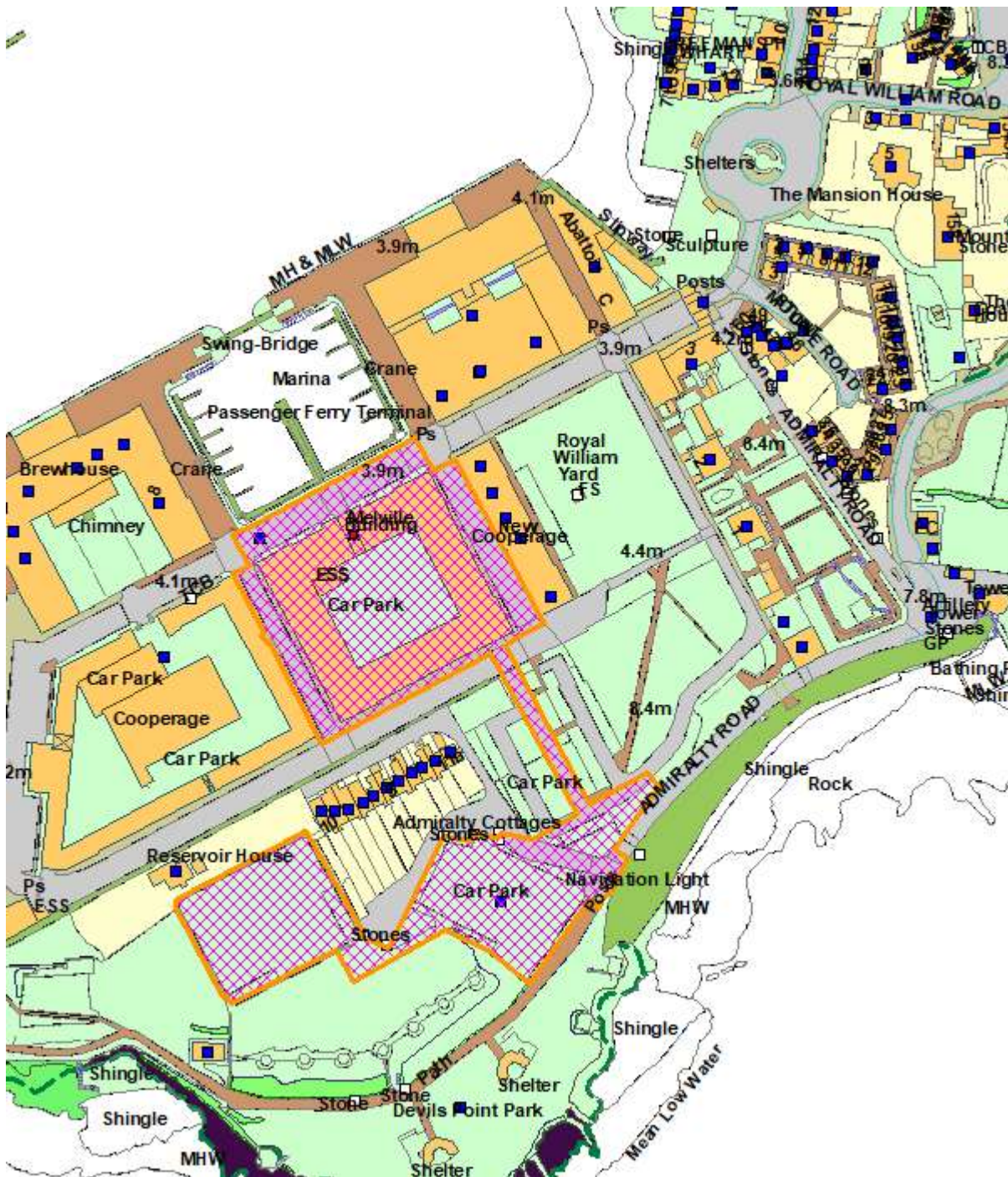


PLANNING APPLICATION OFFICERS REPORT



Application Number	19/00675/S73	Item	01
Date Valid	20.05.2019	Ward	ST PETER AND THE WATERFRONT
Site Address	Melville Building Royal William Yard Plymouth PL1 3RP		
Proposal	Removal of Condition 22 (Hotel) and variation of Condition 32 to allow cinema use of application 16/01376/FUL		
Applicant	Mr Adam Willetts		
Application Type	Removal or variation of a condition		
Target Date	19.08.2019	Committee Date	12.09.2019
Extended Target Date	30.09.2019		
Decision Category	Departure from Local Plan		
Case Officer	Miss Katherine Graham		
Recommendation	Grant conditionally subject to S106. Delegated authority to service director to refuse if agreed decision timescales are not met.		



I. Description of Site

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

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

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

To the south is the existing Devil's Point car park which provides 67 spaces. This is accessed from Admiralty Road. There is a Site of Special Scientific Interest located to the south of Devil's Point car park.

The Grade II listed reservoir is located to the south west of Melville. This is grassed and has two ramps which allows pedestrian access. The reservoir is located within a County Wildlife Site (CWS).

Both the reservoir and Devil's Point car park are within a Strategic Greenspace allocation.

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

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

2. Proposal Description

This is a S73 application for the removal of Condition 22 (Hotel) and variation of Condition 32 to allow cinema use of application 16/01376/FUL.

Condition 22 currently reads as:

22 CONDITION: HOTEL

The hotel floor space as shown on:

1103-GA-024 rev A Indicative layout ground

1103-GA-025 rev A Indicative layout first

1103-GA-026 rev A Indicative layout second

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

Reason:

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

Condition 32 currently reads as:

32 CONDITION: D2 GYM USE RESTRICTION

The D2 premises shall be used for Gym and for no other purposes (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The D2 Gym use shall be restricted to maximum of 3000sqm gross internal floor space.

Reason:

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

3. Pre-application Enquiry

18/00717/MIN Removal of Planning Condition 22 (Hotel use) and variation of condition 32 to allow cinema use: This pre-application was initially just for the removal of the hotel condition, and the proposal for the cinema use was a later addition. The pre-app confirmed this would be a Departure application and reviewed the justification for the loss of the hotel.

