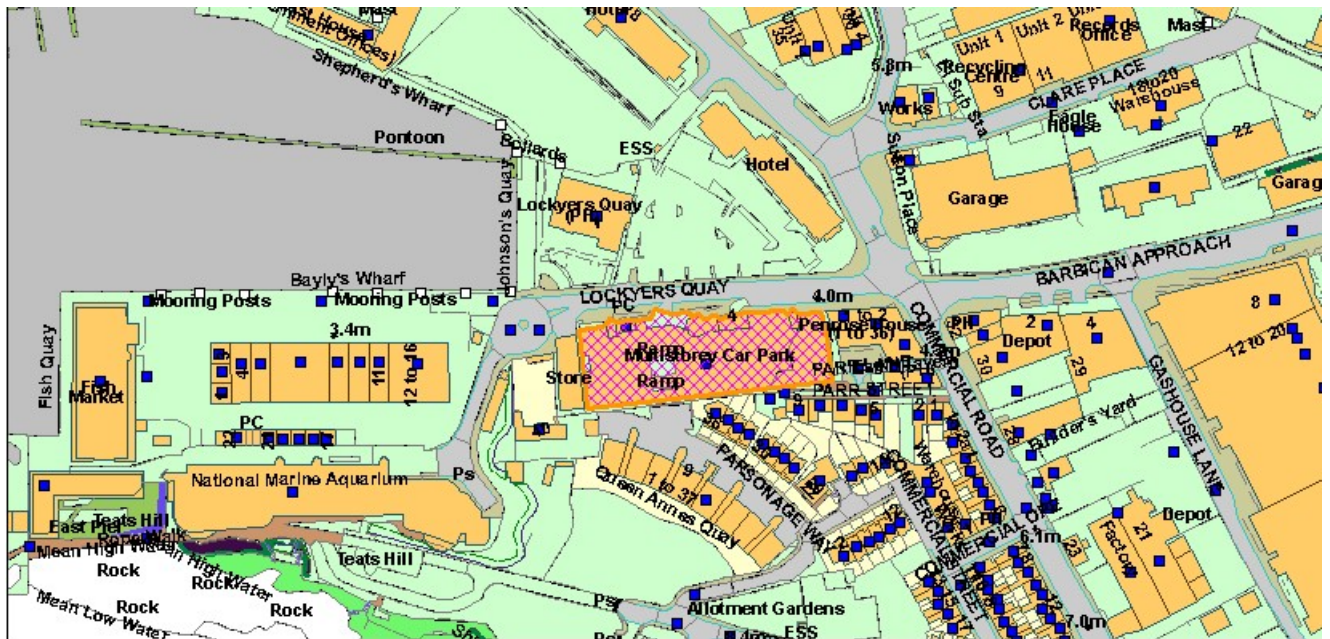


PLANNING APPLICATION OFFICERS REPORT



Application Number	18/01246/FUL	Item	02
Date Valid	20.07.2018	Ward	SUTTON AND MOUNT GOULD
Site Address	Harbour Car Park Lockyers Quay Plymouth PL4 0RA		
Proposal	Erection of two additional storeys to existing car park and change of use and external alterations to former toilets to form a commercial unit (Class A1 and A3)		
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	Grant Conditionally		



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 a large multi-storey car park located close to the junction of Lockyer's Quay, Commercial Road, Sutton Road and Barbican Approach. The car park is accessed via Lockyers Quay at the northern elevation.

The current structure was built in 1994 by Plymouth City Council and has capacity for 359 cars distributed over 10 half parking levels. A separate area of parking for 17 cars is located at ground floor at the eastern end of the car park, this is reserved for residents of the adjacent Penrose Yard development, accessed directly from Lockyers Quay.

To the north of the application site is the Lockyers Quay Public House/Restaurant and the Premier Inn hotel with associated surface car park. To the east, is Penrose House which comprises residential accommodation above commercial ground floor units. To the south, the application site is bound by residential properties on Parr Street and Parsonage Way (Queen Anne's Quay). To the west, the car park adjoins a commercial store/garage and a residential dwelling known as Teats Hill House, which is a Grade II listed building. Beyond this, is the entrance to the Fish Market and the National Marine Aquarium.

2. Proposal Description

The application seeks planning consent for the erection of two additional storeys to the existing car park and change of use and external alterations to the former toilets to form a commercial unit – use class A1 (shops) and A3 (restaurants and cafes). The application has been amended so use classes A4 (drinking establishments) and A5 (and hot food takeaway) are no longer proposed.

The development will provide two additional storeys to the existing Harbour Car Park, which currently has 364 spaces. Amended plans have been submitted, stepping the proposed additional storeys back progressively from the existing rear elevation to provide greater distance between the proposed built form and adjacent properties.

The proposed works will expand the capacity of the car park by a total net increase of 114 spaces across four new half parking deck floors resulting in the creation of a total of 478 spaces across 14 levels. It is proposed that 62 of these spaces will be allocated for use by future residents of the proposed development at Sugar Quay (currently subject to consideration under application reference no. 18/01245/FUL), with a further 36 spaces to be made available for residents of Sugar Quay on an optional basis via the issue of permits. An additional 6 spaces will be allocated for use by Foot Anstey – this will offset the remainder of the existing parking lost as a result of the proposed Sugar Quay development (as part of that site is currently used as a temporary surface car park). The remaining 10 spaces would be for public use.

The additional two storeys will consist of a steel framed structure with a pre-cast concrete plank deck.

The existing feature staircase and lift shaft located centrally along the Lockyers Quay elevation and the two fire exit staircases will be extended up to service the proposed additional two storeys. These staircase core extensions will be enclosed in a lightweight aluminium cladding and part glazed screen.

A steel perimeter combined crash barrier and mesh infilled handrail system will be provided to the perimeter facade and all internal openings in the structure.

The existing WCs at ground floor will be removed and a new street facing retail/cafe facility will be provided.

The car parking structure will incorporate a planting solution that will allow vegetation to grow up the sides of the structure to create 'green walls'.

3. Pre-application Enquiry

Pre-application discussions took place (ref: 18/00867/MAJ), commencing in May 2017. In summary, pre-application discussions explored the opportunity to introduce an active ground floor use within the former WC area, creating a 'feature' entrance via the historic archway and potentially introducing further activity within the Control Room which no longer appears to be used. In design terms, Officers supported the principle of extending/improving the existing buildings' green wall aesthetic, with the obvious visual amenity and biodiversity benefits this could bring. Officers also recommended that the application should be presented before a Design Review Panel. However this was not something that the applicant wanted to pursue. The potential impact on neighbouring amenity was identified and Officers recommended that the proposed extension should be set back from the existing rear elevation to minimise the visual impact from adjacent windows and garden spaces. A set back from the side (west) elevation was also recommended to reduce the impact on the Listed Teats Hill House. In Highways terms, amongst other things, Officers sought further information on current car park occupancy levels and expressed concerns that the car park is currently under-utilised and seldom at capacity. Other material planning considerations, including natural infrastructure, drainage, and security, were also discussed.

