawings, an additional consultation response has been provided (dated 12/10/18) which confirms that our Urban Design Officer welcomes and supports the amendment to the blue triangular frame at the top of the building, which simplifies and strengthens the buildings intended sail-like silhouette.

Conditions are recommended seeking samples of all external building materials (which should be marine grade), further details regarding the lighting scheme and a design code for the schemes signage, as well as a condition ensuring that all shop fronts remain active and un-obscured, and the design and details of the agreed historic interpretation are submitted for approval.

Lead Local Flood Authority – No objections, subject to a recommended restrictive condition seeking the following additional information:

a) The proposed drainage system, including attenuation, should provide a 1% AEP standard of protection plus a 40% allowance for climate change. Calculations and modelling data should be produced in support of any drainage design showing that the defences and drainage system are designed to the required standard.

Clarification should be submitted that shows how the site is protected against off-site surface water runoff from Sutton Road.

b) Details of the outfall proposed for the surface water discharge should be submitted, including invert level, available capacity and existing catchment area.

c) Provision should be made within the development to incorporate suitable temporary flood protection to the 4.81 mAOD standard of protection required by the Local Flood Risk Management Plan should the need arise.

- d) The standing advice set out in the Environment Agency guidance for Sutton Harbour should be followed including signing up to the EA Floodline Warnings Direct service for all residents and commercial managers and the safe protection of emergency access routes. An Emergency Flood Plan should be submitted for review prior to occupation
- e) Details of how and when the system is to be managed and maintained, and any future adoption proposals should be submitted.
- f) Details should be provided that show how the water environment is to be protected from silt and pollution from the parking and access road areas. A construction environment management plan incorporating method statements should be submitted to demonstrate how the new drainage system and water environment is protected during the demolition and construction phase.

South West Water (SWW) – Identified the approximate location of a public water main in the vicinity and confirmed that no development shall be permitted within 3 metres of the water main and that the water main must be located within a public open space and ground cover should not be substantially altered.

SWW also confirmed that clean portable water service can be provided from the existing public water main for the proposal.

A planning condition is recommended to ensure that foul drainage from the development must be connected to the public foul or combined sewer.

SWW confirmed that the method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy. However, SWW noted that should this method be amended, SWW will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

Low Carbon Team – The proposed approach to use Combined Heat and Power (CHP) to achieve the carbon savings of 15% accords with the policy CS20. A restrictive condition is recommended to secure this and seek further details and a commitment to future-proof the scheme for connection to district energy.

Historic Environment Officer – Considers that, due to the excessive height of the proposed development, the visual impact of the building would be unduly dominant and harmful to the setting of the Barbican Conservation Area. Although bringing this site back into use will without doubt make a positive contribution to the local area, the scale of the proposals means that at present, this would also cause harm.

In terms of archaeology, no objections are raised subject to a recommended condition seeking an archaeological watching brief.

Natural Infrastructure Team (NIT) – In response to initial objections raised by the NIT, the applicant has submitted amended plans and revised information, including a reptile survey and an updated Ecological Mitigation and Enhancement Strategy (EMES). The revised EMES clearly defines the biodiversity mitigation measures to be delivered on-site. Whilst the proposed mitigation measures alone are not sufficient to achieve biodiversity net gain, Officers from the NIT have confirmed that it is acceptable, in this case, to consider these proposals alongside those proposed at Harbour Car Park (application 18/01246/FUL) as the proposals are intrinsically linked and this development cannot be delivered in isolation from the Harbour Car Park development (see recommended restrictive condition). Therefore, on this basis, NIT Officers are satisfied that the proposed on-site measures at Sugar Quay combined with the proposed mitigation at Harbour Car Park (application 18/01246/FUL) will deliver an overall

biodiversity net gain in accordance with the relevant policy criteria. On the basis of this, and additional mitigation to be secured by conditions (including the submission of a final Construction Environmental Management Plan, further details of all hard and soft landscaping, and the submission of a Landscape and Ecological Management Plan) no objections are raised.

In terms of Landscape Visual Impact, it is considered that the submitted Townscape and Visual Impact Appraisal (LTVIA) slightly undervalues the potential visual effects that the proposed development will have when viewed from the Cattewater and Sutton Harbour, the Sound and entrance to the Cattewater, and Mount Batten Point. It is considered that a slightly reduced built form would integrate better into its context. However, NIT Officers are satisfied that the impact will not be significantly adverse and therefore raise no objections in this regard.

The NIT also sought financial contributions to mitigate the impact on development on local green space (£91,014), children's play space (£44,613), playing pitches (154,977) and strategic green space (£203,001). These requested contributions have been considered as part of the viability of the scheme.

Natural England (NE) – confirms that this development falls within the 'zone of influence' for the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA, as set out in the (emerging) Local Plan. It is anticipated that new housing development in this area is 'likely to have a significant effect' upon the interest features of the SAC/SPA, when considered in combination, through increased recreational pressure. As such NE advise that mitigation will be required to avoid such an effect occurring and enable the Local Planning Authority to reach a conclusion of "no likely significant effect".

Historic England (HE) – The first consultation response (dated 2/8/19) highlighted a number of areas of potential concern to Historic England, particularly with regards to the setting of the Royal Citadel - if the proposed tall building was to appear above the citadel in short and medium-range views, HE believed this could compromise its fortress-like appearance, causing harm to its setting and thus significance.

Following discussions with HE and the submission of amended plans and additional information, which verifies the visual impacts on the Royal Citadel, an updated consultation response has been provided (dated 11/10/18) which confirms that a zone of theoretical visibility analysis has been produced in response to HE's concerns, plus a number of visualisations from selected viewpoints within Plymouth Sound. This information demonstrates that while the proposed building would rise above the Citadel in longer-range views, it would not be visible from any part of the area within 600 metres of the shoreline. Where the proposed building would rise above the Citadel in longer views from Plymouth Sound, it would be read against a backdrop of existing townscape. This being the case, HE agrees that any visual impact on the setting of the Royal Citadel is likely to be negligible.

HE has consistently recommended that the design of the proposed building should be independently reviewed by a Design Review Panel. Paragraph 129 of the NPPF advises that design review arrangements are particularly important for large-scale housing and mixed use developments, and that local authorities should have regard to the outcome from such processes.

In addition, HE expressed regret regarding the potential visual impact of the building on the setting of the Grade II listed Royal Bank of Scotland premises which terminates the view eastwards along Royal Parade (one of Plymouth's finest pieces of modernist architecture, with its elegantly-composed symmetrical silhouette, centrally punctuated by a clock tower). HE noted that the triangular termination of the proposed building will rise above the RBS premises,

detracting from the symmetry, proportion, and sculptural form of the RBS premises. However HE confirmed that the proposals will cause harm that is less than substantial to the setting of this building and concluded that, provided that the Local Authority is content that the proposals are of the highest quality design (HE recommend that this is independently verified) HE are content for this harm to be weighed against any wider public benefits offered by the proposals, in accordance with NPPF paragraph 196.

Housing Delivery Team (HDT) – supports this application to redevelop the Sugar Quay site. After prolonged negotiations throughout the pre-application and full planning stages, the HDT supports the affordable housing offer subject to agreeing the £3,150,000 commuted sum with triggers in a Section 106 agreement.

Health and Safety Executive – confirms that the site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

Marine Management Organisation (MMO) – a standard response has been issued confirming that any works within the Marine area will require a license from the MMO.

Police Architectural Liaison Officer – confirms that Devon and Cornwall Police are not opposed to the granting of planning permission for this application. The Police Architectural Liaison Officer confirms that he has been fully consulted at the pre-application stage and supports the application in its current design and layout. The development will be constructed in accordance with the principles of secured by design.

Emergency Planning – Infrastructure – as the proposed development is within a flood zone it is recommended that all infrastructure supporting the building is not situated at the lowest level. If this is unavoidable then all equipment should be suitably protected from flood water or raised above the predicted flood level based on current available data. No substances or hazardous materials should be kept on the lowest level that has the potential to cause a risk to emergency responders in a flood situation. This includes during the build period.

Flood Warning – all tenants should be actively encouraged to participate in the Environment Agency flood warning service.

Evacuation - A plan for evacuation should be developed by the building owner and include safe routes, and an evacuation assembly point outside of the flood risk area.

Devon Fire and Rescue – No response received.

Queens Harbour Master – No response received.

Cattewater Harbour Commissioner – No response received.

Public Health – No response received.

Waterfront Partnership – No response received.

Wales and West Utilities – State that gas pipes may be present in the area and advise that the developer must not build over any of Wales and West Utilities' plant or enclose their apparatus.

6. Representations

Sixteen letters of representation have been received, including twelve letters of objection and three neutral letters. The points raised have been summarised below under key theme headings below:

Support:

- * Support for high quality housing regeneration of the vacant site and improvements to the waterfront
- * There is potential for the development to provide a landmark building

Objections:

Principle

- * Building is too high for the area
- * There is not the demand for the housing proposed

Design

- * The design is 'confused', 'fussy' and 'cluttered' with a lack of symmetry.
- * The design is out of scale with the area.
- * The design is out of character with the general ambience of the harbour and in particular the historic character.
- * * Design has been compromised for the sake of profit.
- * There are too many apartments proposed

Neighbouring Amenity

- * Development will restrict light. Building will block out light from the East and should be lowered in height.
- * Increase in noise reverberation
- * Object to the height of commercial units on Marrowbone slip and proximity to East Quay House – could lead to potential noise pollution and lack of privacy/overlooking, exasperated by roof viewing/dining area
- * Noise and pollution from associated traffic, including that servicing the commercial uses and the entrance to the car park.
- * It is increasingly apparent that the proximity of entertainment areas and residential accommodation is incompatible. Licensing regulations now apparently allow 2am music and alcohol licences with little restriction, causing major disturbance to residents.
- * Shadows and wind tunnels will occur.
- * Harmful impact during construction phase.

Commercial Units

- * Previous commercial units have been unviable and many remain unused.
- * Other retail operations around the harbour have had little success. From Lockers Quay to Vauxhall Quay there are 12 premises which are, or have been, the sites of retail outlets. Of these only 4 businesses have been operating with what seems to be some measure of success for more than 6 months. In the last six years there have been 16 occasions when the proprietors have moved out. 4 sites are currently empty. 1 has been turned into an office. These figures show just how small the demand is on the east and north sides of Sutton Harbour for retail facilities.
- * Currently 5 empty restaurants.
- * When the bridge reopens footfall around the Harbour will reduce having an impact on commercial units here.
- * The new Bretonside Coach Park development (within half a kilometre) will offer competing commercial units, with 420 car parking spaces and excellent proximity to public transport. In addition, the Barbican Leisure Park (also within half a kilometre) already offers a variety of eating

experiences with a large free car park. With little or no customer parking and poor public transport connections, how will the proposed commercial units compete?

* Empty commercial units will not contribute to the City's aspirations to create a vibrant 'Ocean City'. Empty, deteriorating, littered, sad looking premises, are hardly the "vibrant" image that Sutton Harbour Holdings continually alludes to in its description of the development.

* The City has more than enough under-used gyms.

Highway/Parking

* Concerned about increase in traffic, during and after construction, which will harm amenity.

* The traffic flow in the area is extensively overcrowded and access is restricted which has a detrimental impact on existing residents. This major development would further exacerbate existing poor road access from the east to the city centre.

* Insufficient parking provision.

* Where will workers and customers of the commercial units park?

* The number of apartments has to be matched by the provision of parking spaces.

* East Quay House had a parking ratio of 1:1.3. This should be the bare minimum for this proposal, as retail customers are likely to need more parking spaces than office workers. Therefore 170 apartments creates a minimum need for 221 parking spaces; but only 107 of these will be available on the site, and this at the cost of building over an existing car park for 27 cars. Therefore in net terms, only 80 additional spaces will be created on this site.

* The proposed extension to Harbour Car Park will provide 139 extra spaces. Looking at overall provision against need, the net position is negative, to the tune of 16 parking spaces resulting in extra pressure on local parking.

* The adequacy of the Harbour Car Park as an overflow solution is highly questionable - arranging for allocated spaces in a public car park, quite some distance away, is certainly unacceptable.

* There is likely to be a disproportionate number of elderly residents. The necessary walk gives rise to security concerns. This would not be practical/desirable with shopping on a wet day.

* Unit numbers should be limited to the number of on-site parking spaces, based on a minimum 1:1.3 ratio.

* Request that during and after construction, access to Marrowbone Slip should be constantly available to those that have garages alongside this 'lane' and that no access problems will occur.

* If approved, parking restrictions should be implemented along Marrowbone Slip to stop visitors parking and restricting access.

* East Quay House has no protection for the overhanging section along Marrowbone Slip. The building has been struck at least twice by high sided vehicles and the risk of this happening again will increase considerably should the development go ahead.

* The commercial units on Marrowbone Slip will need servicing and this would mean increased traffic which would increase noise and pollution. In addition pedestrians safety would be put at risk.

* Understand why the number of car parking spaces is kept low, on an environmental basis, but this could only work if the public transport infrastructure was considerably improved.

* Assuming recharging provision will be made for electric powered vehicles.

* The proposed gym will contribute to traffic flow blockages in the immediate area.

* Is this a 'back way' of building student flats that do not have parking facilities? Plymouth is already saturated with students.

Affordable Housing/S106

* No apparent details on affordable housing which all housing applications are now supposed to have.

* The proposed flats would be 'high end' homes, would command expensive selling prices. The City needs affordable flats to enable younger people to get onto the property ladder, and medium priced flats for retirees wanting to downsize.

- * There would appear to be no benefit to the local area for this application only to the land owner/company. The application should not go ahead until a number of improvements to the infrastructure of the area and should be included.
- * The local infrastructure is already seriously overloaded. Plymouth has been identified in a recent medical journal as having the worst GP facilities in the country, and this ward is so badly served that normal GP/patient relationships are already impossible. Indeed, some new residents are already finding it impossible to register with any practice. This issue should be addressed before more patients move to the harbour. This major development would be unsustainable.