19/00341/MOR Pre-application for listed building advice in relation to a change of use to a cinema (Class D2): This pre-application focused on providing comments from the Historic Environment Officer in relation to the works required to implement the proposed cinema use. The Historic Environment Officer supported the proposals subject to details.

4. Relevant Planning History

19/01042/LBC Fit out works Under consideration

16/01376/FUL Change of use to hotel and flexible mixed use including shops (Class A1), restaurants & cafe (Class A3), office (Class B1), residential (Class C3), non-residential institutions (Class D1), assembly & leisure and courtyard events space (Class D2). Reconfigure Devil's Point car park & overflow parking in reservoir Granted conditionally subject to S106 09.05.2017

16/01377/LBC Internal & external alterations to Melville, removal of wall (Nursery Car Park) and parking in reservoir Granted conditionally 09.02.2017

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

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

5. Consultation Responses

Development Viability Officer:

(Summarised): Has reviewed the viability information and has advised that this has evidenced substantial viability challenge of delivering a hotel and that the viability position with a cinema operator would be a much improved position and would materially improve the delivery of this scheme.

Economic Development Department (ED):

Initial comments: Supports this proposal to enable the conversion of the Melville building to move towards completion and a very positive role in the City's visitor and leisure economy.

Updated ED comments (to expand on the above):

“The following provides further detail behind this briefly expressed view:

The Collier 2019 Hotel Supply and Demand Study identified a bed-space supply pipeline of 1,161 rooms (including a number of 4-Star hotels) of which 931 were envisaged as being delivered by 2026 which would broadly match the forecast growth in visitor demand over that period. It is noted that this did not assume any provision at Royal William Yard.

One of the assumed deliverables (The Crescent/Derrys Cross site 255 beds) is now a refused application though could return in a revised form addressing the reasons for refusal. Other more recently approved development schemes have hotel content including the Hotel 1620 site (80 beds) and the Moneycentre site (105 beds) albeit both appear to be in a stalled state. In addition to these, there is interest at pre-app stage for hotel accommodation providing a further 200+ bed spaces.