4. Relevant Planning History

17/01385/ADV – Illuminated projecting sign – Permitted.

17/01408/ADV– Non-illuminated signs – Permitted.

05/00151/FUL – Formation of secure and dedicated parking area adjoining land, with new vehicular access – Permitted.

01/01112/FUL – Installation of external display comprising three stainless steel fish with fibre optic illumination – Permitted.

93/00501/OUT – Outline application to develop land by the erection of a multi-storey car park. Scheme B – Withdrawn.

93/00502/OUT – Outline application to develop land by erection of a multi-storey car park – Permitted.

93/00687/LBC – Dismantling of wall and archway prior to re-erection nearby – Permitted.

93/00954/30 – Erection of multi-storey car park (approval of reserved matters) – Permitted.

5. Consultation Responses

Highway Authority (Amended response, dated 8/10/18) – No objections, subject to recommended conditions to secure the provision of parking spaces and ten electric charging points, a car parking management strategy, details of loading for the proposed café, and the submission of a construction traffic management plan.

Historic Environment Officer (Amended response, dated 5/10/18) – Based on the amended proposals, which minimise the impact on the listed building (Teats Hill House), the proposed increase in height is acceptable. The principle of the cafe/toilets is also acceptable, but it is felt that this is a missed opportunity to make more of this area and to enhance the Grade II listed archway by incorporating it sensitively into the scheme.

Urban Design Officer – Initial informal concerns were raised regarding the proposed materials and green finish which would potentially accent the extension. In addition, assurances were sought on the deliverability of the green walls to mitigate the visual impact, noting that if these could not be delivered and maintained this would trigger a need to review the additional parking piers and the design approach taken. Furthermore, it was recommended that the proposed extension should be pulled away from existing south and west elevations so it appears subservient and reduces the impact on neighbours.

Based upon the amended plans, no objections have been raised. Detailed comments have been received (as outlined in the Analysis section below) and conditions recommended, securing an active frontage for the commercial unit and assurances that the green wall planting and associated infrastructure can be delivered and maintained in good condition throughout the life of the development.

Economic Development Department – Fundamentally supportive of the proposals. However, there are Waterfront Masterplan delivery requirements which it would be appropriate to support through S106 contributions from a development of this nature and scale i.e. delivering significant additional footfall to/from the harbour area and to/from The Hoe/Hoe Foreshore – a proportionate contribution of £99,400 to delivery costs is considered appropriate. In addition, assuming the development has a construction cost in excess of £1m, there would be a requirement for submission, approval and delivery of an Employment and Skills Plan.

Police Architectural Liaison – The Devon and Cornwall Police are not opposed to the granting of planning permission for this application. The Police Architectural Liaison Officer has been fully consulted at the pre application stage and supports this application in its current design and layout.

Public Protection Service (PPS) – On the basis of the amended scheme, which no longer proposes A4 and A5 uses within the commercial unit, the PPS raise no objections (email dated 19/9/18). Furthermore, PPS confirm that details of kitchen extraction/ventilation systems will now not be required. However, restrictive conditions relating to deliveries/collections, opening hours, bin storage and pest management are recommended.

In terms of noise, the PPS noted that noise complaints have been received in relation to traffic noise from the car park including unauthorised racing around the site. As the proposal allows 24hr access for authorised residents only, the PPS confirmed that this limits the scope for additional unreasonable noise from the use of the proposed extension.

Natural Infrastructure Team (NIT) – Satisfied that the revised Ecological Mitigation Enhancement Strategy (EMES) sets out sufficient measures to ensure the scheme delivers a biodiversity net gain. These measures will also assist in providing a net gain for the proposed development at Sugar Quay (planning application 18/01245/FUL).

Furthermore, based upon amended plans, the NIT is satisfied that the scheme now includes additional planters ensuring the required level of visual mitigation can be delivered and the greening of the building can reach its required extent.

A Landscape Mitigation and Ecological Management Plan (LEMP) shall be sought by recommended condition.

Queens Harbour Master – No response received.

Cattewater Harbour Commissioner – No response received.

Lead Local Drainage Authority – No objections, subject to a recommended condition seeking a construction environment management plan.

Devon Fire and Rescue – No response received.

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.

Waterfront Partnership – No response received.

Public Health – No response received.

6. Representations

Twenty-one letters of objection have been received from the occupiers of Teats Hill House, Parsonage Way and Parr Street. The objections raised have been summarised below under key theme headings:

Historic Environment:

* Detrimental to the adjacent Grade II listed building

Transport/Highway:

* Existing car park is rarely full. Existing floors could be used to accommodate parking demand arising from the proposed Sugar Quay development - no need to add additional storeys.

Increase in traffic

- * Increase in pollution. Cumulative impact due to Sugar Quay development and Premier Inn extension.
- * Sufficient car parking should be included in the Sugar Quay development – the design of Sugar Quay and unit numbers should be reconsidered.
- * No provision for electric charging points.

Neighbouring Amenity:

- * Not supportive of proposed 24 hour use – not appropriate in a residential area and will make existing disturbance worse.
- * Previously extended opening hours resulted in a significant increase in anti-social behaviour to the detriment to local residents.
- * Loss of privacy to adjacent gardens and through windows.
- * Overshadowing/loss of light. Obscure natural light due to height, massing and proximity to neighbours. The submitted shadow assessment should be questioned/is incorrect/misleading.
- * Loss of outlook (loss of sky) from neighbouring gardens and houses.
- * Air pollution – in an already over populated area due to additional car emissions plus predicted longer use of car park.
- * An extra 2 storeys is too high.
- * Construction phase will be very harmful (noise and pollution) to local residents – increase traffic, noise pollution, dust.

Design/Appearance

- * The building is an eyesore. An extra two additional storeys is too high and exceeds existing building line.

Other observations/objections:

- * Café is unlikely to be used given its setting and location.
- * The toilets are the only public toilets in the vicinity and should be repaired and brought back into use.
- * Lock bridge closure is an issue. Sutton Harbour should pay for the bridge repairs rather than such a costly development.
- * Residents of Parsonage Way did not receive consultation letters from Sutton Harbour Holdings regarding pre-application consultation events.
- * Safety and security issues and how anti-social behaviour would be dealt with.
- * Inaccurate impressions - the submitted Planning Statement omits relevant information potentially giving readers a false impression.
- * 'Pre-determination' – pre-application collaboration between the applicant and the Council, before the consultative period has started, appears to be contrary to guidelines on probity. This raises fears that premature commitments are being made.
- * Reduction in view (not a material planning consideration).