Flood Risk

- * The proposed car park will be below sea level. Sutton Road already suffers flood whenever there is heavy rain.

Other Matters

- * Concerns raised regarding the pre-application process, with reference to the "collaborative and positive approach" and "a commitment to a timescale" and conclusions on "the overall scale and design of the development" as stated in the submitted Planning Statement. If these statements are true, such a degree of involvement and commitment, even before the consultative process had properly begun, let alone finished, seems premature and inappropriate before seeking public opinion. This creates concern about the ability of the council and its officers to act objectively in responding to this planning application.
- * This application needs serious in depth consultation for all those living within a 2 mile radius of the said site.
- * Query relating to the anticipated effect that the proposed building would have on the winds which blow across Sutton Harbour. Unexpected gusts of wind can have a significant effect on vessels when manoeuvring to and from their berths. Strong gusts of wind may be accelerated through the gaps between the proposed building and those adjoining it and gusts may be caused by the downslope of the proposed building where it faces the harbour. These wind effects should be modelled and reported upon – this serious shortfall in the application should be addressed before the project is considered further.
- * Concerns regarding the effect of shading across the harbour caused by the proposed building. The plans showing the likely shading included with the application are of interest, but they do not show any effect prior to 0900 each day. The effects of shading are likely to be at their greatest early in the morning. A shading diagram for, say, 0730 during the spring, summer and autumn would give a much more accurate indication of the considerable effect which the proposed development will, have upon those who choose to keep their boats in the Marina.
- * An underground car park is surely going to encounter major construction problems and is it really viable?
- * The submitted plans are inaccurate – ref: 18_01245_FUL_GROUND_FLOOR_GA_PLAN-482389 shows that Marrowbone Slip is far wider than it actually is – it is 6.4m (wider than the combined width of 4 garages). The 4 existing garages of East Quay House are also inaccurately drawn in relation to the planned construction – the total width of the 4 garages is 10.9m. It also depicts that the car park access is virtually the same width as Marrowbone Slip. Why are these plans not drawn to scale and why are no dimensions shown? Is this a deliberate attempt to manipulate the approval of these plans or architectural incompetence? All other dimensions should be scrutinized.
- * To enter the garages on Marrowbone Slip takes at least 3 manoeuvres due to the narrowness of this lane.
- * Consideration should be given to any pedestrians who pass through Marrowbone Slip. Speed restrictions should be imposed and parking prohibited.
- * Fire risk – restaurants on the lower floors of residential blocks substantially increase the fire risk to residents.

Following the submission of amended plans and additional information a second public consultation took place (for 14 days). One additional letter of representation was received which expressed support, in principle, for the development of the site and the overall design of the proposed development. However, objections to the height and dominance within the Harbour were expressed. It was also noted that by building luxury apartments would free up other properties in the city and will 'put second home owners in a small area together'. Concerns about the lack of parking were also expressed – should be one per flat and noted that parking at the Harbour Car Park is not practical.

Upon receipt of further amended and additional information, a third public consultation took place (for 7 days). No further letters of representation have been received. However, this consultation period was still underway at the time of writing this report and therefore any additional letters of representation received will be reported by addendum.

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) and the Sutton Harbour Area Action Plan (AAP).

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 been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. The Council have received a Post Hearing Advice Note from the Planning Inspectors which has set out a number of modifications the Inspectors considered would make the JLP sound. The Council have prepared a schedule setting out the proposed Main Modifications and these are available for consultation until 3rd December 2018. 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.

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:

- Planning Obligations and Affordable Housing SPD.
- Sustainable Design SPD

- Development Guidelines SPD

5 Year Housing Land Supply

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

Paragraph 73 of the NPPF stipulates that "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old"

Paragraph 11 of the NPPF states that "plans and decisions should apply a presumption in favour of sustainable development" including applications involving the provision of housing. It also states (paragraph 11(d): "Where there are no relevant development plan policies, or policies which are most important for determining the planning application are out-of-date [the planning authority should] granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

For the reasons set out in the Authority's Annual Monitoring Report, when measured against the housing requirement in the adopted development plan (the Core Strategy), Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2017-22 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

It should be noted, however, that the Local Planning Authority is at an advanced stage in the preparation of the Plymouth and South West Devon Joint Local Plan. The pre-submission version of the JLP has been formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council and has since been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations.

Nonetheless, the council's current position on this matter is that the pre submission draft JLP sets out that a five year supply of deliverable housing sites can be demonstrated for the whole plan area, for the Plymouth Policy Area and for the Thriving Towns and Villages Policy Area, when measured against the new housing requirements set out in the JLP. Guidance on the amount of weight to be applied to the JLP is contained elsewhere in this report. It should, however, be considered that since the five year land supply elements of the JLP are likely to attract significant representation which are to be considered at the Examination into the JLP, only limited weight should be given to the emerging five year land supply position.

As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as set out in the adopted Core Strategy, the city's housing supply policy should not be considered up-to-date. Paragraph 11 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications.

Due to the need to accelerate housing delivery a two year consent rather than a three year consent has been secured by a recommended condition. This is in accordance with Strategic

Objective 10(8) (Delivering Adequate Housing Supply) and paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy SPT3 of the Plymouth and South West Devon Joint Local Plan.

8. Analysis

I. Introduction

I.1 This application has been considered in the context of the development plan, the submitted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.

I.2 The Core Strategy was adopted in April 2007 and sets out the spatial planning framework for development in the city from 2006-2021,

I.3 Core Strategy Area Vision 5 sets out the aims for Sutton Harbour, with the headline aspiration 'to consolidate and develop the Sutton Harbour area as an attractive and sustainable mixed-use city quarter creating a unique, high quality environment that will attract investment and new residents'. The accompanying Vision Diagram highlights that the part of Sutton Harbour in which the application site lies is part of an area with 'major opportunities for mixed use regeneration'.

I.4 This report has due regard to the following policies within the Local Development Framework Core Strategy:

- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS03 - Historic Environment
- CS04 - Future Employment Provision
- Strategic Objective 5 - Delivering Regeneration
- CS05 - Development of Existing Sites
- CS07 - Plymouth Retail Hierarchy
- CS12 - Cultural / Leisure Development Considerations
- CS13 - Evening/Night-time Economy Uses
- CS15 - Overall Housing Provision
- CS16 - Spatial Distribution of Housing Sites
- CS18 - Plymouth's Green Spaces
- CS19 - Wildlife
- CS20 - Resource Use
- CS21 - Flood Risk
- CS22 - Pollution
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration

I.5 With regard to the Sutton Harbour Area Action Plan, the main policy relating to this site is proposal SH07, which sets out the aspirations for sites east and west of Sutton Road to ensure the creation of an integrated, sustainable, new neighbourhood with a vibrant, publically accessible, destination waterfront with a mix of uses including:

* Residential uses above active ground floor uses (in the region of 720 units including at least 216 affordable housing units with at least 144 units built to Lifetime Homes Standard) with a variety of housing types and tenures.

* In the region of 25,700 sq. m of employment uses within the B1 use class order, marine related industries, workshops and live/work units

- * Cafes, restaurants and shops (in the region of 7,800 sq. m)
- * Leisure and tourism related uses.

1.6 The proposal goes on to set out the detailed requirements for what development proposal should make provision for within this area.

1.7 Whilst the Core Strategy remains the current adopted Development Plan, the Plymouth and South West Devon Joint Local Plan (JLP) is at an advanced stage. The JLP Examination Hearings have now closed and we are awaiting an Interim Report, which will set out the Main Modifications that need to be made to the Plan. Appropriate weight is therefore afforded to the relevant policies from the JLP, which are:

- PLY1 – Enhancing Plymouth’s strategic role
- PLY2 – Unlocking Plymouth’s regional growth potential
- PLY20 – Managing and enhancing Plymouth’s waterfront
- PLY21 – Supporting the visitor economy
- PLY25 – Sugar House, Sutton Harbour
- PLY37 – Strategic infrastructure measures for the City Centre and Waterfront Growth Area
- DEV1 – Protecting Health and Amenity
- DEV2 – Air, water, soil, noise and land
- DEV7 – Meeting local housing need in the Plymouth Policy Area
- DEV9 – Meeting local housing need in the Plan Area
- DEV10 – Delivering high quality housing
- DEV16 – Providing retail and town centre uses in appropriate locations
- DEV19 – Provisions for local employment and skills
- DEV20 – Place shaping and the quality of the built environment
- DEV21 – Conserving the historic environment
- DEV22 – Development affecting the historic environment
- DEV24 – Landscape Character
- DEV31 – Specific provisions relating to transport
- DEV37 – Managing flood risk and water quality impacts
- DELI – Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

1.8 In addition to the above, the principle relevant JLP Policy for the site is PLY25 (Sugar House, Sutton Harbour). The submitted version seeks the following:

- * The provision of a residential-led mixed use development, providing opportunities for offices and leisure use as part of a wider mix. Provision is made for in the order of 150 homes.
- * A development which respects the site’s heritage assets and context, as informed by a detailed heritage character assessment to be undertaken for the proposal.
- * High quality architecture that responds positively to the site’s heritage and Sutton Harbour’s historic character and distinctiveness.
- * Active ground floor frontages to enliven all public streets and spaces – including on the quayside and Sutton Road.
- * Public access to and along the site’s waterfront and a new pedestrian route linking from Sutton Road to the quayside – providing a framed view from the waterfront to St John’s Church.
- * High quality public realm including new quayside public open space and a proportionate contribution to the Sutton Harbour Heritage Trail, public art and heritage interpretation.
- * Opportunities for water access for leisure.
- * Innovative car parking solutions to reduce the visual impact of vehicles on the public realm.

1.9 As noted above, this policy has been subject to examination. As part of these proceedings, a Statement of Common Ground was signed with Sutton Harbour Holdings where both parties agreed to remove reference to 'providing opportunities for offices and leisure use as part of a wider mix' and to increase the suggested provision for homes by ten, to 'in the order of 160'.

1.10 Given that no other substantive objections were raised to this policy in third party representations and the Inspector has not raised any concerns in the Post Hearing Advice Note, your Officers consider that reasonable weight can be given to the amended policy.

1.11 The National Planning Policy Framework (July 2018) is an important material consideration in relation to this planning application.

1.12 As noted in the 'Planning History' section above (ref: 18/00912/ERS103), in the opinion of the Local Planning Authority an Environmental Impact Assessment is not required, as the proposed development would not be likely to have significant effects on the environment by virtue of its characteristics, location or the characteristic of the potential impacts.

1.13 In addition, it should be noted that the applicant and the developers have entered into a Planning Performance Agreement (PPA). This is a voluntary agreement that an applicant and local planning authority can use to agree timescales, actions and resources for handling particular applications. In this case, the PPA was used as a joint commitment by the applicant and your Officers relating to the process and timetable for determining this application and the Harbour Car Park (18/01246/FUL).

1.14 The main planning considerations are the principle of the proposed development, design considerations and the impact on the historic environment, transport issues, residential and neighbouring amenity, sustainability, flood risk/protection, impact on the natural environment and other environmental issues including noise and air quality. The consideration of these issues is explained in full below.

2. The principle of the proposed development

2.1 Emerging and adopted policy seeks the regeneration of this key gateway site, which has been stalled for a significant period. Whilst the site has benefitted from historic planning consents (see above), whereby the Council has supported the principle of mixed use development, the application explains that 'for various reasons, these schemes have not progressed and the site remains undeveloped'.

2.2 The prominent and important waterfront site has been used as a temporary car park which, despite being in operation since 2009, is not an appropriate long-term use for this prime waterfront location and comprises a significant under-utilisation of this key regeneration opportunity. Officers, and some third party representations, therefore welcome the principle of developing this site which will deliver much needed new homes within Plymouth, which is a priority for the Council.

2.3 Sutton Harbour Area Action Plan policy SH07 ('Sites east and west of Sutton Road') seeks, amongst other things, 'residential uses above active ground floor uses'. This is carried through to the emerging JLP policy PLY25, which states that the land at Sutton Road west is 'allocated for residential-led mixed use development...with active ground floor frontages to enliven all public streets and spaces including on the quayside'. The proposed uses accord with these policy aspirations and the development is in keeping with other mixed use developments along the Harbour. In principle, officers are satisfied with the proposed residential-led, mixed use proposals in this case.

2.4 The proposed scheme is for 170 dwellings over 7 to 19 floors ranging from 1 to 3 bedrooms. The number of units proposed is deemed to be 'in the order of 160' as set out in the emerging policy PLY25 (which is subject to the statement of common ground) and Officers welcome the fact that the scheme includes a mix of 1, 2 and 3-bedroom apartments (with 3 bed units more likely to be occupied by families and 1 and 2 bed units appealing to people of a range of ages and family circumstances).

2.5 Turning to the acceptability of the commercial part of the scheme, the level of active ground floor frontage proposed is very much welcomed by your Officers and supported by the Area Vision and adopted and emerging policy aim of creating a vibrant waterfront. It is hoped that the proposed commercial units will bring activity, surveillance and vibrancy to this part of the Harbour. An active frontage condition has been added to ensure that all commercial windows remain visually transparent to improve security and ensure that adjoining streets are overlooked.

2.6 It is positive that, as encouraged by officers, the floor to ceiling height of the active ground floor/mezzanine units has been increased to create double-height units. Mezzanine floors within these premises would create improved waterfront views for occupants and support the success of the units. In association, the principle of basement car parking is strongly welcomed as this has obviously freed up the ground floor plan for additional active ground floor frontage.