There is clear scope therefore for delivery of at least 861 bed-spaces (931 less 255 plus 185). This has the potential to provide for at least 235,700 staying nights (861 x 365 x 75%). And as noted earlier there is still the potential for additional accommodation at The Crescent/Derry's Cross site and elsewhere.

With a mid-range forecast of an additional 219,000 visitor staying nights in the approved framework document for the 2020-2030 Visitor Plan, some reduction in occupancy in the existing hotel stock from the recent (relatively high) 79.9% towards a 75% norm could still occur alongside the delivery of new space from consents elsewhere in the City, including space of 4-Star quality.

A conclusion of the above is therefore that the provision of (90) hotel bed-spaces at Royal William Yard, additional to the Rooms by Bistrot Pierre, is not critical to the delivery of projected visitor numbers in Plymouth at least to 2026 though it is disappointing nevertheless that it cannot be made to work at Royal William Yard where policy rightly identifies it as desirable. Finally, it is important to say that EDs view in respect of the current Melville proposal should not be taken to imply that the overall provision of hotel capacity (in scale quality) identified as appropriate in the 2019 Collier study/Visitor Plan Framework is other than critical to the delivery of the City's visitor growth intent and its wider contribution to overall economic growth."

Further ED comments upon officer query regarding employment:

"These are the permission/new proposal jobs indications:

Permission for 90 bed hotel:

Assuming it is 'mid-scale' quality, the job density* is 1 job per 3 beds, giving a total jobs indication of 30.

Proposal for Cinema (870 sq. m) and Offices (1,989 sq. m):

For the cinema, the job density* is 200 sq. m per job, giving a total cinema jobs indication of 4

For the offices, the job density is c.12 sq. m per job, giving a total jobs indication of 166

Total jobs is 170

*Job density source: HCA Employment Density Guide, 3rd Edition, Nov 2015"

Environment Agency (summarised): This proposal represents a reduction in flood risk vulnerability. The overall position in respect of RWY remains as it was before. The flood risk management plan needs to be adhered to and the site's defences completed (with provision for future upgrade to adapt to climate change). These were covered by condition previously and pleased to note these will be carried over.

Highway Authority: "As with most applications for development within the RWY, the primary area of consideration for the Highway Authority is in relation to car parking. In this particular instance it is a case of reviewing car parking demand associated with the increase in office floor space (from what was previously agreed as part of application number 16/01376/FUL) and the change of use from hotel to cinema within the Melville building.

The results of the car parking surveys show that for the majority of the time there is sufficient supply to meet demand and it is only during particular events (which usually take place at weekends) when demand outweighs supply.

Based upon the 2016 parking demand ratio figure of 46%, the extra 1594 sq. m. of office floor space would generate an extra 53 car parking spaces. This number reduces to 41 spaces as a result of the 2018 parking surveys which has revealed a further reduction in the parking demand ration figure to 36%. On the basis of these figures and the fact that sufficient level of car parking exists within the RWY during office hours, the increase in demand arising from a greater amount of office floor space would not give me any cause for concern from a highway viewpoint.

Turning to the cinema use and based upon the number of seats proposed (187), a maximum of 32 spaces would be required to serve the cinema. This based upon application of the maximum standards as set out within the Development Guidelines SPD (1 space per 5 seats) and a site accessibility reduction of 15%. In view of the fact that the cinema would be a specific destination within the RWY, I would suggest applying further reduction based upon parking demand ratio would

not be appropriate. As a result of the changes to the car parking associated with the redevelopment of the Melville Building (changes at Devils Point and creation of overflow car parking area) and loss of spaces within Factory Cooperage, the total number of spaces serving the RWY will vary between 453 and 476. This compares to a demand profile of 376-409 spaces (which takes into account the proposed cinema use within Melville).