Following the submission of additional/amended information, a further public consultation was carried out. At the time of writing this report, no letters of representation were received during the second public consultation period.

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:

- Sustainable Design SPD
- Development Guidelines SPD

8. Analysis

I. Introduction

I.2 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.3 This report therefore has due regard to the following policies within the Local Development Framework Core Strategy:

CS02 - Design

CS03 - Historic Environment

CS13 - Evening/Night-time Economy Uses

CS19 - Wildlife

CS20 - Resource Use

CS22 - Pollution

CS28 - Local Transport Consideration

CS32 - Designing out Crime

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

1.4 With regard to the Sutton Harbour Area Action Plan, the main policy relating to this site is proposal SH08 (Coxside/Barbican Car Park).

1.5 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

PLY37 – Strategic infrastructure measures for the City Centre and Waterfront Growth Area

DEVI – Protecting Health and Amenity

DEV2 – Air, water, soil, noise and land

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

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

1.7 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 Sugar Quay application (18/01245/FUL).

1.8 The primary planning considerations are the principle of the proposed development, design considerations and the impact on the historic environment, transport issues, neighbouring amenity, security and impact on the natural environment. The consideration of these issues is explained in full below.

2 Principle of the proposed development

2.1 Until it is superseded by the adoption of the Joint Local Plan, the relevant planning policy for the site is SH08 (Coxside/Barbican Car Park) in the adopted Sutton Harbour Area Action Plan (SHAAP). This policy seeks to remodel the existing car park to introduce a mixture of uses, including active ground floor uses to add street level vibrancy and natural surveillance over adjacent streets and spaces. The SHAAP says that this could include the addition of further floors, having regard to the need to ensure acceptable impact on neighbouring properties - the building having been engineered to be able to support this.

2.2 The SHAAP is likely to be replaced with the emerging Joint Local Plan (JLP) in 2019. Although there is no explicit Policy for the car park – as no development of it was anticipated during the plan period – JLP Policy PLY20 supports general enhancement of key assets and

opportunities in the waterfront area, to optimise its vibrancy and destination potential. JLP Policy PLY21 also supports proposals that enhance the waterfront as a visitor destination.

2.3 The proposed development will provide two additional storeys to the existing Harbour Car Park, providing a total net increase of 114 spaces across four new half parking deck floors. Ten of the proposed additional parking spaces will be available for public use (although this may be greater depending on the number of Sugar Quay residents taking up the 36 additional spaces available on an optional permit basis). It is accepted that this modest additional public parking provision will do little to support the aspirational growth of the Harbour and the tourist economy here. However third party representations, supported by the submitted Transport Statement, claim that the car park rarely operates at capacity. Therefore, there is no identified need, at present, for a significant increase in public parking provision here (only 10 additional public spaces are proposed). Having said this, policy SH08 seeks to retain the existing public car parking to support existing tourism and business needs of the area, including the National Marine Aquarium. Therefore, notwithstanding some third party representations, it would not be desirable to lose a significant number of existing parking spaces here. On this basis, Officers support the principle of extending the car park to support the delivery of the Sugar Quay residential development with no significant change to the existing public parking provision.

2.4 As outlined above, the proposed extension will facilitate the development of the nearby Sugar Quay site for a landmark residential-led scheme, providing additional housing on a derelict brownfield site, which has been stalled for many years. The Sugar Quay development will also provide, via S106 agreements, a commuted sum towards the delivery of much needed affordable housing within the City, as well as contributions towards improved flood protection measures for the Harbour, local health provision and secondary education within the City. The significant regeneration and economic benefits of the Sugar Quay scheme must therefore be duly considered when balancing the material planning considerations of this application.

2.5 With reference to the proposed commercial use; this has been proposed in response to the policy aspirations summarised above and the pre-application advice provided by Officers to create as much street-level activity (and therefore natural surveillance) as possible and is therefore supported in principle by Officers.

3 Urban Design

3.1 It is considered that the car park's existing blank ground floor frontages create a poor first impression of Sutton Harbour and Plymouth for visitors. There are some particularly problematic areas, such as the space between the Grade II listed Plymouth limestone archway (which is understood to have belonged to an 18th Century prison gateway, in a different location nearby) and the disused toilets. The toilets are understood to have been closed for approximately ten years due to problems with antisocial behaviour. The space behind the archway and the ramps down to the former toilets, with their concrete balustrades, creates an unattractive and poorly overlooked space which would itself create opportunities for antisocial behaviour.

3.2 The pre-application version of the scheme proposed the additional tiers of car parking, but with no active ground floor frontage. Officers drew the architect's attention to the active ground floor frontage aspiration of the SHAAP. The architect agreed to investigate the opportunity to create active ground floor frontages and produced an initial concept sketch proposing the redevelopment of the defunct toilet area as a retail unit / café / kiosk, connecting this space to the Grade II listed archway, which he proposed could be used to create an attractive entrance, with lightweight glazed walls and a roof linking the old and new structures. Officers were supportive of this idea – as well as creating a much-needed active ground floor

use, it would remove the awkward antisocial space between the archway and the car park building. It is positive that this active ground floor use has made it into the planning application scheme and, whilst it is unfortunate that the historic archway has not been fully incorporated, it is positive that the architect proposes replacement of the concrete ramp balustrades with glass, as this will improve the openness of the space and natural surveillance into it. Furthermore, the glass canopy, green walls and outdoor seating relating to the unit is welcome. The unit's shopfront should remain transparent and free from obstruction; a restrictive condition is recommended accordingly.

3.3 With regard to the car park extension, the quality of scheme's architecture is overall considered reasonable. The additional structures are complex in form – and this is an obvious response to the existing car park's complicated set of parts.

3.4 The massing of the proposal is considered to be at the upper limit of what can be justified on the site, in terms of the relationship with the scale of adjacent buildings, streets and spaces. In response to concerns about the scheme's overbearing impact on Parr Street and Parsonage Way, officers have negotiated an amendment with the architect whereby the upper car parking tiers have been set back from the south building line, such that the bulk of the additional tiers as experienced at street level is reduced and more sky is visible. The architect also agreed to progressively set back the south west corner, to mitigate the impact on Parsonage Way and Teats Hill House. Officers consider that this change, coupled with the fact that the elevations of the new car parking tiers are of lighter-weight appearance than the existing car park structure (with railings through which light can be seen, rather than the heavy, exposed-aggregate concrete balustrades of the existing car park) mitigates this key visual impact to the point where the scheme's mass is considered acceptable on-balance.