2.7 Concerns about the vacancy of other nearby commercial units have been raised within third party representations. The applicant is mindful of this, and has therefore sought consent for a variety of potential uses (A1 - shops, A2 - financial and professional services, A3 - restaurants and cafes or A4 - drinking establishments). Such flexibility should improve the chances of occupation. Furthermore, a restrictive condition is recommended to ensure that these units are completed ready for fit out by a future occupier within 12 months of the first occupation of any residential unit. It is hoped that this will help to facilitate early occupation. In addition, it is noted that future occupiers of the proposed residential accommodation are likely to support existing and new commercial operations on this side of the Harbour. On this basis, officers are satisfied that the proposed commercial units will help to deliver a greater level of activity in this part of the Harbour in accordance with the aspirations of the Sutton Harbour Area Action Plan to enliven the quayside with active ground floor uses.

2.8 In summary, in respect of the residential led, mixed use development proposed, officers raise no objection in principle. The proposal is consistent with the adopted Sutton Harbour Area Action Plan (AAP) Proposal SH07 and emerging Joint Local Plan (JLP) Policy PLY25. Crucially, the proposal will bring a longstanding vacant/derelict site in this prime gateway location back into use; such reuse in itself will bring significant benefits to the immediate environment.

3. Highways and Parking

3.1 Trip Generation

3.1.1 The primary generator of trips relating to this development will be the residential apartments as the majority of the remaining uses are either ancillary to the residential or would be likely to attract on-foot pass-by trips (this is likely to be the case with the ground floor commercial uses).

3.1.2 Based upon trip rates derived from the Trip Rate Information Computer System (TRICS) database, the 170 residential apartments proposed would generate in the region of 47 two-way trips during the am peak hour and 46 during the pm. The applicant's transport consultant has

applied these extra trips to existing signal controlled junctions on the local road network and carried out detailed traffic modelling to ascertain what impacts would arise as a result of these extra movements taking place through the junctions of Exeter Street/Sutton Road and Barbican Approach/Sutton Road/Commercial Road.

3.1.3 The results of the modelling show that whilst there will clearly be an impact at these junctions as a result of the extra development-related trips, they continue to operate well within their theoretical capacity. The greatest impact in terms of trips is at the Commercial Road/Sutton Road/Barbican Approach junction. Therefore the Highways Authority has sought a financial contribution of a maximum of £15k be secured from the development towards infrastructure and communication upgrades at this junction (this request has been considered as part of the viability of the scheme noted below).

3.2 Car Parking

3.2.1 At present the site is currently used as a temporary car park serving Foot Anstey located in the adjoining Salt Quay House development. Therefore whilst 108 car parking spaces are proposed within the development, 36 of these will be allocated to Foot Anstey leaving a remainder of 72 spaces serving the development.

3.2.2 It is the view of the Highway Authority that a car parking standard of 1 space per unit should be applied to this development and the applicant has sought to address this by providing 62 allocated spaces within the extended Harbour Car Park (subject to application 18/01246/FUL). A further 36 permit-controlled spaces will also be identified within Harbour Car Park which would provide allocated parking for all residents albeit they would have to pay for the privilege on an annual basis.

3.2.3 The applicant has confirmed that a rigorous car parking management strategy will be implemented relating to the control, allocation and management of all car parking. This would also include details relating to the issue/purchase of parking permits within the Harbour Car Park and your Officers therefore recommend that a condition be attached to any consent in this regard. It is recommended that this strategy should allow for the use of the Foot Anstey spaces by residents when not in use and out of office hours.

3.2.4 Finally in respect of car parking it is recommended that a minimum of 5 spaces within the basement car parking area are dedicated as electric vehicle charging bays in order to support the use of electric/hybrid vehicles.

3.3 Cycle Parking

3.3.1 A cycle storage area is proposed on the ground floor area which will accommodate 88 cycles. This facility will serve all of the various uses on the site including the commercial units. This number of spaces is considered to be acceptable and a condition is recommended accordingly.

3.4 Layout

3.4.1 In order to serve the ground floor commercial units, a loading/unloading bay is proposed to be constructed on Sutton Road. The Highways Authority has raised some concerns regarding the impact this will have on intervisibility for vehicles emerging from the Jewsons/North East Quay access when an HGV is parked in the bay whilst being loaded/unloaded. At the time of writing this report, revised details have been received and are being considered by the Highway Authority. This issue will be dealt with by addendum.

3.4.2 In addition the applicant will also be required to carry out a pedestrian accessibility audit relating to journeys being made to and from the site on-foot and identifying where additional dropped kerb crossing points may be required. A Grampian condition is recommended accordingly.

3.4.3 Further servicing for commercial units 4 and 5 is proposed to take place along Marrowbone Slip with vehicles turning around within the access to the basement car parking area so that they can access Sutton Road in a forward gear. Such an arrangement is considered acceptable by the Highways Authority.

3.5 Construction Traffic Management Plan (CTMP)

3.5.1 A condition is recommended relating to the need for a CTMP in order to manage the impacts of the construction phase of the works on the operation of the local road network.

3.6 Travel Plan

3.6.1 The applicant has provided details of a Framework Travel Plan for the site in order to encourage the use of sustainable modes of travel for journeys being made to and from Sugar Quay. A relevant condition is recommended in this regard.

3.7 Conclusion

3.7.1 To conclude, no objections are raised by the Highways Authority and, subject to recommended restrictive conditions, the development will accord with policies CS28 of the Core Strategy and DEV31 of the Joint Local Plan.

4. **Design**

4.1 Design – Introduction

4.1.1 The design of the proposal and its impact on the Sutton Harbour and City townscape is understandably one of the principal issues for consideration in this case given the height and prominence of the proposed building and its visual impact when viewed from nearby historic settings.

4.1.2 Issues of design and heritage are interrelated in this case given the visual prominence of the proposed development from the Barbican Conservation Area and other designated heritage assets. Historic England Guidance on the setting of heritage assets acknowledges that this is often the case: ‘Consideration of setting in urban areas, given the potential numbers and proximity of heritage assets, often overlaps with considerations both of townscape/urban design and of the character and appearance of conservation areas.’

4.1.3 Although ultimately this report will draw an overall conclusion on design and heritage matters, the issues are firstly considered separately in recognition of the different policy tests that apply to each.

4.2 Design - Site Layout Building Footprint

4.2.1 The previous consented schemes for this site responded to the AAP concept (carried forward by JLP Policy PLY25) of a new boulevard linking the site’s quayside to St John’s Church and Exeter Street – creating framed vistas to the church from the harbour and glimpses to the waterfront from Exeter Street, as well as improving pedestrian permeability through the wider

area. It is deemed positive by Officers that the new proposed scheme carries forward this concept.

4.2.2 The curved form of the podium is supported in Urban Design terms and offers advantages at the north of the site, in terms of optimising views and the entryway to the St John Church boulevard and at the south adjacent to Marrowbone Slip, where a more generous quayside space has been created than in the previous pre-application proposals. It is deemed positive that the scheme provides quayside seating and space for congregation.

4.3 Design - Height, Massing and Architectural Expression

4.3.1 The site is within the Tall Building Zone of Opportunity in the AAP, Core Strategy and Design SPD and the principle of optimising development on the site is supported by Officers.

4.3.2 The proposed building's massing is a radical departure from previously consented schemes and masterplans, which broadly proposed that this scheme would continue the ribbon of taller built form towards the harbour in response to the characteristic waterfront buildings of Sutton Harbour – wharf-fronting warehouses attached to merchant's houses inland. Existing development to the north and south of the site – including Salt Quay House and East Quay House – followed this strategy.

4.3.3 Previous consented proposals placed the tallest element of the scheme to mark the quayside corner of the boulevard, whereas the current proposal locates the tallest volume on the Sutton Road corner. The height of the tower volume, at over 21 storeys, is accented beyond that which was proposed for previous schemes.

4.3.4 The Mackay Vision suggested two landmark towers for Sutton Harbour east – not on this site, but adjacent at a new civic square on Lockyer's Quay, to mark the approach to Sutton Harbour and Coxside from eastern arterial road approaches. This concept was embedded in the adopted AAP and informed the consented (now lapsed) scheme for the Plymouth Fruit Sales site which proposed to provide one of the two "Mackay towers".

4.3.5 At the pre-application stage, Officers undertook extensive design discussions and negotiations with the architect to assess the appropriateness of the new three dimensional form of the development and in particular the proposed tower's location and height.

4.3.6 Officers requested that a mini-master planning / 3D modelling exercise be undertaken for the Sutton Harbour East area (covered by AAP Proposal SH07) to assess whether the scheme would;

- i. fit within a coherent future townscape framework,
- ii. be justified in terms of the proposed height in the area's wider tower hierarchy (i.e. relative to the "Mackay towers" which relate to a more strategic arterial route and should therefore be more widely prominent in terms of legibility and way-finding), and
- iii. Safeguard the future redevelopment potential of adjacent sites.

4.3.7 The architects undertook this exercise and were able to satisfy Officers on points i and iii. The architect's justification for the schemes accented height turned on the creation of a high quality architectural landmark to mark the quayside entryway to the proposed "boulevard" linking to St John's Church and Exeter Street. At the time, Officers were concerned that the scheme needed significant evolution in its form for this justification to be credible. Officers considered the form at that point over-complex and suggested the multi-faceted form be rationalised to a series of simple elegant features – perhaps embracing the stepped form of the

building to generate diagonal sail like geometries. Officers referenced the approach taken for the Ibsjerget harbour-side residential building in Aarhus, Denmark. Happily, the architects responded positively to this and the scheme progressed significantly in further discussions with Officers. A key inspiration adopted by the architects was the W57 scheme in Manhattan – another sail-like scheme in a gateway location. The architect's changes as a result of this process included a rationalisation of the building form, regularisation of the balcony terrace steps, the addition of a framing structure to express a sail-like geometry, the introduction of sloping ship's hull-like shopfronts on the podium and the creation of a pattern of triangular sail-like panelling and fenestration framing on the east elevation.

4.3.8 In summary, the scheme has now evolved to a point where Officers consider that its architectural quality and distinctiveness meets the test of providing a high quality, memorable landmark to signify the quayside entryway to the "boulevard" and that this justifies the developments accented height.

4.4 Design - Materials and Design Details

4.4.1 High quality, locally distinctive materials will be essential. It is positive that the use of render has been avoided, given its poor performance, staining and algae growth on adjacent buildings. There is an opportunity for innovation, particularly given the site's gateway role, but materials must be suitably robust for the exposed marine context. They must have longevity and be able to weather attractively. With this in mind, more information is requested, by condition, with regards to the proposed materials and their specification. An informative is also recommended to advise that all materials will need to be of marine-grade specification given the site's exposed waterfront location. With specific reference to metalwork, it is considered that a high quality anodised finish would be most appropriate for aluminium components, since there have been problems with powder coatings wearing off on similarly exposed buildings locally.

4.4.2 In addition, it is proposed that a condition be added to ensure the building is maintained in a good, clean condition and appearance as long as the proposed building remains on the site and any problems with corrosion, discolouration, weathering or other defects are rectified promptly.

4.4.3 Amended drawings have been submitted; the blue triangular frame at the top of the building is now taller, sharper and aligned with the north facade, creating a right angled triangle and bringing the hypotenuse of the frame parallel with the triangular frame below when viewed from the west, including, importantly from key viewpoints in the Barbican and Hoe Conservation Area. Officers had previously suggested this amendment to the architect with a view to simplifying and strengthening the building's intended sail-like silhouette and therefore welcome the architect's decision to make this amendment.

4.4.4 The Agent has provided additional details, proposing the use of aluminium planks for balcony and other soffits, which is supported in principle. Furthermore, assurances have been provided that the roof will have minimal plant / equipment – these assurances are welcomed. However a restrictive condition is recommended to seek full details of these design elements and to ensure that no accretions are added to the roof without prior written approval from the Local Planning Authority in order that the roof remains uncluttered.

4.4.5 The architect is exploring a lighting strategy for the building. An appropriate condition is recommended to require a lighting scheme to be agreed with the Local Planning Authority. The lighting scheme should ensure the building functions as a strategic urban marker at night.

4.4.6 Whilst the proposed signage zones are supported in principle, this application would not give or imply any consent for advertising material. Such advertising is controlled under the Town

and Country Planning (Control of Advertisements) Regulations 2007 and the applicants would need to obtain any necessary consent separately. Having said this, a condition is recommended to ensure that a design code is agreed for the scheme's signage – to achieve high quality and to ensure ad hoc signage does not undermine the quality of the overall architectural composition over time.

4.4.7 Finally, it is positive that the applicant has agreed to provide interpretation of the site's history as appropriate given its position on the Sutton Harbour Heritage Trail (AAP Proposal SH06 / JLP Policy PLY25). The design of this historic interpretation should be agreed by condition.

4.5 Design – public realm, hard and soft landscaping

4.5.1 The scheme delivers significantly improved public realm around all four of the site's frontages and notably includes the quayside element of the boulevard – the proposed strategic link connecting the East Quay waterfront to St John's Church and Exeter Street as set out in SHAAP Proposal SH07.

4.5.2 The scheme delivers significantly improved public access around the site, including the provision of generous areas of publicly accessible space along the site's quayside – enhancing this important part of the Sutton Harbour Heritage Trail (SHAAP Policy SH06).

4.5.3 The landscape scheme is a very particular response to the site and Sutton Harbour. The swirling organic patterns are intended to reference marine-related themes, "sugar swirls" and the historic railway lines around the quayside. They are also planned to relate to the geometry of the building footprint and to aid the suggested hierarchy of space, between pedestrian 'thoroughfare', spaces for congregation, café / restaurant outdoor seating space and areas of occasional vehicular use. At a number of locations these swirling elements are proposed to rise up to form planters or balustrades. It is considered that this sculptural form will add significant interest to the public open space. Officers consider that the structure should also incorporate public seating, including backed seating to provide for people who need this. The detailed design of the swirling form, including its height and materiality will require further consideration, but Officers consider that this can be controlled by the recommended condition.