3.5 Whilst officers support the use of climbing plants and green walls, officers were concerned about the green colour originally proposed for the application scheme's structure, on the basis that this accented the development and made it more prominent. Further to negotiation, the architect agreed to change the colour back to the grey proposed for the pre-application scheme. Officers consider that this assists in making the upper tiers less prominent and complements the colour of the existing building.

4 Green Wall

4.1 The proposed extension to the car park will provide a green frontage that will soften the visual impact of the proposed two storey extension, and assist in dust suppression, pollution reduction and reduce noise.

4.2 A series of planter boxes will be installed at Level 13 and 14. These planters will house trailing plants appropriate to the aspect (light/shade) with evergreen plants throughout, supplemented with a variety of climbers to change over the seasons helping them to establish and survive longer. The same plants will be used to create the proposed living 'green' wall to the new ground floor cafe external seating area.

4.3 The Level 13 and 14 planter boxes will be accessible from the top deck of the car park for the purposes of maintenance of the foliage and the elements of the existing car park drip fed irrigation system that will be extended to service the new landscaping installation.

4.4 The proposed greening of the car park walls, using climbing plants, will further help to screen the visual impact of the structure (and builds upon the climbing plant concept of the original building design). However, concern has been raised regarding the deliverability of the green walls, for it is understood that Building Control have raised potential concerns about ventilation

and the fire risks associated with dead foliage. The Architect has provided further details and assurances in this regard confirming that ventilation of the newly proposed floors has been provided at the same level as the existing floors below. A Mechanical, Electrical and Plumbing consultant has been appointed to provide further information and studies on ventilation strategies. The building will be constructed in accordance with Building Regulations and relevant British Standards to ensure compliance with fire safety regulations.

4.5 A condition is recommended to ensure that the green wall planting and associated infrastructure is delivered and maintained in good condition throughout the life of the development to mitigate the visual impact of the proposed additional parking tiers.

5 Highways

5.1 At present the car park provides 364 spaces which would be increased by a further 114 spaces resulting in 478 spaces in total.

5.2 It is proposed that 68 spaces are allocated to a combination of both residents of the proposed Sugar Quay development (62 spaces) and Foot Anstey (6 spaces). The latter addresses the loss of existing spaces serving Foot Anstey as a result of the Sugar Quay proposals. The applicant has confirmed that these 68 spaces will be marked-out and accessed through a further internal barrier system within the car park so that it is clear that the use of these spaces is independent from the use of the remaining pay and display spaces within the car park.

5.3 The remaining spaces created (46 in total) will be available for general use (pay and display) although those potential residents from Sugar Quay who do not have an allocated car parking space will be given the opportunity to purchase a parking permit for use within Harbour Car Park.

5.4 It should be noted that submitted survey data included in the Transport Statement relating to the use of the existing car park reveals that during the average week day the car park is no more than 30% full. This is a concern raised in third party representations (as outlined above). However, in view of the fact that much of the completed development around Sutton Harbour has been approved with minimal levels of car parking and the limited number of extra spaces proposed would potentially allow for further development in the Sutton Harbour area to come forward, the Highway Authority has not objected to this application on this basis.

5.5 Furthermore, it is acknowledged that further spaces are likely to be required when particular events are taking place within the Sutton Harbour/Barbican area, with such events likely to take place during evenings or weekends (outside the peak hours of operation on the local road network). The Highway Authority is therefore content that the extra car parking spaces proposed will have little impact in terms of extra trips on the local road network.

5.6 The applicant has confirmed that a total of 10 electric vehicle charging points will be provided within the car park which is welcomed and should be secured by the recommended planning condition.

5.7 With regard to the servicing of the ground floor commercial unit, the applicant has now confirmed that they would be seeking to work with the occupier of the Lockyers Quay site to use spaces within this car park which is directly opposite the proposed commercial unit and allow deliveries to be made to this unit without blocking the highway. Officers are content that there is now a solution to the loading/unloading problem and recommend a restrictive condition to seek further details.

5.8 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.

6 Historic Environment

6.1 The Harbour car park is located in Coxsides, and is therefore outside of the Barbican Conservation Area, although it is visible from within it. Immediately adjacent to the carpark on its north side it is the Grade II listed archway and to the southwest the Grade II listed Teats Hill House.

6.2 The proposals are to add an additional two storeys on to the existing car park, significantly increasing its height. The concern expressed during the pre-application was the potential for the proposed car park extension to unduly dominate the setting of the adjacent Grade II listed Teats Hill House. This has been addressed, to some degree, by the corner of the southwest elevation being stepped back on floors 11 (by 4.6, approx.) and 13 (by 8m approx.). This alteration is welcomed. Furthermore, it is noted that the construction of the proposed additional floors will be lighter in weight and appearance and will incorporate a great deal of planting to soften their appearance, which will help to lessen its visual impact. On balance, it is considered that the proposed amendments will reduce the impact on the Listed building and can be accepted.

6.3 With regard to the proposed café and associated works in the area behind the Grade II listed archway, no objections are raised. The arch is not in its original location having been moved a short distance in 1993 when the car park was originally built; therefore its current setting is not historic. Whilst it is unfortunate that the Grade II listed Archway could not be better incorporated into a more interesting scheme, any opportunity to improve the area around it is to be welcomed and it is considered that the proposal will not cause demonstrable harm to this heritage asset.

7 Impact on Neighbouring Amenity

7.1 As noted above, third party representations raise concerns about the potential impact on neighbouring amenity.

7.2 The existing building has a very close relationship with the properties to the rear; particularly the houses at the end of Parr Street, which are already enclosed by the existing car park structure; the northwest corner of no.9 Parr Street lies within 5m (approx.) of the car park. In addition, the comparatively new development at Parsonage Way has a close relationship with the rear of the car park; there is a distance of approximately 2.8m between the closest (northwest) corner of 38 Parsonage Way and the car park. Further, there is a separation distance of approximately 13m between the car park and the northwest corner of the apartment block at 9 Parsonage Way. In addition, the closest corner of Teats Hill House to the west and the corner of the car park is approximately 10.6m apart.

7.3 Sunlight/daylight

7.4 In terms of sunlight/daylight, the car park is sited to the north of Parr Street and Parsonage Way. Therefore, no significant loss of sunlight or overshadowing will occur to the residential properties here (as evidenced in the submitted Shadow Study – Proposed).

7.5 With regard to Teats House, which is sited to the southwest of the car park, with its curtilage extending to the north (west of the car park) – it is likely that there will be some additional loss of sunlight/daylight. However, this will only affect part of the external curtilage

and only for part of the day (early morning). Therefore the impact is not considered sufficiently harmful to local residents to warrant the refusal of this application.

7.6 Overlooking/Privacy

7.7 In terms of overlooking, Officers are mindful of the existing relationship, whereby users of the car park can look over the sides of the car park into neighbouring gardens and across into windows in the rear of Queen Anne's Quay. Given this very close existing relationship, and the design solutions proposed, Officers are satisfied that the proposed extension will not result in a significant loss of privacy to the neighbouring residential properties here.

7.8 As the additional storeys will now be set in from the rear elevation of the existing car park (by 2.9m and 6.1m approximately), it will not be possible for users of the proposed upper levels to look directly down into neighbouring garden spaces to the rear (as they would now look directly down to lower storeys of car parking). In addition, separation distances between the additional car park storeys and windows in the rear of 9 Parsonage Way will be greater than existing.

7.9 Whilst the Development Guidelines SPD does provide guidance on minimal separation distances to protect privacy, this refers to facing habitable room windows and therefore is not specifically relevant here, as a car park is not used in the same way as a principle residential room.

7.10 With regard to Teats Hill House to the west, the nearest corner of the car park has been 'cut' away from this property (by up to 8m), improving the relationship here. Notwithstanding this, it is acknowledged that some overlooking could occur (if users of the car park intentionally look over the edge of the additional storeys). However Officers are satisfied that any resultant impact will not be significantly worse than the existing relationship.

7.11 Further to the above, the application confirms that a wire mesh anti-climb fencing system will be installed to enclose Levels 9, 10, 11 and 12, and to a height of 1.85m above Levels 13 and 14. This will be complemented by the proposed 'green façade'. Such measures will obscure visibility from the car park and therefore further protect neighbouring privacy.

7.12 Outlook/Visual Prominence

7.13 As noted above, the relationship between the existing car park and the neighbouring residential properties is extremely close. Therefore the car park inevitably appears prominent when viewed from adjacent residential streets, windows and garden spaces to the rear.

7.14 As outlined previously, amended plans show the proposed top two storeys being stepped back progressively (levels 11-12 and 13-14) from the existing rear elevation and the southwest corner has been chamfered away from Teats Hill House. This reduces the visual prominence of the extension when viewed from the adjacent residential windows and curtilages to the rear. Furthermore, the proposed materials for the additional storeys are of a lighter weight appearance than the existing car park structure which further reduces the visual impact. Therefore, whilst the bulk and massing of the structure will increase its visual prominence, Officers are satisfied that the impact of the additional tiers as experienced at street level, from residential windows and gardens has been significantly improved and more sky is visible.

7.15 Disturbance/Opening Hours

7.16 It should be noted that the original planning consent for the construction of the car park does not have any hours of use restrictions. Therefore, in planning terms, the existing car park can technically be used 24 hours a day. However, the owner has chosen to restrict operation to between the hours of 6am and 11.30pm. The application confirms that general public use of the car park will continue to be during the hours of 6am-11:30pm only. Access control will be provided by close proximity fob readers limiting access to Sugar Quay residents parking areas 24 hours to those authorised only. This is deemed acceptable. However, Officers are mindful that the proposed additional parking could significantly increase the intensity of use by the general public (with up to 46 additional spaces, depending on the number of optional permits are purchased by future Sugar Quay residents). It is therefore deemed acceptable to restrict hours of operation for public access in this case. This will protect neighbouring amenity and enhance security and is supported by the Police Architectural Liaison Officer and the Public Protection Service.

7.17 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.

7.18 Officers are mindful that the construction phase will have an impact on existing parking provision which could, in turn, have an impact on local businesses. The Applicant has confirmed that, whilst the precise details will not be known until a contractor is appointed, it is anticipated that the construction phase will take 4-5 months and will primarily affect floors 9 and 10, although floor 7 and 8 may be partially closed for health and safety reasons during certain works. Full details shall be sought by recommended restrictive condition.

8 Security

8.1 Third party representations have raised concerns about anti-social behaviour and crime and have made reference to crime statistics which are publically available. Officers have liaised with our Police Architectural Liaison Officer and received confirmation that the official police crime data revealed one recorded incident of anti-social behaviour in the past 12 months in the Harbour Car Park. However, this does not correspond with figures quoted in the submitted letters of representation that suggest more incidents have occurred. It is understood that there are two things which could explain the difference in the public perception presented in the submitted letters of representation and the official records held by the Police. The first is that the issues described by the public may not have been reported to the Authorities, and therefore would not be on their system. The second is the interpretation of the publically available crime data which is anonymised by gathering crimes and incidents to a centre point, which could include a car park. Therefore all crimes linked to the car park for recording purposes will not have occurred at the car park.

8.2 The Police Architectural Officer has not raised any objections in this case.

8.3 The submitted information confirms that access control will be provided by close proximity fob readers limiting access to Sugar Quay residents parking areas 24 hours to those authorised only. The access control system will operate the main entrance and exit roller shutters to the car park out of 'normal' operating hours and specific floor level entry barrier on presentation of a fob. The access control system will form part of a managed system installed by an SSAIB Accredited Specialist.

8.4 The existing lift will be operational 24 hours, with access to Levels 4 and 6 outside of public hours being via a swipe card entry system.

8.5 Robust low energy LED lighting will be utilised to the 24 hour accessible areas, controlled by motion sensors with reduced lighting levels at times of zero occupancy to provide a sense of security for anyone entering the carpark out of normal operating hours.

8.6 Closed Circuit Television (CCTV) is proposed to the main pedestrian entrance both internally and externally utilising vandal resistant dome cameras, additional cameras will be provided to the 24 accessible carpark levels only.

8.7 These security measures are deemed appropriate and will be secured by restrictive conditions as recommended.

9 Public Protection Service (PPS)

9.1 As outlined in the 'Consultation Response' section above, the Council's PPS raised concerns about the appropriateness of an A4 (drinking establishment) or A5 (hot food takeaway) use being implemented in the small commercial unit proposed. These proposed uses have therefore been removed from the proposal.

9.2 The retained uses proposed (A1 – shops and A3 – restaurants and cafes) do not necessarily require extraction and ventilation, but should this be required, then a separate planning consent may be required. However, given that this is not a residential building, there are no concerns relating to noise sensitive residential receptors being affected within the building.

9.3 A restriction on opening hours is proposed, limiting operations of any commercial unit, in accordance with PPS recommendations, as well as a bin storage condition and further details on the management for any outdoor seating (including pest control). Delivery and collections have not been restricted as the potential impact is unlikely to be demonstrably harmful.