4.5.4 High quality granite paving materials are proposed to match the existing materials around Sutton Harbour. This is positive, however, the junctions between the proposed and existing paving surfaces will need further detailed consideration.

4.5.5 Officers broadly welcome the principle of the proposed planting scheme and consider that this will add intimacy, interest and human scale to the landscape scheme. However, the specification of some soft landscape elements may need further consideration (Monterey Pine trees for example can grow up to 60m tall, 12m wide and drop large cones) and it is proposed that a condition be added to allow for a review. All planting will require satisfactory root infrastructure and an ongoing maintenance regime to ensure its success. It is proposed that this also be controlled by condition.

4.6 Design – Conclusions

4.6.1 Both during the pre-application and at the full planning stage, Officers have strongly encouraged the applicant to present the scheme to a Design Review Panel. This has also been recommended by Historic England. It is considered that further professional input from a Design Panel (which should include tall building design specialists) could add value on detailed tall building technical matters and assurances on the design quality. However, this has been resisted

by the applicant. As Officers are broadly supportive, the applicant considers that a Panel is not necessary in this case, especially at this stage. It is accepted that the applicant has worked very closely and positively with Officers to achieve a high quality design that is supported in principle and has received a lot of positive commentary from members of the public, as evidenced in the submitted Statement of Community Involvement. Therefore, on balance, Officers have not insisted on a Panel review.

4.6.2 The developer has confirmed a commitment to:

‘executing the high quality design intent shown in the planning proposal. Indeed, exceptional design is paramount to the success of the development to achieve values not seen elsewhere in Plymouth and to attract national and international investors to the City that will expect design excellence. This will deliver regeneration that will act as a catalyst for the area and help the City deliver other regeneration objectives in the surrounding area to the east of Sutton Harbour’.

4.6.3 Overall, several design improvements have been made in line with Officer advice (and that of HE) throughout the process. The scheme can now be supported in design terms, subject to a series of recommended restrictive conditions. The development is considered to contribute positively to the existing high quality waterfront design and is in keeping with the variety of building styles that give Sutton Harbour and the Barbican its locally distinctive character. Such development is supported by adopted City of Plymouth Core Strategy Policies CS01, CS02, CS03, CS34, Area Vision 5 – Sutton Harbour, the Sutton Harbour Area Action Plan, and emerging JLP policies.

5. Historic Environment

5.1 The townscape within which the proposal is situated comprises of a large number of heritage assets. The site is visible from the Barbican Conservation Area, the boundary of which extends to include the western side of the Harbour basin, opposite the application site. A development of the scale proposed will have an impact on the setting of this Conservation Area as well as a visual impact on a number of designated heritage assets, including many listed buildings and the scheduled monuments of the Royal Citadel and Mount Batten Tower.

5.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act contains similar requirements with respect to buildings or land in a conservation area. Although the setting of conservation areas is not a statutory duty in primary legislation, the NPPF states that the setting of a designated heritage asset can contribute to its significance.

5.3 Paragraph 193 of the NPPF 2018 states that ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).’ Paragraph 194 confirms that ‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.’

5.4 In this case, impacts on the heritage assets can only be to their setting as there is no physical connection between the development and the designated heritage assets. The NPPF defines ‘Setting of a heritage asset’ as follows:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

5.5 It is accepted by Officers, including the Historic Environment Officer, and Historic England that the site in question can take a large, landmark building, higher than those immediately adjacent to it. Its sensitive location means that the development should be of a high quality and an innovative design has been encouraged and achieved, so your Officers are supportive of the building having a striking appearance.

5.6 However, the Council's Historic Environment Officer has raised concerns regarding the excessive height and mass of the proposed building in terms of its dominating effect on the surrounding buildings, wider harbour area and nearby scheduled fortifications which would lose their dominance; noting that 'the proposed height is simply out of proportion with everything around it. A landmark building could still be achieved by a significant reduction in height to make it sit more comfortably within the site whilst reducing its impact on the designated assets in the immediate vicinity'. In response to this advice, the applicant's agent has submitted an additional supporting consultant's letter which concludes that 'whilst it is recognised that there will be a change within the setting of the conservation area (as identified by the Historic Environment Officer), it is clear that, if harm could be alleged, this could be no more than 'less than substantial'.

5.7 Historic England (HE) initially supported the view given by the Historic Environment Officer, with specific reference to the setting of the Royal Citadel. However, following further negotiation, amendments to the roof line (which modestly increased the height of the building) and the submission of additional information (including a zone of theoretical visibility analysis which has been considered by HE), HE has now confirmed that, in their view, any visual impact on the setting of the Royal Citadel is likely to be negligible.

5.8 In addition to the above, HE raised concerns regarding the impact of the building on the setting of the Grade II listed Royal Bank of Scotland premises which terminates the view eastwards along Royal Parade. HE noted that the triangular termination of the proposed building will rise above the RBS premises, detracting from the symmetry, proportion, and sculptural form of the RBS premises. However, HE has confirmed that the proposals will cause less than substantial harm to the setting of the RBS building. Furthermore, Officers have revisited Royal Parade to make a further assessment of the impact in light of the HE comments and noted that the visual symmetry of the RBS premises is already disturbed by the Bretonside development which is currently under construction and now rises above the RBS building. Officers are therefore of the opinion that the impact of the proposed development will not be unduly harmful here.

5.9 Further to the above, HE called for the application to be independently considered by a Design Review Panel, noting that 'a design review panel could provide the desirable reassurance for your authority that the proposed building will be the splendid piece of new architecture suggested by the supporting information.' However, this has been resisted by the applicant for reasons set out above in this report. Notwithstanding this, HE confirmed that 'provided that your authority is content that the proposals are of the highest quality design, we (HE) are content for this harm to be weighed against any wider public benefits offered by the proposals'.

5.10 Of critical importance to this balancing, given the requirements of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraphs 193-202 of the NPPF 2018, it is Officers' view that any harm to heritage assets is 'less than substantial'. Whilst objections have been raised (and discussed in greater details above), the Local Planning

Authority's Historic Environment Officer, nor Historic England claim that 'substantial harm' will be caused.

5.11 Officers recognise that the site is currently derelict and a new development will improve the appearance of the area. The design and massing of the proposed building has evolved and been carefully justified. Whilst third party representations are critical of the design, height and massing of the proposed building, as set out above, Officers now consider that the scheme's architectural quality and distinctiveness will provide a high quality, memorable landmark to signify the entry way to the 'boulevard' and it is this which justifies the development's height.

5.12 Paragraph 196 of the NPPF 2018 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal ...'. It is concluded that the scheme will inevitably change the setting of the conservation area (deemed to be harmful by the Historic Environment Officer), particularly as a result of its scale, but Officers are in agreement that this constitutes 'less than substantial'. Weighing up this 'less than substantial' harm, against its numerous benefits (which are set out elsewhere in this report), Officers conclude that the proposal can be accepted.

6. Archaeology

6.1 In terms of archaeology, the proposed development area is situated on a vacant space in between other modern high buildings on the east side of Sutton Harbour where previous archaeological evaluation in 2006 exposed limestone walls defining quayside and property boundaries with recorded 17th century owners. One of the buildings exposed is arguably of international importance - the Sugar House, known to have been in existence before 1633 when it was in the ownership of Samuel Buttall a 'sugar baker'. The excavation revealed evidence of sugar production on site from sugar cane imported from the 'New World', off loaded at Sutton Harbour and processed using specially made cones and syrup jars (which we believe were made in the Plympton St Mary area where kiln wasters were found some years ago). The site illustrates therefore the significant trade links between Plymouth and the Americas once sugar-cane plantations took root in the 17th century. Had the development not stalled the results would have been published at National Journal level probably in Post-Medieval Archaeology. Due to the loss of revenue all that emerged was a paragraph summary and a block plan in Post-Med Arch (2009). A restrictive condition, seeking a programme of archaeological work, is therefore recommended.

7. Residential Amenity

7.1 Officers welcome the fact that the scheme includes a mix of 1, 2 and 3-bedroom apartments which could appeal to a range of people and families.

7.2 The proposed flats and duplex units all meet or exceed the internal spaces standards set out in the Nationally Described Space Standards (NDSS) ensuring that all future residents benefit from sufficient living space (these standards have been applied, rather than those set out in our Development Guidelines SPD, in accordance with an Inspectors appeal decision – APP/N1160/W/17/3179173, which advises that guidelines on the minimum internal floor spaces are provided in the SPD however those specific guidelines have been superseded by the introduction of the nationally described space standard which should be applied alongside requirement of policy CS15(5))

* The minimum 1 Bed Apartment area is: 54sqm (NDSS for a 1beds, 2persons, 1 storey dwelling is 50sqm)

- * The minimum 2 Bed Apartment area is: 70sqm (NDSS for a 2beds, 4persons, 1 storey dwelling is 70sqm)
- * The minimum 3 Bed Apartment area is: 110sqm (NDSS for a 3beds, 6persons, 1 storey dwelling is 95sqm)

7.3 Care has been taken to maximise the waterfront and ensure that future occupiers benefit from acceptable levels of amenity in accordance with the principles of policy CS34, the guidance set out in the Development Guidelines SPD and emerging JLP policies DEVI and DEV20. Further, Officers are satisfied that all principle habitable rooms will benefit from adequate levels of light and outlook by virtue of the size and position of proposed windows.

7.4 The ground floor will provide some shared residential services, with a front and rear entrance and lift/stair hall.

7.5 All units have private external amenity space in the form of roof gardens or balconies. This is consistent with other residential developments in the area and given the waterfront location, future occupiers will have access to public open spaces, which are amongst the highest quality in the City, including the Hoe Registered Park (Grade II). Therefore, although the proposed outdoor space falls below the minimum recommended size as set out in the Development Guidelines Supplementary Planning Document (SPD), such provision is deemed acceptable in this case. It should be noted that some of the proposed roof gardens on the south (Marrowbone Slip) elevation have a close relationship with the proposed commercial outdoor seating area at first floor level. Therefore further details regarding boundary treatment here shall be sought by recommended restrictive condition to ensure appropriate privacy levels are achieved.

7.6 The Public Protection Service points out that the proposed ground floor commercial use and existing nearby commercial units, including the timber and building merchant and the vehicle repair centre at the rear of the application site, may have a noise impact upon future occupiers of the development. The Officer therefore recommends a condition to ensure that all units are built to ensure external noise is kept to a minimum.

7.7 In summary, subject to appropriate restrictive conditions, new residents will be afforded a high standard of living. The development is therefore deemed to accord with policy CS15 and CS34 of the Core Strategy and Policy DEVI and DEV20 of the emerging Joint Local Plan.

8. Impact on Neighbouring Amenity

8.1 Overshadowing/Loss of Light

8.1.1 Overshadowing impacts are likely to be experienced most acutely by the commercial building known as Salt Quay House (and to a much lesser extent to the proposed Harbour Arch Quay residential development and adjacent Pinnacle Quay) as well as the Jewson's Yard and other commercial development on the other side of Sutton Road. There will also be overshadowing of the harbour itself; however this will only occur in the mornings. The submitted shadow study allows a detailed assessment of these impacts. It compares the overshadowing impacts of the existing and proposed scenario at the summer and winter solstices and spring and autumn equinoxes. These suggest that with a lower solar altitude, the worst case scenario for overshadowing will occur in the winter months, whereby longer shadows will be cast. Whilst significant overshadowing will inevitably occur from a building of this height, the buildings primarily affected are commercial. Therefore, Officers are satisfied that this impact could not warrant the refusal of planning consent in this case.

8.1.2 Maintaining sufficient light to East Quay House North is more critical as this building primarily comprises residential units. However, as this residential building lies due south of the application site, overshadowing will not occur.

8.3 Outlook/Visual Prominence

8.3.1 By virtue of the proposed 'T' shaped design, the main bulk and massing of the building has been arranged in a way that it is set away from the neighbouring residential accommodation in East Quay House North.

8.3.2 At the closest point (i.e. the south elevation to the Sutton Road/Marrowbone Slip corner) there is approximately 15.3m between the proposed development and East Quay House North. This complies with the guidance within the Development Guideline Supplementary Planning Document which recommends that developments over three storeys in height should be set away from existing residential windows by at least 15m to maintain sufficient outlook.

8.3.3 Given that the application site has remained undeveloped and derelict for a sufficient period of time, the properties to the side of East Quay House have become accustomed to unimpeded views north. This proposal would severely interrupt, and in many cases sever completely, those views. The Courts have long held that local Planning Authorities cannot protect individual private views and that the impact upon existing private views from a development proposal is not a legitimate matter of planning concern.

8.3.4 The planning system does however provide for the consideration of overbearing impacts, and given the size of the building and its proximity, residents of East Quay House North will clearly perceive an impact. However, taking in to account the policy aspiration for a tall building in this location, where higher densities are a typical character of the locality, these localised negative impacts must ultimately be weighed against the wider benefits of the site development.

8.4 Privacy/Overlooking

8.4.1 In terms of privacy, the Development Guidelines Supplementary Planning Document suggests distances of 21m for facing habitable windows or 28m for dwellings of 3+ storeys.

8.4.2 The north elevation of East Quay House North comprises the primary frontage of several residential units, many of which benefit from balconies and generous floor-to-ceiling windows – these windows are likely to be most sensitive to loss of privacy due to their width and full height.

8.4.3 As noted above, the proposed Sutton Road/Marrowbone Slip corner of the development lies within 15.4m (approx.) of neighbouring windows and balconies. Such separation distance falls significantly short of that recommended in the relevant guidance document for the protection of privacy. Therefore a restrictive condition is recommended to ensure that all of the windows on the residential first to fourth floors in the side (south) elevation (immediately adjacent to Marrowbone Slip), shall at all times be obscured to protect neighbouring privacy.