9.4 Notwithstanding third party objections regarding air quality, an air quality assessment has been submitted in support of the application which identifies that the impact on local air quality from the new development is negligible. The PPS has reviewed this assessment and agreed with its findings.

10 Drainage

10.1 Further information was sought to explore any opportunities to improve the design standard of the sewer towards the 1 in 100 year return period (1% AEP) and a 40% allowance for climate change required by the Local Flood Risk Management Strategy, as well as reducing peak surface water discharge rates. On the basis of the additional information submitted (an option assessment contained in the updated drainage statement), the LLFA confirmed that all reasonable options had been considered and no further details were required in this regard.

11 Comments on Third Party representations not previously covered within the Report

11.1 Light pollution

11.1.1 Lighting to levels 13 & 14 will be by way of multi head lighting columns in the open space and low level perimeter lighting. The submitted information confirms that lighting will be high

performing, limiting optics with back reflectors to reduce any “overspill lighting” into the surrounding areas.

11.1.2 Lighting will be controlled by a time clock and photocell enabling the lighting when the ambient levels are reduced and switching the lighting off at the prescribed closing time of the carpark.

11.1.3 Further to the above, the submitted Design and Access Statement confirms that the proposed green façade is strategically positioned to mitigate headlight intrusion to neighbouring properties which should minimise the impact on adjacent neighbour.

11.2 Toilet Provision

11.2.1 Concerns have been expressed by members of the public and some internal consultees regarding the ‘loss’ of the public toilet facilities in this location. However, it is understood that these facilities were closed approximately 10 years ago following problems and complaints about anti-social behaviour and vandalism.

11.2.2 As discussed above, the relevant planning policy seeks an active ground floor use, which is proposed in the application to meet this policy objective.

11.2.3 The commercial unit does include a WC, so there will be a managed toilet facility, thereby an improvement on the existing situation where there have been no operational public toilets for several years.

11.3 Inaccurate Impressions

11.3.1 Third party concerns were raised regarding the perceived inaccurate impression portrayed by the submitted Planning Statement. This supporting statement should be read alongside the submitted plans and other supporting information. Officers are satisfied that this information is clear and no intentional misleading has occurred.

11.4 Public Consultation

11.4.1 Several third party representations from residents at Parsonage Way expressed discontent that they did not receive invitations to the consultation event held by Sutton Harbour Holdings prior to the submission of this planning application. The submitted Statement of Community Involvement confirms that ‘letters of invitation to the third exhibition on June 22nd were sent to all local households and businesses nearest the proposed development site at Harbour Car Park and were hand delivered to 222 addresses on June 15th. The area covered by the household invitation included residents and businesses in Commercial Place, Teats Hill Road, Lockyers Quay, Commercial Road, Commercial Open, Parsonage Way, Commercial Street, Victoria Wharf, Parr Street and Barbican Approach’.

11.4.2 Whilst Officers are therefore met with conflicting information, the pre-application consultation process was an informal and voluntary procedure carried out by the developer. Whilst it is unfortunate that some local residents may have not received notification of this event, they have been consulted as part of the formal planning application process in accordance with the Council’s Publicity Code and all representations have been considered accordingly.

11.5 'Pre-determination'

11.5.1 As outlined above in the summary of the letters of objection received, concerns have been raised about the pre-application process and the alleged pre-determination of the proposals. 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. 18/00867/MAJ) is outlined under the title 'Pre-application Enquiry' above.

11.5.2 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 commitment to a process and timetable for determining an application.

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. 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.

11. Planning Obligations

As set out above, the Council's Economic Development Department sought a financial contribution of £99,400 towards the delivery of footway/cycleway links around/to and from Sutton Harbour and to/from The Hoe/Hoe Foreshore.

The costs associated with the works to Harbour Car Park are included in the viability appraisal submitted for the Sugar Quay development due to the relationship between the two developments. Accordingly, it has been demonstrated that additional financial contributions, above those set out under application no. 18/01245/FUL and agreed in principle with the developer, cannot be achieved in this case. Officers are therefore satisfied that no infrastructure contributions shall be sought in this case.

It should be noted that the Harbour Car Park extension will only be delivered for use (primarily) by future Sugar Quay residents; this has been secured by a recommended condition. It is therefore considered reasonable to consider the viability of the schemes together. If this was not the case and the car park extension were to be proposed for general public use (by way of a

further application) the Council would review this position and potentially seek the relevant financial contribution by S106.

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.

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 car park includes 11 accessible spaces on level 2 (street level); these will be retained. All levels of the existing car park are accessible by lift. The lift will be extended up to service the two new additional storeys housing levels 11, 12, 13 and 14.

13. Conclusions and reasons for decision

Overall the proposal is considered to be of an acceptable design which will not be unduly harmful to the nearby heritage assets and will deliver a commercial unit providing activity and natural surveillance to an existing problematic and anti-social space at street level. Whilst the existing car park has a very close relationship with its residential neighbours, amendments have been negotiated and secured to reduce the potential harm caused by the proposed additional storeys. The proposed development will facilitate the re-development of the nearby Sugar Quay site for a residential-led scheme which (if granted) could bring significant benefits to the area and the City.

Officers conclude that the proposal is broadly in line with planning policy SH08 (Coxside/Barbican Car Park) in the adopted Sutton Harbour Area Action Plan (SHAAP) and the emerging thinking in policies PLY20 and PLY21 in the JLP which supports the general enhancement of key assets and opportunities in the waterfront area, to optimise its vibrancy and destination potential. Officers have also 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 is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 20.07.2018 it is recommended to Grant Conditionally.

15. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Location Plan 0100 Rev B received 17/07/18

Site Location Plan 0110 Rev A received 17/07/18

Proposed Ground Floor Cafe 0217 Rev A received 17/07/18
Existing Elevations (North and East) 0300 Rev A received 17/07/18
Existing Elevations (South and West) 0301 Rev A received 17/07/18
Proposed Elevations (Cafe) 0304 Rev A received 17/07/18
Block Plan 0120 Rev C received 01/10/18
Proposed First and Second Floor Plan 0210 Rev F received 01/10/18
Proposed Third and Fourth Floor Plan 0211 Rev F received 01/10/18
Proposed Fifth and Sixth Floor Plan 0212 Rev F received 01/10/18
Proposed Ninth and Tenth Floor Plan 0214 Rev E received 01/10/18
Proposed Section A-A and B-B 0313 Rev E received 01/10/18
Proposed Section C-C and D-D 0314 Rev D received 01/10/18
Proposed Section E-E and F-F 0315 Rev C received 01/10/18
Proposed 7th and 8th Floor Plans 0213 Rev G received 17/10/18
Proposed 11th and 12th Floor Plans for Ecology 0227 Rev A received 23/10/18
Proposed Eleventh and Twelfth Floor Plan 0215 Rev G received 23/10/18
Proposed Thirteenth and Fourteenth Floor Plan 0216 Rev F received 23/10/18
Ecology - Proposed Elevations (North and East) 0332 Rev C received 23/10/18
Ecology - Proposed Elevations (South and West) 0333 Rev C received 23/10/18
Ecology - Proposed 13th and 14th Floor Plan 0226 Rev A received 22/10/18