8.4.4 Whilst balconies are proposed to serve units fronting Marrowbone Slip, all balconies are at eighth floor level and above. Given the adjacent East Quay House North contains only four storeys of residential accommodation, the balconies will look out over the neighbouring building. Therefore Officers are satisfied that there will not be an undue loss of privacy.

8.4.5 Other residential windows in the north and south elevations (within the 'stem of the T') do not create any significant opportunities for overlooking, as adequate separation distances are

achieved – 23.8m (approx.) from Salt Quay House to the north and 45.5m (approx.) from East Quay House North to the south.

8.4.6 Third party representations have raised concerns/objections regarding the potential loss of privacy/overlooking caused by the proposed height of the commercial units (at ground floor and mezzanine level) and the associated roof garden/dining area. At the closest point, these units and their raised external seating areas are sited approximately 18m from East Quay House North. Officers acknowledge that there will be some impact in terms of overlooking/loss of privacy. Whilst it is important to maintain active ground floor frontages, Offices consider that some form of screening could be introduced at mezzanine level to protect neighbouring amenity. In addition, details of boundary treatment along the south side of the proposed commercial roof terrace will be sought.

8.5 Noise and Disturbance

8.5.1 In terms of potential noise and disturbance from such commercial units and their associated external spaces, the Council's Public Protection Service has considered the application and raised no objections, subject to recommended restrictive conditions limiting hours of operation and seeking a management plan detailing how any impact to the general amenity (including noise) from the operation of the commercial units and their associated external spaces will be controlled.

8.5.2 It is noted that similar concerns were raised in the determination of the previous planning application on this site, whereby a condition was recommended to ensure that no more than one A4 use (drinking establishment) is permitted on the ground floor to prevent the cumulative impact on such uses in close proximity having a significant detrimental impact upon residential amenity of the proposed development or locality. It is deemed reasonable to take the same approach in this case.

8.5.3 The construction phase of the development has the potential to disturb nearby residential dwellings and as such it is recommended that a Code of Practice is submitted to deal with this. The Code of Practice should cover all potential aspects of nuisance with regards to the development and should acknowledge that the development has the potential to impact others.

8.6 Neighbouring Amenity – Conclusions

8.6.1 Overall, in amenity terms officers acknowledge that the scheme would have some negative impacts on adjacent residential occupiers. However, subject to the recommended restrictive conditions, Officers conclude that the impacts are not considered to lead to significant harm in accordance with the advice contained within the Council's Development Guidelines SPD, policy CS34 of the adopted Core Strategy and emerging policy DEVI.

9. **Affordable Housing**

9.1 Policies CS15 of the adopted Core Strategy and DEV7 of the emerging Joint Local Plan require at least 30% of the total number of new dwellings on qualifying developments to be affordable with a presumption that these should be provided on site. Policy CS15 and paragraph 62 of the National Planning Policy Framework allow for off-site affordable housing provision where it can be robustly justified and it contributes to the creation of balanced, mixed and sustainable communities.

9.2 Whilst Officers would like to see 51 affordable housing units delivered on site, it is recognized that the proposed development is viability constrained and accept that it would not

be possible to integrate affordable housing within the development due to the high rents and service charges, which would not be affordable to households on low incomes. On this basis, as noted above, the Housing Delivery Team accepts the principle of the applicant meeting its affordable housing obligation through a commuted sum for off-site delivery.

9.3 The applicant offered to pay a commuted sum of £3,150,000 for off-site affordable housing delivery with instalments of £1,050,000 to be paid on three milestones:

- * Commencement of construction;
- * Disposal of the 87th unit; and
- * Disposal of the 153rd unit.

9.4 This offer is equivalent to 10% affordable housing delivery. After interrogating the applicant's viability appraisal, Officers agree that, whilst it does not deliver policy compliant 30% affordable housing provision, £3,150,000 is an acceptable offer that will deliver a substantial number of affordable housing units in the City whilst ensuring the proposed development remains financially viable to prevent the site from remaining stalled.

9.5 Commuted sums have been put to good use to bridge viability gaps and unlock stalled and brownfield sites such as Stonehouse Arena (56 affordable homes) and Hoegate House (30 affordable homes). These sites often have high abnormal costs associated with former uses, thus commuted sums can be used to good effect.

10. Accessible Housing

10.1 Policies CS15 of the Core Strategy and DEV9 of the emerging Joint Local Plan require provision of at least 20% M4(2) dwellings (formerly referred to as lifetime homes) whilst policy DEV9 requires at least 2% M4(3) provision. The developer will therefore need to deliver 34 no. M4(2) and 4 no. M4(3) dwellings to comply with planning policy. This should be secured by the recommended restrictive planning condition.

11. Town Centre Uses

11.1 The proposal includes commercial units at ground floor level (including a double height space to create an internal mezzanine) totalling circa 3,101 sq. m to be used within classes A1, A2, A3 and A4. As the site falls outside of a defined town centre, Officers have carefully considered the acceptability of such uses in this location.

11.2

Emerging JLP policy PLY25 'Sugar House, Sutton Harbour' is not explicit in its support for town centre uses on the site but does set out the requirement for a 'wider mix' of uses as part of a residential-led scheme with active ground floor frontages to enliven public streets and spaces – including on the quayside and Sutton Road (PLY25.3). If this policy were to form part of the adopted development plan, Officers consider that a sequential test would be required in accordance with paragraphs 86 and 87 of the NPPF 2018 which states that *Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan*. However, as the Sutton Harbour AAP (adopted 2008) still comprises the adopted development plan at the time of writing this report and policy SH07 allocates the site (as part of a wider area to the east and west of Sutton Road) for 'in the region of 7,800 sq. m of cafes/restaurants and shops', Officers are satisfied, in this particular case, that a sequential test is not required.

11.3 Further to the above, Officers note that emerging policy DEV16 requires an impact assessment for development of 500 sq m or more retail (A1) floor space. No objections to DEV16 for the Plymouth policy area have been received to contest that the proposed 500 sq m threshold is too low. The application confirms that the developer is happy to accept a restrictive planning condition limiting A1 retail floor space to no more than 500 sq. m. On this basis, it is not considered necessary to insist on a full quantitative impact assessment

11.4 In summary, officers consider that the uses proposed can be accepted in this case subject to conditions.

12. Sustainability

12.1 Officers have considered the submitted Energy Statement, which sets out the proposed approach of using Combine Heat and Power (CHP) to achieve the carbon savings of 15% in accordance with the policy CS20. The report sets out that this alone would not meet the JLP policy DEV34 requirements which seek to achieve carbon savings of 20%. However as this policy is still emerging, it does not carry full weight. Therefore, on balance, Officers are satisfied with the proposals in this case.

12.2 The proposals do not make any commitment to future-proof the scheme for connection to district energy. The development falls on the edge of the 'DH Opportunity Areas' set out in the Plymouth District Energy Strategy published in 2017, but also meets the criteria for relevant development outside of this area. Therefore Officers have sought to ensure that it is future-proofed for heating and hot water connection to a future district network in accordance with the CIBSE CPI standards, with a secondary heating system that reduces its temperature to a minimum, ideally 65. This normally includes some allocated space in the plant room for a heat exchanger, valve connections and identified pipe routes to the boundary of the site (with sleeve connections through any building walls) and a compatible design, pressure and temperature. A restrictive condition is therefore recommended accordingly.

13. Flood Risk/Protection

13.1 Flood Risk Sequential and Exception Test

13.1.1 In considering the flood risk implications of the scheme, it is important to consider whether the proposal has complied with the sequential test directing development away from areas that are at highest risk of flooding, as set out in emerging policy DEV37 of the Joint Local Plan, policy CS21 of the Core Strategy and chapter 14 of the NPPF 2018. Officers have also paid due regard to the Environment Agency's (EA) view on the applicability of the sequential test around Sutton Harbour as set out in their 'flood risk management guidance for new development'.

13.1.2 The EA and LPA have reviewed the revised Flood Risk Assessment (FRA) (ref. WE04821/FRA, 28/07/18) and are satisfied that it adequately highlights the key flood risk issues associated with the proposed development. The mitigation measures set out in the FRA are welcomed and they demonstrate that the layout of the proposed development has been significantly influenced by consideration of flood risk management. The FRA is therefore appropriate to inform the application of the sequential and exception tests, as required by the NPPF.

13.1.3 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. The

NPPF 2018 advises that ‘the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding’ (para 158).

13.1.4 Emerging JLP policy PLY25 identified the application site as suitable for development despite the potential flood risk on the basis there was no alternative suitable site available at lower flood risk. The ‘Plymouth and South West Devon Joint Local Plan: Flood Risk Sequential Test Report’ (February 2017) sets out how the requirements of the Flood Risk Sequential Test was integrated into the assessment of this site allocation as part of the JLP preparation. It confirms that there are no other reasonable alternative sites available in the same or lower flood zones and ‘the site forms a key development opportunity on the edge of Sutton Harbour and is part of a previous site allocation in the Sutton Harbour AAP. The site is within the City Centre and Waterfront Growth Area which is identified as a focus for growth in the JLP’.

13.1.5 As it is not possible for this development to be located in a zone with a lower risk of flooding, the NPPF allows the exception test to be applied to any development which includes a ‘more vulnerable’ use. The Exceptions Test provides a method for managing flood risk while still allowing development to occur.

13.1.6 There are two elements of the Exception Test both of which need to be passed:

- I. the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- II. the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. (NPPF 2018, para.160).

13.1.7 In terms of part one of the Exception Test, the Local Planning Authority considers that the proposed development will deliver wider regeneration and economic benefits, including visual enhancement of this stalled site, as well as beneficial effects in terms of flood risk management (by way of the agreed S106 contribution towards the upgrading of the existing Sutton Harbour defences to provide protection against increasing sea levels and more intense coastal storms). The Local Planning Authority considers that these wider community benefits outweigh the flood risks and therefore the first part of the test is passed.

13.1.8 The second part of the test requires that the proposal will be safe (including access and egress) over its lifetime, not increase flood risk elsewhere and, where possible, reduce flood risk overall. In this regard, the Environment Agency is satisfied with the flood risk mitigation measures set out in the submitted FRA and associated plans, which will be secured by way of planning conditions, and the agreed financial contribution towards the upgrade of existing defences which will ensure that this development is safe over its lifetime.

13.2 Flood Risk Assessment Review

13.2.1 The proposed below ground car park is not in line with the EA’s development guidance for the flood risk area of Sutton Harbour. However, following pre-application meetings, the EA appreciated the wider planning policy aspirations to incorporate this into the development. Typically, the EA expect that below ground car parks to be robustly defended from flooding during a 1 in 1000 year event. It has not been possible to defend this car park to this level without the need for demountable flood defences and this emphasises the importance of the need for this development proposal to contribute to future upgrades of the flood defences at Sutton Harbour.

13.2.2 The FRA has set the proposed ramp level for the entrances to the below ground car park at 3.9m AOD, which would provide protection from a 1 in 1000 year flood during present day conditions, however provides no real buffer for sea level rise associated with climate change. The proposed commercial units have their floor levels set at 3.75m AOD, which provides protection from a present day 1 in 200 year flood. These facts are important because this development proposal is reliant on the off-site flood defences to ensure this development is safe, in relation to passing the NPPF exception test (as noted above). This relates to both the floor levels of the building and the safety of the routes that occupants of the development would take to enter and leave the building.

13.2.3 The 4.6m AOD floor level that is proposed for the lobby area of the development provides a good level of protection to key elements of the building should the flood defences fail for any reason and the EA welcome the fact that all the proposed residential development is above this level. It is worth highlighting that the 4.6m AOD is only considered appropriate for development in this location behind defences, which are to be upgraded. In other locations in Plymouth the EA expect levels to be higher than this to provide adequate levels of protection from a 1 in 200 year coastal flood event.

13.2.4 Additionally, the FRA references the installation of a new surface water drainage pipe, also shown in Appendix D, running along the northern site boundary. The EA welcome the inclusion of this feature, which will not only address existing surface water flooding issues on Sutton Road, it will provide a conduit for future surface water drainage connections in the future, in recognition to this site's important access to the harbour.

13.3 Financial contribution for the upgrade of defences

13.3.1 Sutton Harbour is currently defended from coastal flooding during a 1 in 200 year event through a combination of raised quay walls, flood gates and a water level within the harbour that allows for the storage of waters that overtop these defences.

13.3.2 The NPPF advises that developers need to consider flood risk over the lifetime of development and as such sea level rise needs to be considered. Sea level rise using current predictions will increase sea levels by approximately 0.7m over the next 75 years and 1.1m over the next 100 years. When sea level rise is included the current defences at Sutton Harbour do not provide adequate protection during a 1 in 200 year coastal flood event.

13.3.3 Given that the proposed development will rely on our flood defences to keep it safe from flooding over its lifetime, the EA, supported by Officers, consider that it is justified to request a financial contribution to the future upgrade of the defences to meet the challenge of climate change.

13.3.4 Section 106 contributions have therefore been agreed towards future flood risk management works around the harbour. The level of this contribution is linked to the scale and nature of this development. Further details are set out in the 'Planning Obligations' section below.

13.4 **Pollution Prevention**

13.4.1 The applicant has submitted an outline Construction Environmental Management Plan (CEMP) to pull together and manage the pollution control and waste management requirements during the construction phase. However, this will need to be updated by the contractor when appointed. A planning condition is recommended to secure the submission and agreement of the final CEMP before development takes place.

14. Contaminated Land

14.1 The contained land risk assessment report has identified potential pollutant linkages, particularly as a result of the historic use of the site, including a potential source of contamination to groundwater and future users of the land therefore restrictive conditions are recommended in accordance with guidance from the Environment Agency and Public Protection Service.

15. Natural Infrastructure

15.1 Biodiversity

15.1.1 A revised Preliminary Ecological Appraisal (PEA) was submitted in support of the application (Preliminary Ecological Assessment, Encompass Ecology Ltd, 2018) which identified that the site is not within or adjacent to any statutory or non-statutory sites of conservation interest. However, it is 800m from the Plymouth Sound and Tamar Estuaries Special Area of Conservation (SAC). This is covered in the Habitat Regulations Assessment Screening document (see further details below).

15.1.2 The PEA identified the following:

- * Potential good quality reptile habitat. Therefore further survey information has been submitted to address the potential presence of reptiles; this concludes that reptiles are highly likely absent of the site;
- * The site as a whole is of low to negligible ecological value due to lack of habitat features;
- * Breeding birds are present on the site and so an ecologist must be check vegetation prior to removal. Also artificial nesting provision is recommended at Harbour Car Park site (given the nature of the overall development).

15.1.3 The applicant has now submitted a revised Ecological Mitigation and Enhancement Strategy (EMES) to take account of the outcomes of the reptile survey. The revised EMES clearly defines the biodiversity mitigation measures to be delivered on-site. However, it is considered that these measures alone would not deliver biodiversity net gain in accordance with the policy requirements. Given that this application is intrinsically linked with the application (ref: 18/01246/FUL) to extend the Harbour Car Park, Officers from the NIT have concluded that it is reasonable to consider the combined biodiversity gain in this case. On this basis, Officers are satisfied that the proposed on-site mitigation at Sugar Quay and that proposed at Harbour Car Park will deliver an overall biodiversity Net Gain in accordance with Core Strategy Policy CS19 and Joint Local Plan Policy DEV28 (biodiversity net gain).

15.2 Habitat Regulations Assessment

15.2.1 As noted above, Natural England raised concerns that new housing development in this area is 'likely to have a significant effect' upon the interest features of the SAC/SPA, when considered in combination, through increased recreational pressure. As such Natural England advised that mitigation will be required to avoid such an effect occurring and enable the LPA to reach a conclusion of "no likely significant effect". As set out in the Stage 1: Habitat Regulations Assessment (dated 28th August 2018), the Local Planning Authority has secured appropriate mitigation. Specifically, a Construction Environmental Management Plan will be secured through a pre-commencement condition and monies will be extracted from the CIL as a contribution to the recreational mitigation project. The HRA reflects and addresses the concerns raised by NE.

16. Comments on Third Party representations not previously covered within the Report

16.1 Pre-application process

16.1.1 As outlined above in the summary of the letters of objection received, concerns have been raised about the pre-application process. Officers have responded to this concern/complaint through other procedures. However, it may be worth clarifying that the Council's Development Enquiry Service provides informal pre-application planning advice to help developers understand how planning policies and other requirements affect a proposal and provide an assessment of whether there seems a reasonable chance of getting planning permission. Any advice provided is not binding to the Council. The pre-application advice given in this case (under reference no.s 15/01294/MAJ and 18/00686/MAJ) is outlined under the title 'Pre-application Enquiry' above.

16.1.2 In addition, as noted above, Officers and the developer entered into a voluntary Planning Performance Agreement. A planning performance agreement does not differ from other forms of pre-application engagement. It does not commit the local planning authority to a particular outcome. It is instead a mutual commitment to a process and timetable for determining an application.

16.2 Public Consultation

16.2.1 Third party representations call for detailed consultation for all those living in a 2 mile radius of the application site. However Officers note that the application has been advertised in accordance with the Council's publicity code. Site notices were posted, the application was published on our 'weekly list', appeared on our website and was published in the local press.

16.3 Wind Microclimate effect

16.3.1 An Environmental Wind Study has been submitted with this application. This has reviewed the existing built environment and the existing built environment with the proposed development. This has shown within the conclusions at 6.3.2 on page 56, which includes reference to changed wind conditions at various locations, there will be 'minimal change' in wind conditions to some locations with wind levels decreasing in other locations due to the shielding from the building. Overall, no concerns with regards to the Harbour wind environment are raised.

16.4 Viability of the car park

16.4.1 Whilst third party concerns have been raised about the viability of the car park, Officers have received detailed information on the viability of the scheme and are confident that the scheme (and underground car parking) can be delivered.

16.5 Inaccurate Plans

16.5.1 As detailed above, third party representations queried the accuracy of the submitted plans, with specific reference to Marrowbone Slipway. To clarify this, an additional drawing (ref: AWW-02-00-DR-A-01_SK200_Rev.1) has been submitted which includes an overlay of the topographical survey against the proposed layout plan to demonstrate that the slipway width is correct owing to the significant increase in width as a result of the temporary works/hoardings being removed.

16.5.2 The revised layout and extended width should help neighbouring residents access the garages on Marrowbone Slip, which was another point raised in submitted letters of representation.

16.6 Pedestrian Safety

16.6.1 Concerns relating to pedestrian safety, with specific reference to users of Marrowbone Slip were raised. The Highway Authority are satisfied that no increased issues of highway safety as a result of the additional trips created by the development.

16.7 Fire Risk

16.7.1 Local residents have raised questions about fire, with specific reference to potential risks associated with restaurants below residential accommodation. Officers are of the view that this is beyond the scope of the planning system, and will instead be the subject of detailed analysis as part of the requirement for building regulations approval once the applicant has appointed either the Council or an alternative Approved Inspector to complete this process. However the applicant has confirmed that the Sugar Quay development has been designed with input from an appointed specialist fire engineer. Their advice has been included within the design and spatial arrangement to ensure compliance with their fire engineered solution to the fire strategy of the building.

9. Human Rights

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

10. Local Finance Considerations

The 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.

11. Planning Obligations

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

Although the Natural Infrastructure Team, Highway Authority and Economic Development Teams sought planning obligations from the scheme, the applicant has submitted a detailed 'viability assessment' with the application to justify their request for the scheme to be considered acceptable without a full package of planning obligations. Viability Officers have concluded that the development cannot viably provide this high quality scheme and a maximum S106 contribution.

Given the above, Planning obligations have been negotiated in respect of the following matters

* Affordable Housing: £3,150,000 towards the provision of affordable housing within the boundaries of Plymouth City Council to be paid in three equal instalments at the following trigger points:

- o £1,050,000 upon commencement of development
- o £1,050,000 upon disposal of 87th unit
- o £1,050,000 upon disposal of 154th unit

* Education: £256,595 to be paid upon commencement of development towards provision of secondary pupil places within the boundaries of Plymouth City Council.

* Flood Risk: £250,000 to be paid upon commencement of development towards the upgrading of the existing Sutton Harbour defences to provide protection against increasing sea levels and more intense coastal storms.

* Health Care: £44,817 to be paid upon commencement of development towards health and capacity improvements at Beaumont Villa and/or Friary GP surgeries

The agreed infrastructure contributions total £3,701,412.

In addition to the above, the developer has submitted an 'Economic Benefits Summary Statement' (dated September 2018) which provides an analysis of the other economic benefits generated by the proposed development, concluding:

'The construction of the proposed development will generate initial temporary direct benefits through employment and indirect benefits through supply chain spending, but its positive impacts will be experienced for long afterwards and will provide an important source of local economic and social benefit for communities.'

As the new homes are occupied, a range of local benefits will be generated, from the spending power of households to the generation of additional Council Tax revenues, both of which will help to sustain local shops and services as well as support investment in the built and natural environment.

The operation of the commercial floor space will support a range of employment opportunities on site, with this employment contributing to uplifts in economic productivity across both Plymouth and the wider Devon and Cornwall economies. This in turn will support a number of important policy objectives established within the revised NPPF and through sub-regional economic strategies being delivered by the Heart of the South West Local Enterprise Partnership (LEP).'

Further direct benefits will be delivered including high quality enhancements to the public realm.

A management fee of £8004 has also been sought.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

The design has been developed, where feasible, with specific regard to disabled access for the following circumstances:

- Residents and visitors of the development at all levels
- People visiting the communal spaces at ground floor level.

The development will deliver 34 M4(2) (Adaptable and Accessible) compliant and 4 M4(3) (Adaptable and Accessible) compliant homes, as required by the recommended condition.

13. Conclusions and reasons for decision

Although Policy PLY25 of the JLP is not yet adopted, this policy has been subject to examination. As part of these proceedings a Statement of Common Ground was progressed with the Council. The policy does offer a useful framework against which to undertake a summary review of the proposal. With brief commentary under each point, the full wording of the policy (as agreed to be amended through the statement of common ground) is as follows:

PLY25: Land at Sugar House, Sutton Harbour is allocated for residential-led mixed use development. Provision is made for in the order of 160 homes.

- The proposed uses are generally in line with the policy.
- 170 homes are proposed

1. A development which respects the site's heritage assets and context, as informed by a detailed heritage character assessment to be undertaken for the proposal.

Officers acknowledge that the scheme would give rise to some harm to the setting of heritage assets, but consider this is 'less than substantial' in respect of NPPF paragraph 195.

2. High quality architecture that responds positively to the site's heritage and Sutton Harbour's historic character and distinctiveness.

Officers consider the building design memorable and high quality and whilst there is some debate about how well it responds to the site's heritage, Officers agree that any harm is less than substantial.

3. Active ground floor frontages to enliven all public streets and spaces – including on the quayside and Sutton Road.

A publicly accessible ground floor/mezzanine (Use classes A1, A2, A3 and A4) is proposed with access on the quayside. The gym (located in the south east corner) and one commercial unit (located on the north east corner) fronting Sutton Road as well as the principle residential entrance and atrium which will enliven this space.

4. Public access to and along the site's waterfront and a new pedestrian routes linking from Sutton Road to the quayside – providing a framed view from the waterfront to St John's Church.

The scheme provides for a wide viewing corridor between Exeter Street, St John's Church, and Sutton Harbour and allow for the future delivery of regeneration in the Coxside area to the east of the site.

5. High quality public realm including new quayside public open space and a proportionate contribution to the Sutton Harbour Heritage Trail, public art and heritage interpretation.

The scheme delivers public realm improvements and will directly deliver heritage interpretation (to be agreed with the Local Planning Authority by restrictive condition).

6. Opportunities for water access for leisure.

Whilst this is not included within the proposals, Sutton Harbour Holdings intends to widen Marrowbone Slipway as part of their improvements and regeneration of the area. This will include reinstating the original width of the Marrowbone Slipway, which will achieve improved access to the water from the eastern side of Sutton Harbour. The intention is to proceed expediently with applications seeking the necessary consents for these works.

7. Innovative car parking solutions to reduce the visual impact of vehicles on the public realm.

Officers welcome the basement parking which releases space for high quality public realm.

Considering the scheme against the draft policy for the site, Officers are of the view that its requirements are met to an adequate level.

Furthermore, Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically; the Local Development Framework Core Strategy 2007, the Planning Obligations and Affordable Housing Supplementary Planning Document (SDP) Second Review 2012; Development Guideline SDP First Review 2013; the Sustainable Design SPD 2009; the Sutton Harbour Area Action Plan 2007 and the emerging Joint Local Plan (2014-2034).

Overall the proposal is considered to be of a high quality, memorable design that will transform this undeveloped gateway site and enhance the built frontage of the Harbour. Third party concerns, and those of the Historic Environment Officer, have been considered on balance against the wider benefits of the scheme, in line with the relevant policy criteria as set out above. It is therefore recommended that the development be conditionally approved subject to a S106 agreement with delegated authority to the Service Director of Strategic Planning and Infrastructure to refuse if the application is not determined within agreed timescales

14. Recommendation

In respect of the application dated 20.07.2018 it is recommended to conditionally approve, delegated to Service Director of Strategic Planning and Infrastructure to refuse if the S106 agreement is not signed by the target date or an otherwise agreed date through an extension of time.

15. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Existing Site Plan AWW-02-00-DR-A-01 1010 - received 16/07/18

Demolition Plan AWW-02-00-DR-A-01 1050 - received 16/07/18

First Floor GA Plan AWW-02-01-DR-A-01 2003 Rev G received 16/07/18

Second Floor GA Plan AWW-02-02-DR-A-01 2004 Rev H received 16/07/18

Site Location Plan AWW-02-00-DR-A-01 3554-1000 Rev C received 20/07/18

Block Plan AWW-02-00-DR-A-01 1001 Rev D received 24/10/18

Ground Floor Mezzanine GA Plan AWW-02-M1-DR-A-01 2002 Rev K received 24/10/18

Ground Floor GA Plan AWW-02-00-DR-A-01 2001 Rev L received 24/10/18

Basement GA Plan AWW-02-B1-DR-A-01 2000 Rev J received 01/10/18

Sixteenth Floor GA Plan AWW-02-16-DR-A-01 2018 Rev K received 01/10/18

Seventeenth Floor GA Plan AWW-02-17-DR-A-01 2019 Rev K received 01/10/18

Eighteenth Floor GA Plan AWW-02-18-DR-A-01 2020 Rev K received 01/10/18

Nineteenth Floor GA Plan AWW-02-19-DR-A-01 2021 Rev K received 01/10/18

South Elevation AWW-02-ZZ-DR-A-01 3001 Rev D received 01/10/18
West Elevation AWW-02-ZZ-DR-A-01 3002 Rev D received 01/10/18
North Elevation AWW-02-ZZ-DR-A-01 3003 Rev D received 01/10/18
Roof Floor GA Plan AWW-02-RF-DR-A-01 2022 Rev B received 01/10/18
East Elevation AWW-02-ZZ-DR-A-01 3000 Rev D received 01/10/18
Context Elevations AWW-02-ZZ-DR-A-01 3006 Rev A received 01/10/18
Section AA AWW-02-ZZ-DR-A-01 3100 Rev B received 01/10/18
Section BB AWW-02-ZZ-DR-A-01 3101 Rev B received 01/10/18
External Works General Arrangement M372 DRL.1001.P Rev 01 received 01/10/18
Fifth Floor GA Plan AWW-02-05-DR-A-01-2007 Rev H received 16/07/18
Third Floor GA Plan AWW-02-03-DR-A-01-2005 Rev H received 16/07/18
Fourth Floor GA Plan AWW-02-04-DR-A-01-2006 Rev H received 16/07/18
Sixth Floor GA Plan AWW-02-06-DR-A-01-2008 Rev H received 16/07/18
Seventh Floor GA Plan AWW-02-07-DR-A-01-2009 Rev H received 16/07/18
Eighth Floor GA Plan AWW-02-08-DR-A-01-2010 Rev H received 16/07/18
Ninth Floor GA Plan AWW-02-09-DR-A-01-2011 Rev H received 16/07/18
Tenth Floor GA Plan AWW-02-10-DR-A-01-2012 Rev H received 16/07/18
Eleventh Floor GA Plan AWW-02-11-DR-A-01-2013 Rev H received 16/07/18
Twelfth Floor GA Plan AWW-02-13-DR-A-01-2014 Rev H received 16/07/18
Thirteenth Floor GA Plan AWW-02-13-DR-A-01-2015 Rev H received 16/07/18
Fourteenth Floor GA Plan AWW-02-14-DR-A-01-2016 Rev H received 16/07/18
Fifteenth Floor GA Plan AWW-02-15-DR-A-01-2017 Rev H received 16/07/18

Reason:

For the avoidance of doubt and in the interest of good planning, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the National Planning Policy Framework 2018.