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 3 YEARS

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

Reason:

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

3 CONDITION: EMPLOYMENT AND SKILLS PLAN

PRE-COMMENCEMENT

Prior to commencement of development an Employment and Skills Plan shall be submitted to and approved in writing by the Local Planning Authority. The Employment and Skills Plan should demonstrate how local people and local businesses will benefit from the development in terms of job opportunities, apprenticeship placements, work experience opportunities, business supply chain opportunities and other employment and skills priorities. The Employment and Skills Plan should cover the construction phase of the development.

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

Reason:

To ensure employment and skills development in accordance with Strategic Objective 6 and Policy CS04 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and in accordance with emerging Policy DEV19 of the Plymouth and South West Devon Joint Local Plan (2014-2034).

Justification:

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

4 CONDITION: CODE OF PRACTICE

PRE-COMMENCEMENT

Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and ensure that adequate parking provision is retained during the construction phase to support business operations within the area and avoid conflict with Policy CS22, CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies DEV2, DEV28 and DEV37 of the Joint Local Plan, 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.

5 CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN

PRE-COMMENCEMENT

The works hereby proposed shall not 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 works hereby approved 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 paragraphs 102, 108 110 and 163 of the National Planning Policy Framework 2018.

Justification:

To ensure that the construction traffic does not unduly impact on traffic and parking.

6 CONDITION: GREEN WALL

PRE-CONSTRUCTION

Unless otherwise agreed in writing by the Local Planning Authority, prior to construction of the additional parking decks hereby approved, full details and specification for the 'Green Walls' and a management plan including a maintenance regime, for the duration of the development, with details for the replanting of any dead or defective plant stock and a programme for its implementation have been submitted to and approved in writing by the Local Planning Authority and these works, management plan and maintenance plan shall be carried out as approved.

Reason:

To ensure that satisfactory works are carried out in accordance with Policies CS02 , CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies DEV1, DEV20 and DEV28 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Guidance 2018.

7 CONDITION: EXTERNAL MATERIALS

PRE-INSTALLATION

Prior to the installation of any external materials, 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. 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 2018.

8 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) incorporating method statements has been submitted to and approved in writing by the Local Planning Authority. 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, in accordance with Core Strategy policies CS01, CS19 and CS34, emerging policies SPT11 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

9 CONDITION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

PRE-CONSTRUCTION OF ADDITIONAL PARKING DECKS

A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority prior to the construction of the additional parking decks hereby approved. 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.

10 CONDITION: LANDSCAPE DESIGN PROPOSALS AND IMPLEMENTATION

PRE-CONSTRUCTION OF ADDITIONAL PARKING DECKS

Unless otherwise agreed in writing by the Local Planning Authority, prior to construction of the additional parking decks hereby approved, details of the landscape works shall be submitted to and approved in writing by the Local Planning Authority. The landscape works shall accord with the following approved drawings and reports:

- 3904-0226_A_Ecology - Proposed 13th and 14th Floor Plan
- 3904-0227_A_Ecology - Proposed 11th and 12th Floor Plan
- 3904-0332_C_Ecology - Proposed Elevations (North & East)
- 3904-0333_C_Ecology - Proposed Elevations (South & West)
- 2462 Harbour Car Park EMES 221018

The landscape works shall include:

- Soft landscape details:

- o Full soft landscape specification for the planters and green walls; plant species and size (to HTA standards), soil/roof build-up details, planting spec and establishment care.

- o The arrangement of proposed soft landscape elements and soil layouts/elevations (min 1:200 scale). Plans should include a planting schedule for reference.

- o Planting details (1:20 scale or as appropriate) including (but not limited to) slim-line planter details.

- Hard Landscape Details: to provide:

- o 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)

- o Plans should include a specification of the hard landscape materials (e.g. paving materials), street furniture and any boundary treatments.

- o Boundary treatment details (1:20 scale or as appropriate) e.g. mesh surrounding car park

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. Any dead or defective planting shall be replaced with a period of 5 years.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies DEV10 and DEV24 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraphs 24-26, 130, 170, and 180-180 of the National Planning Policy Framework 2018.

11 CONDITION: LOADING AND UNLOADING PROVISION

PRE-OCCUPATION

Prior to the occupation of the ground floor commercial unit, a servicing strategy and management plan for the premises must be submitted to and approved in writing by the Local Planning Authority. Thereafter the commercial premises must be serviced in accordance with the agreed servicing strategy and management plan.

Reason:

To enable vehicles involved in the servicing of the commercial unit to be loaded and unloaded off the public highway so as to avoid:-

- (i) damage to amenity;

- (ii) prejudice to public safety and convenience; and

- (iii) interference with the free flow of traffic on the highway

in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021), emerging policy DEV31 of the Plymouth and South West Devon

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

12 CONDITION: FURTHER DETAILS - SECURITY SYSTEM

PRE-OCCUPATION

The car park extension hereby approved shall not be brought into use until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority;

Security measures, including access restrictions, lighting, CCTV and management.

The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority 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 91 and 95 of the National Planning Policy Framework 2018.

13 CONDITION: COMMERCIAL USE MANAGEMENT PLAN

PRE OCCUPATION

Prior to the first operation of the ground floor commercial unit 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 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.

14 CONDITION: CAR PARKING MANAGEMENT STRATEGY

PRE-OCCUPATION

Prior to the commencement of the use of the additional car parking spaces hereby proposed, the applicant shall submit to the Local Planning Authority for approval details of the Car Parking Management Strategy. The said strategy shall include details relating to the allocation, control and management of the use of all car parking spaces within the Harbour Car Park; this must include at least 62 spaces to be allocated and maintained for use by residents of the 'Sugar Quay' development. Thereafter the car park must be controlled and managed in accordance with the agreed Car Parking Management Strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that all of the car parking spaces within the car park are allocated in accordance with the details as submitted and approved as part of this application and that those spaces are properly controlled/managed in the interests of highway safety and residential 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) and paragraphs 102, 105, 108 110 and 163 of the National Planning Policy Framework 2018.

15 CONDITION: HOURS OF OPERATION - COMMERCIAL UNIT

The commercial unit and any external seating area associated with it shall not operate or be open for business before 07:00 hours or after 21:00 hours on any day.

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, 180-183 of the National Planning Policy Framework 2018.

16 CONDITION: HOURS OF OPERATION - CAR PARK

The car park shall not be open for use by members of the public before 06:00 hours or after 23:30 hours on any day. 24 hour access will be provided only to occupiers of the Sugar Quay development with allocated parking permits and business users of allocated spaces with permits from Salt Quay House.

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 potential anti-social behaviour, 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, 180-183 of the National Planning Policy Framework 2018.

17 CONDITION: PROVISION OF PARKING SPACES

Each of the parking spaces shown on the approved plans shall be constructed, drained, surfaced and marked out and thereafter those spaces shall not be used for any purpose other than the parking of vehicles. The car parking provision hereby approved shall also include provision of 10 dedicated electric vehicle charging points within the car park.

Reason:

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

18 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 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, Policies PLY6 and DEV20 of the Submitted Plymouth and South West Devon Joint Local Plan July 2017, and paragraphs 91, 124 and 130 of the National Planning Policy Framework 2018.

19 CONDITION: SPECIFIED USE RESTRICTION

Notwithstanding the submitted information, the commercial premises hereby approved shall be used for A1 (retail) and A3 (restaurant and cafe) use; and for no other purposes (including any other purpose in Class A; 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 DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 80, 82, 85, 86, 89 and 102 of the National Planning Policy Framework 2018.

20 CONDITION: BIN STORE- COMMERCIAL UNIT

All waste generated by the commercial unit shall be stored in closed lidded and lockable refuse containers prior to collection. The waste storage areas will be maintained in a clean and tidy condition.

Reason:

To protect the local operators and visitors from odours and litter arising from storage of waste materials, and to reduce the potential for the attraction of pests such as rats, mice, ants, cockroaches and seagulls, and avoid conflict with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and emerging policies DEV1, DEV2 and DEV33 of the Plymouth and South West Devon Joint Local Plan (2014-2034).

INFORMATIVES

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

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see www.plymouth.gov.uk/cil for guidance.

2 INFORMATIVE: PARK MARK NATIONAL CAR PARKING DESIGN GUIDE

The applicant should follow the design and security recommendations in the Park Mark national car parking design guide:

http://www.britishparking.co.uk/write/Documents/safer%20parking/SPS_New_Build_Guidelines_2016.pdf

3 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)

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

4 INFORMATIVE: ADVERTISING

This permission does not give or imply any consent for the advertising material shown on the approved plans. Such advertising is controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007 and the applicants should obtain any necessary consent separately.

5 INFORMATIVE: SUPPORTING DOCUMENTS

The following supporting documents have been considered in relation to this application:

- o Design and Access Statement, Coxside Harbour Multi-storey Car Park, Revision B, dated 4/10/18
- o Covering letter entitled: 'Amendments and Additional Information', ref: SUTA3005, dated 04/10/18
- o Heritage Assessment, ref: edp4910_r002a, date: June 2018
- o Flood Risk and Drainage Statement Harbour Car Park, ref: P17247-F&D-V2
- o Ecological Mitigation and Enhancement Strategy Harbour Car Park, ref: SHH/2462/HCP/EMES, date: September 2018
- o Harbour Car Park Planning Statement, date: July 2018
- o Preliminary Ecological Appraisal - Harbour Car Park, date: 13 June 2018
- o Statement of Community Involvement Sugar Quay Site and Harbour Car Park
- o Harbourside Car Park, Plymouth: Air Quality Assessment, ref: AQ1358, date: June 2018
- o Outline Construction Environmental Management Plan for the Harbour Car Park Development, date: June 2018
- o Sutton Harbour Car Park Planning Noise Assessment, ref: Rep-25/011-SHCP-Plan-R2, date: 13/06/2018
- o Sugar Quay and Harbour Car Park Developments Transport Assessment, ref: W18193-TAR01_E, date: July 2018
- o Jubb Clarification Briefing Note, dated September 2018

- o Parking Schedule entitled: 'Sutton Harbour - Harbour Car Park - Spaces', dated 25th September 2018
- o Shadow Study - Proposed, drg no. 0112 Rev. E
- o Supporting email from Phil Jones, Turley entitled: 'Car Park - capacity during construction', received 8th October 2018.

6 INFORMATIVE: ACTIVE FRONTAGE

For the purposes of the relevant condition, an active window is one where the activities within the property can be seen through a substantial proportion of the glazed area. It may also incorporate a subservient changeable display area to showcase the goods sold or services provided at the property.

7 INFORMATIVE: MARINE GRADE MATERIALS

You are advised that materials should be of an appropriate specification to withstand this exposed marine environment.

8 INFORMATIVE: SITE MANAGEMENT PLAN CONSIDERATION

The site management plan that must be submitted to fulfil the conditions applied to the consent hereby approved must consider at least the following matters;

- An outdoor seating area management plan to control noise and in particular noise from the movement of outdoor furniture, use of furniture by patron, general noise made by patrons, glass policy, litter, etc.
- A pest prevention plan (including seagulls, rats and mice) for the external seating area and any patrons smoking area, to identify measures that will be taken to reduce the potential for pest access to food sources, which should include at least table clearance and housekeeping, cleaning, information to patrons and preventative pest control plans.
- A smoking area management plan to control of noise, litter, smoke drift and odour associated with this area.
- A noise management plan to outline how restrictions placed on the premises by way of conditions applied to this consent will be implemented and managed, for example opening restrictions, amplified and live music restrictions, noise levels from fixed plant, etc.
- A deliveries management plan to control how deliveries will be managed to avoid disturbance including unloading area and transfer of goods to the premises.
- A refuse management plan, including an access statement of the location for refuse storage, arrangements for the management of refuse disposal, and the refuse collection arrangements.
- Details of the complaints handling procedure.
- Any other appropriate actions relating to the commercial operation as necessary.

9 INFORMATIVE: VENTILATION

Given the limited size and layout of the commercial unit hereby approved, it is only likely to be suitable for simple food production (primarily cold food). If hot food is to be prepared on the premises, an appropriate extract/ventilation system may be required and the relevant planning (and other) consents should be sought accordingly.

10 INFORMATIVE: CLEAR FOOTWAY

In view of the limited width of the existing footway along Lockyers Quay, the second row of folding tables and chairs shown within the footway at the western end of the Scheme is questioned. Any chairs and tables should be located clear of the footway area.

11 INFORMATIVE: CODE OF PRACTICE

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

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