2 CONDITION: COMMENCE WITHIN 2 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004 and in accordance with Core Strategy Objective 10(8) (Delivering Adequate Housing Supply) and Policy SPT3 of the Plymouth and South West Devon Joint Local Plan

3 CONDITION: PROGRAMME OF ARCHAEOLOGICAL WORK

PRE-COMMENCEMENT

No part of the development approved by this permission shall be commenced until the applicant (or their agent or successors in title) has completed a programme of archaeological work, in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme.

Reason:

The site is considered likely to contain archaeological deposits that warrant appropriate investigation and/or recording in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies DEV21 and DEV22 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 184-202 of the National Planning Policy Framework 2018.

Justification:

To ensure that important archaeological features are properly protected / recorded before construction commences.

4 CONDITION: PROVISION OF DRAINAGE WORKS

PRE-COMMENCEMENT

No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

a) The proposed drainage system, including attenuation, should provide a 1% AEP standard of protection plus a 40% allowance for climate change. Calculations and modelling data should be produced in support of any drainage design showing that the defences and drainage system are designed to the required standard.

Clarification should be submitted that shows how the site is protected against off- site surface water run off from Sutton Road.

b) Details of the outfall proposed for the surface water discharge should be submitted, including invert level, available capacity and existing catchment area.

c) The standing advice set out in the Environment Agency guidance for Sutton Harbour should be followed including signing up to the EA Floodline Warnings Direct service for all

residents and commercial managers and the safe protection of emergency access routes. An Emergency Flood Plan should be submitted for review prior to occupation

d) Details of how and when the system is to be managed and maintained, and any future adoption proposals should be submitted.

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

Reason:

To reduce the risk of flooding to and from the development, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory surface water management and disposal during and after development. The drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure in accordance with policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV37 emerging policies DEV21 and DEV22 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 148-150 and 155-165 of the National Planning Policy Framework 2018.

Justification:

Necessary because of the essential need to ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure and water environment.

5 CONDITION: ACCESS (CONTRACTORS)

PRE-COMMENCEMENT

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

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV31 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraph paragraphs 102, 108, 110 and 111 of the National Planning Policy Framework 2018.

Justification:

To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

6 CONDITION: PEDESTRIAN ACCESSIBILITY AUDIT

PRE-COMMENCEMENT

No works shall commence on-site until the applicant has undertaken a Pedestrian Accessibility Audit (PAA). The audit shall identify any potential locations where additional pedestrian crossing points/infrastructure may be required to facilitate safe access to and from the site by pedestrians and any such infrastructure/improvements identified through the PAA shall then be delivered by the developer in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that an appropriate and safe access is provided for pedestrians in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and emerging policy DEV31 of the Plymouth and South West Devon Joint Local Plan (2014-2034).

Justification:

To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

7 CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN

PRE-COMMENCEMENT

No development works shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The said CTMP shall include details relating to the detailed programme of works, details of construction vehicle movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles and contractors parking arrangements. The construction works hereby proposed shall be carried out strictly in accordance with the approved CTMP.

Reason:

To ensure that the traffic impacts associated with the construction phase of the works does not lead to adverse impacts upon the operation of the Local Road Network in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV31 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraph 32 of the National Planning Policy Framework 2012.

Justification:

To ensure that the construction phase of the development can ensure the safety of road users and pedestrians can be maintained.

8 CONDITION: LAND CONTAMINATION

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

If required following the findings of the Stage 1 Site Investigation works required by Section 1 above, 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, emerging policy DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 170,178-183 of the National Planning Policy Framework 2018.

Justification:

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

9 CONDITION: CODE OF PRACTICE

PRE-COMMENCEMENT

Prior to the commencement of the development hereby approved, including any works of demolition and / or construction, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. Noise and vibration from equipment and activities associated with construction including piling
- ii. Hours of work
- iii. Lighting
- iv. Measures to control the emission of dust and dirt during construction including wheel washing facilities
- v. A scheme for recycling / disposing of waste resulting from demolition and construction works
- vi. Pest control
- vii. Contamination where applicable

A copy of the Public Protection Service, Code of Practice for Construction & Demolition can be downloaded for use via www.plymouth.gov.uk/construction_code_of_practice.pdf

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works in accordance with policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies DEV2, DEV28 and DEV37 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 170,178-183 of the National Planning Policy Framework 2018.

Justification:

To ensure that the construction phase does not unduly impact on local amenity such as disturbance to local residents or disruption to traffic and parking.

10 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

PRE-COMMENCEMENT

Notwithstanding the submitted Outline Construction Management Plan (dated June 2018), no development shall take place until a detailed Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Where appropriate, the CEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including measures to limit the dumping, spreading or discharge of any materials and chemicals on site, measures to ensure chemicals are securely stored at a safe distance away from the intertidal area; measures to minimize disturbance from works and machinery operating in the marine environment. And the management of any contaminated spoil.
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) All permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest and to ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the course of the development works, in accordance with policies CS01, CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies SPT11, STPI2, SPT13 and DEV28 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 170-177, 180, and 181 of the National Planning Policy Framework 2018.

Justification:

To ensure the environment is adequately protected during the construction of this development

11 CONDITION: LIFETIME HOMES

PRE-DPC

Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall not proceed past the Damp Proof Course (DPC) level until the applicant has submitted a plan to demonstrate that 34 of the units hereby permitted shall be part M4(2) (Adaptable and Accessible) compliant and 4 of the units hereby permitted shall be part M4(3) (Adaptable and Accessible) compliant, and shall be fully implemented prior to completion of the development and thereafter so maintained and retained.

Reason:

To provide a range of accessible and adaptable dwellings for all members of the community in accordance with Policy CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV9 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraph 72 of the National Planning Policy Framework 2018.

12 CONDITION: EXTERNAL MATERIAL SAMPLES

PRE-DPC

Notwithstanding the submitted details, the development hereby approved shall not proceed past the Damp Proof Course (DPC) level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Sample panels demonstrating the 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.

Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 124, 127, and 130 of the National Planning Policy Framework

I3 CONDITION: FURTHER DESIGN DETAILS

PRE-DPC

Notwithstanding the submitted details, the development hereby approved shall not proceed past the Damp Proof Course (DPC) level until details (presented at appropriate scales) of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:-

1. Details of the design of the proposed balconies (including the first floor commercial external seating area) including all balustrades and soffits;
2. Details of the blue feature frame;
3. Details of the tensile sail canopies;
4. Details of the proposed detailed design, materials and finishes to the windows/shopfront to the ground floor commercial units;
5. Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes or other accretions to the roof or elevations.
6. Details of windows, including frames, depth of reveals, and relationship to surrounding cladding
7. Details of the boundary treatment serving the first floor residential roof gardens

The works shall conform to the approved details.

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 Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 124-132 of the National Planning Policy Framework 2018.

I4 CONDITION: LIGHTING DETAILS

PRE-DPC

No development shall take place beyond Damp Proof Course (DPC) until details of any external lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be fully implemented before any building is first occupied and henceforth permanently maintained for the occupiers of the site.

Reason:

To ensure that adequate external lighting is provided for future occupiers of the site [and that it does not interfere with navigation], in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 170, 175, 180 of the National Planning Policy Framework 2018.

15 CONDITION: DISTRICT HEATING CONNECTIVITY

PRE-DPC

No development shall take place beyond Damp Proof Course (DPC) until a report identifying how the development has been designed to be compatible with and allow future connection to a local district heating network (in line with current best practice) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To reduce Carbon Dioxide emissions from the development as required by policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, the emerging policy DEV34 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 148, 150-154 of the National Planning Policy Framework 2018.

16 CONDITION: FURTHER DETAILS PUBLIC REALM

PRE-DPC

Notwithstanding the submitted details, the development hereby approved shall not proceed past the Damp Proof Course (DPC) level until the following details have been submitted to and approved in writing by the Local Planning Authority:

- i. the swirling sculptural feature (including 3D information illustrating its height and form),
- ii. public seating,
- iii. heritage interpretation relating to the Sutton Harbour Heritage Trail,
- iv. junction details between existing and proposed paving,
- v. planting scheme including details of all tree-pits and root infrastructure.

The works shall conform to the approved details.

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 Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy PLY24 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 24-26, 130, 170, 180-183 of the National Planning Policy Framework 2018.

17 CONDITION: LANDSCAPE DESIGN PROPOSALS AND IMPLEMENTATION

PRE-DPC

No development shall take place beyond Damp Proof Course (DPC) until the details of the landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall accord with the approved Soft Landscape Strategy (drawing number DR.L.1002.P) and the approved Ecological Mitigation and Enhancement Strategy. The landscape works shall include:

- o Soft landscape details:
 - Full soft landscape specification for the public realm planting, the roof garden terrace and the extensive green roofs including (but not limited to); plant species and size (to HTA standards), soil/roof build-up details, planting spec and establishment care.
 - The arrangement of proposed soft landscape elements and soil layouts/elevations (min 1:200 scale). Plans should include a planting schedule for reference.
 - Planting details (1:20 scale or as appropriate) including (but not limited to) roof build-ups, roof garden planter details and tree pit details.
- o Hard Landscape Details: to provide:
 - Drawings identifying the arrangement of proposed hard landscape elements including (but not limited to) paving materials, planters, street furniture and boundary treatment materials (min 1:200 scale)
 - Plans should include a specification of the hard landscape materials (e.g. paving materials), street furniture and any boundary treatments.
 - Boundary treatment details (1:20 scale or as appropriate)

All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development.

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 Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy PLY24 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 24-26, 130, 170, 180-183 of the National Planning Policy Framework 2018.

18 CONDITION: OBSCURE GLAZING

PRE-DPC

Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the windows on the residential first to fourth floors in the side (south) elevation (at the outer edge of the 'T' shape only, immediately adjacent to Marrowbone Slip) of the proposed development, shall at all times be obscured. Samples of the proposed obscure manifestation/glazing shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved proceeding past Damp Proof Course (DPC) level. The approved obscure manifestation/glazing shall be fully implemented before any building is first occupied and henceforth permanently maintained.

Reason:

In order to protect the privacy enjoyed by the occupiers of the neighbouring dwellings in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEVI of the Plymouth and South West Devon Joint Local Plan (2014-2034).

19 CONDITION: FURTHER DETAILS - SCREENING

PRE-DPC

Notwithstanding the submitted details, the development hereby approved shall not proceed past the Damp Proof Course (DPC) level until details (presented at appropriate scales) of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:-

1. Details/samples of obscure manifestation/glazing to be used in the south elevation (overlooking Marrowbone Slip) of the commercial units hereby approved.
2. Detail of screening to the south elevation of the proposed commercial roof terrace.
3. Details of the boundary treatment serving the first floor residential roof gardens

The works shall conform to the approved details and be fully implemented before the building is first occupied and henceforth permanently maintained.

Reason:

In order to protect the privacy enjoyed by the occupiers of neighbouring and proposed dwellings in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEVI of the Plymouth and South West Devon Joint Local Plan (2014-2034).

20 CONDITION: CAR PARKING MANAGEMENT STRATEGY

PRE-OCCUPATION

No part of the development hereby proposed shall be occupied until the applicant has submitted to the Local Planning Authority for approval a Car Parking Management Strategy. The said Strategy will provide details relating to the allocation of parking for each use on the site, measures relating to the control/use of all spaces to allow the sharing of spaces and the associated method of enforcement. From the date of the occupation of any unit within the development the applicant shall operate the approved Car Parking Management Strategy.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV31 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 102, 108, 110 and 111 of the National Planning Policy Framework 2018.

21 CONDITION: ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)

PRE-OCCUPATION

No part of the development hereby permitted shall be occupied until the proposed alterations to the existing highway in order to create the new loading/unloading bay on Sutton Road and associated works as shown on the approved plans have been completed to the satisfaction of the Local Planning Authority.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV31 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 102, 108, 110 and 111 of the National Planning Policy Framework 2018.

22 CONDITION: CAR PARKING PROVISION

PRE-OCCUPATION

No part of the development shall be occupied until the car parking area shown on the approved plans providing a total of 108 spaces (including 5 dedicated electric vehicle charging bays) has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV31 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 91, 102, 105, 108 and 110 of the National Planning Policy Framework 2018.

23 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

No part of the development hereby permitted shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 88 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV31 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 91, 102, 108 and 110 of the National Planning Policy Framework 2018.

24 CONDITION: TRAVEL PLAN

PRE-OCCUPATION

No part of the development hereby permitted shall 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 residents, staff and all site users to use modes of transport other than the private car to get to and from the development. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the developer shall operate the approved Travel Plan.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV31 of the

Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 102, 105, 108 110 and 163 of the National Planning Policy Framework 2018.

The applicant should contact Plymouth Transport and Infrastructure for site- specific advice prior to preparing the Travel Plan.

25 CONDITION: USE OF UNITS

PRE-OCCUPATION - COMMERCIAL

The ground-floor commercial unit(s) shall only be used as a Shop (Class A1), a Financial or Professional Service (Class A2), a Cafe/Restaurant (Class A3) or a Drinking Establishment (Class A4) respectively of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any re-enacting that Order).

Prior to the commercial or retail use of any of the ground floor units commencing, the specific use class proposed for each unit shall have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise previously agreed in writing with the Local Planning Authority, the approved use class for that unit shall thereafter be so maintained. For the avoidance of doubt, unless otherwise previously agreed in writing with the Local Planning Authority, a maximum of one A4 use will be permitted within the development.

Reason:

The Local Planning Authority wishes to control the type of use class proposed for the ground floor units in order to maintain a vibrant and active ground floor frontage, to ensure a positive, interactive relationship with the surrounding public realm is maintained and protect residential amenity in accordance with the provisions of Area Vision 5 and policies CS01, CS02, CS04, CS12, CS13 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, adopted Sutton Harbour Area Action Plan policy SH06, emerging policies DEVI and DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 170 and 180 of the National Planning Policy Framework 2018.

26 CONDITION: FLOOD RISK ASSESSMENT

PRE-OCCUPATION

The development permitted by this planning permission shall only be carried out in accordance with the flood risk management and mitigation recommendations set out in the approved Flood Risk Assessment (Ref. WE04821/FRA, 28 July 2018)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV37 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 148-150 and 155-165 of the National Planning Policy Framework 2018.

27 CONDITION: SIGNAGE DESIGN CODE

PRE-OCCUPATION - GROUND FLOOR COMMERCIAL UNITS

Notwithstanding the submitted information, the ground floor commercial units shall not be occupied until a design code for signage has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that a consistent and high quality approach is taken with regard to any proposed signage to protect the visual amenity of the area in accordance with Policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy PLY24 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 124-132 of the National Planning Policy Framework 2018.

28 CONDITION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

PRE-OCCUPATION

A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development hereby permitted. The content of the LEMP shall include the following:

1. Description and evaluation of features to be managed.
2. Ecological trends and constraints on site that might influence management.
3. Aims and objectives of management for both the landscape elements and the biodiversity features.
4. Set out maintenance operations for the first year following implementation of the scheme and for a further 4 years following establishment for achieving aims and objectives.
5. Preparation of a work schedule.
6. Body or organisation responsible for implementation of the plan.

7. Monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest and to ensure that satisfactory landscaping works are carried out, in accordance with Policies CS01, CS18, CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies SPT11, DEV10, DEV24, DEV28 and PLY25 of the Plymouth and South West Devon Joint Local Plan and paragraphs 130, 170, 180-183 of the National Planning Policy Framework 2018.

29 CONDITION: ONSITE RENEWABLE ENERGY PRODUCTION

PRE-OCCUPATION

The development shall be completed in accordance with the Energy Statement prepared by SDS, dated 11.06.2018. This proposes the use of Combined Heat and Power as the preferred method of incorporating onsite renewable energy production.

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

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the development in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, the emerging policy DEV34 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 148, 150-154 of the National Planning Policy Framework 2018.

30 CONDITION: INTERNAL SOUND LEVELS

PRE-OCCUPATION - RESIDENTIAL

Prior to any occupation of the residential units hereby approved, the developer should submit, for written approval by the Local Planning Authority, a verification report proving that the dwellings have been constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 35 dB LAeq for living rooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night- time), with windows shut and other means of ventilation provided.

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies DEV2 and DEV10 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraph 170e of the National Planning Policy Framework 2018.

31 CONDITION: COMMERCIAL UNITS FIT OUT

WITHIN TWELVE MONTHS OF FIRST RESIDENTIAL OCCUPATION

Within twelve months of the first residential unit, hereby permitted, being occupied, the ground floor commercial units shall be completed ready for fit out by a future occupier.

Reason:

In order to ensure the commercial units are delivered to a suitable standard to attract future occupiers adding to the vitality of the area in accordance with Policies CS02 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007, emerging policies PLY20 and PLY25 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 127 of the National Planning Policy Framework 2018.

32 CONDITION: NOISE FROM KITCHEN EXTRACT VENTILATION SYSTEM - COMMERCIAL UNIT

PRE-INSTALLATION

Noise from any kitchen extract ventilation system must not be audible above background levels in adjacent residential dwellings. Prior to the installation of such a system, details shall first be submitted and approved in writing by the Local Planning Authority. In addition, a BS4142:2014 compliant noise assessment to validate the plan must be submitted. Installation of the system

may not commence until the Local Planning Authority has given written authorisation following their assessment of the plans and noise data submitted.

Reason:

To protect the residential and general amenity of the area from noise emanating from the operation of any machinery and avoid conflict with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies DEV2 and DEV10 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraph 170e of the National Planning Policy Framework 2018.

33 CONDITION: MANAGEMENT PLAN - GYMNASIUM USE

PRE-OPERATION - GYM

Prior to the first operation of the commercial gymnasium use hereby approved, a management plan for the operation of the use shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include contact details (including postal address, email address and telephone number) of the person to be contacted regarding any issues arising from the use of the gymnasium or any associated external areas under its control and a commitment to keep this information up to date. The management plan must also describe how the operator will control any impact to the residential and general amenity from the operation of the facilities, and how those controls will be implemented and monitored to verify their effectiveness. The management plan shall thereafter be adhered to strictly at all times.

Reason:

In the interests of neighbours' amenities and to provide a ready point of contact for any person who needs to address an issue in relation to the use of the premises, in accordance with policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Plymouth's adopted Development Guidelines Supplementary Planning Document 2010, emerging policy DEV1 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 123 of the National Planning Policy Framework 2018.

34 CONDITION: HOURS OF OPERATION - COMMERCIAL UNIT

Unless otherwise agreed in writing with the Local Planning Authority, the commercial units (Classes A1, A2, A3, A4 and B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)) hereby permitted and any associated external seating area shall not operate or be open for business outside of the following hours:

Monday to Saturday 08.00 - 23.00 hrs

Sunday and Bank Holidays 10.00 - 22.30 hrs

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 170 and 180 of the National Planning Policy Framework 2018.

35 CONDITION: REDUCTION OF SOUND TRANSMISSION AND VIBRATION FROM GYMNASIUM USE

Noise from the gymnasium shall not be audible within the residential dwellings. Unless otherwise agreed in writing by the Local Planning Authority, the approved gymnasium shall be constructed in accordance with the following approved details:

The gym will have an isolated acoustic floating floor located above the floor slab topped with a 15mm thick impact absorbing underlay, with a potential 10mm thick rubber sports flooring finish. This may be extended to an isolated area anticipating heavy weights, or an area for classes having an isolated sprung floor.

A Class A absorptive suspended ceiling will be provided giving 100% coverage of the equivalent floor area to aid with controlling noise reverberation within the space, above which an acoustic isolated plasterboard soffit comprising of MF ceiling on resilient hangers, plasterboard finish and mineral wool insulation above aiding in preventing noise transfer from the gym to the residential apartments above. The residential apartments will also have an isolation underlay applied beneath their respective insulated and screed topping floors

Decorative artwork Class A absorptive wall panels are to be applied to a portion of the rear walls (opposite the curtain walling elevation on Sutton road) to aid with sound absorption reflecting from any curtain walling within the space. Surrounding walls to provide either dual and isolated studs plasterboard walls with double and triple plasterboard linings as necessary, or dual skin blockwork walls with an insulated cavity between and plasterboard finishes to mitigate noise transferral from the gym to the adjacent floor plan spaces.

Any elements of building structure located within the surrounding walls will be fully encased in either system to prevent transfer of noise through the structural elements between floor levels.

The gymnasium shall be maintained as such thereafter, unless alternative details are first submitted to and agreed in writing by the Local Planning Authority.

Reason:

To minimise the transmission of sound and vibration from the use of the gymnasium in the interests of neighbours' amenities, in accordance with policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV1 of the

Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 170 and 180 of the National Planning Policy Framework 2018.

36 CONDITION: DELIVERIES TO AND FROM THE PREMISES AND REFUSE COLLECTION - COMMERCIAL UNIT

Deliveries and refuse collections are restricted to the following times: -

Monday to Saturday- between 08.00 hrs and 18.00 hrs

Sundays and Bank Holidays- No deliveries or refuse collection

Reason:

To protect the residential and general amenity of the area from noise emanating from delivery and waste collection activities and avoid conflict with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies DEVI and DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 170, 180-183 of the National Planning Policy Framework 2018.

37 CONDITION: ACTIVE FRONTAGE

Notwithstanding Section 55(2)(a) of the Town and Country Planning Act 1990 (as amended), the windows relating to the commercial unit(s) hereby approved at ground floor level shall remain visually transparent - free from any applied vinyl advertisements, curtains, display stands or any other features that could restrict views in to or out of the premises at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

Due to the safety and security benefits brought by overlooking through these windows, in accordance with Policies CS32 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies PLY25 and DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 91, 124 and 130 of the National Planning Policy Framework 2018.

38 CONDITION: SPECIFIED USE RESTRICTION

Notwithstanding the provision of section 55(2)(f) of the Town and Country Planning Act 1990 or any provision equivalent to that Act in any statutory instrument revoking and re-enacting that Act with or without modification, the gymnasium hereby permitted shall only be used as a gymnasium; and for no other purposes (including any other purpose in Class D2; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies PLY25 and DEV1 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 170 and 180 of the National Planning Policy Framework 2018.

39 CONDITION: TEMPORARY FLOOD PROTECTION

The approved Block Plan (ref:AWW-02-00-DR-A-01 Rev.C) confirms that, as there is a minimum of 2.5m between the quay wall and the approved development, adequate space is available within the footprint of the site to accommodate suitable temporary flood protection measures, to the 4.81 mAOD standard of protection required by the Local Flood Risk Management Plan. This space shall be kept clear of fixed obstructions in order to be available for the installation of temporary flood protection measures in the event of a tidal flood warning being issued.

Reason:

To ensure that appropriate temporary flood protection can be accommodated within the site to protect the development in the event of a tidal flood warning in accordance with policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV37 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 148-150 and 155-165 of the National Planning Policy Framework 2018.

40 CONDITION: RESTRICTION ON RETAIL USE

Notwithstanding the provisions of Part 3 (including Class V) of Schedule 2 of 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 more than 500 sq m GIA of floorspace within this site shall be used for purposes within Use Class A1 (shops) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

The application has been assessed on this basis and the impact of additional retail floorspace would need further consideration to ensure that the development would not impact on vitality and viability of other designated centres in accordance with Policies CS06 and CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policy DEV16 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraph 86 of the National Planning Policy Framework 2018.

41 CONDITION: EXTERNAL MAINTENANCE MANAGEMENT PLAN

PRE-OCCUPATION

No part of the development hereby proposed shall be occupied until the applicant has submitted to the Local Planning Authority for approval a management plan for the external maintenance of the building. The said management plan will provide details relating to how all external materials shall be maintained in a good, clean condition and appearance as long as the proposed buildings remain on the site and how 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, emerging policies PLY25 and DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 63-64 of the National Planning Policy Framework 2018.

42 CONDITION: PLANT, EQUIPMENT AND ACCRETIONS

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, equipment or other accretions shall be added to the roof or elevations of any part of the building 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).

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, emerging policy DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 24-26, 130, 170, 180-183 of the National Planning Policy Framework 2018.

43 CONDITION: BIODIVERSITY

The development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy (dated October 2018) for the site.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Policies CS01, CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies SPT11 and DEV28 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 109 and 118 of the National Planning Policy Framework 2018.

44 CONDITION: CAR PARK DELIVERY

GRAMPIAN CONDITION

No more than 70 of the residential units hereby permitted shall be occupied until the car park extension at Harbour Car Park (subject to planning application ref: 18/01246/FUL) is open and ready for use.

Reason:

In order to ensure the delivery of the car park to provide the additional parking provision required to serve the development 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 and ensure that biodiversity net gain is achieved in accordance with Policies CS01, CS19, CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies SPT11, DEV28 and DEV31 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 91, 102, 105, 108, 109, 110 and 118 of the National Planning Policy Framework 2018.

45 CONDITION: MANAGEMENT PLAN - GROUND FLOOR COMMERCIAL UNITS

PRE-OPERATION

Prior to the first operation of the ground floor commercial units hereby approved, a management plan in respect of the premises and associated external areas shall be submitted to and agreed in writing by the Local Planning Authority. The management plan must describe how any impact to the general amenity from the operation of the development will be controlled, and how those controls will be implemented and monitored to verify their effectiveness.

Reason:

To protect the general amenity of the area from litter, noise, pests and from disturbance or nuisance caused by the general operation of premises, including deliveries within the commercial aspect of the development and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 170, 180-183 of the National Planning Policy Framework 2018.

46 CONDITION: FOUL DRAINAGE

Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason:

To ensure the discharge of drainage from the development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment in accordance with policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV37 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 148 and 155-165 of the National Planning Policy Framework 2018.

INFORMATIVES

I 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.