On the basis of the above I would not wish to raise any in-principle objections to the proposal. However it is likely that in order to maximise visitor numbers, screenings at the cinema are likely to coincide with events taking place at the RWY. The car parking surveys already indicate that parking demand outweighs supply during these events and therefore the cinema will only add to these pressures.

It is not clear from the information provided what measures/initiatives are being implemented by RWY as part of the Events Management Plan and looking at the result of the car parking surveys I am concerned that minimal effort is being made by the applicant in respect of this element of the overall RWY TS. Considering how much reliance is being placed upon Events Management Planning it is crucial that this element of the RWY TS is given full and proper attention.

Therefore I would recommend that a revised RWY TS be produced which both takes on board the above-mentioned changes and includes specific reference to an EMP being produced for each event which should be submitted to PCC for information prior to that particular event taking place.”

Updated comments (summarised): Now agreed with the applicant's traffic consultant that as part of the review of the RWY TS (which is due to commence shortly) that the Events Management Plan will be updated in consultation with PCC. This will include the applicant needing to submit details of the measures being put in place for particular events to PCC (for information only) prior to that actual event taking place.

Historic England (HE) (copied): “Historic England is strongly supportive of these proposals, which will provide a sustainable new use for part of the Grade I listed Melville Building, a long-standing entry on our Heritage at Risk register, without any adverse impact to its significance. We have provided significant grant-aid towards repair at the Melville building and are delighted to see plans for an appropriate new use progressing. These plans will bring activity and investment to a building which has remained vacant for far too long, despite its position as the centrepiece of the Royal William Yard.”

Historic Environment Officer (HEO): “I have no concerns on heritage grounds for the proposed variation from a hotel to a cinema. Details to be confirmed on receipt of the LBC.”

Police Architectural Liaison Officer: No objections or comments

Public Protection Service: “The previous conditions imposed by this department for this development remain unchanged and an additional condition relating to noise from the cinema is recommended.”

6. Representations

One letter of representation on the following grounds:

- Generally very supportive with two caveats
- Request further clarity on acoustic impact of open air seating and concern if open hours are 2am for example
- Protracted timeline for development has been damaging. Residents and businesses would benefit from certainty of when this work might complete. Request clarified as part of application. Main concern is the development of the parking and reservoir.

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019.

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.4 years at end March 2019 (the 2019 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2019 (published 26 July 2019). The methodology and five year land supply calculations in the Housing Position Statement are based on the relevant changes in the revised National Planning Policy Framework published 19 February 2019 and updates to National Planning Practice Guidance published by the Government in September 2018, subsequently amended by NPPG Housing Supply and Delivery published 22 July 2019.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Sustainable Design Supplementary Planning Document
Development Guidelines Supplementary Planning Document
Stonehouse Peninsula Conservation Area Appraisal and Management Plan

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to '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.'

8. Analysis

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

2. Principle – Site Allocation

Melville is a site allocation under JLP Policy PLY36.

The site proposal for Melville is: “Mixed use development – hotel and complementary commercial uses to heritage visitor use of the yard potential for housing as part of mix of uses.”

3. The policy considerations /things to be provided for by the development are listed below, along with a brief assessment.

4. a) Quality hotel to form a key part of site

This application will not comply with this, by removing the requirement to implement the hotel. This is a key consideration of this application and is why this application is assessed as a departure application.

5. b) Parking to be removed from courtyard

There are no changes to the previously approved parking scheme. Parking will therefore be removed from the courtyard as approved.

6. c) Sensitive conversion

The proposed changes are considered to result in a sensitive conversion, however this will be reviewed in more detail below.

7. d) Accessible active ground floor uses

There will be limited change to the ground floor uses, with the exception of the creation of the entrance to the cinema use, which is minor in scale. It is considered that the proposed changes will retain accessible active ground floor uses as previously approved.

8. e) Enhancement to Devil's Point greenspace

There are no proposed changes to the previously approved S106 which secured enhancements to Devils Point greenspace as part of mitigation for the changes to the parking arrangements in Devil's Point.

9. As the principle of the loss of the hotel use is in part reliant upon the acceptability of the proposed cinema use, the principle of the proposed cinema is considered first.

10. Principle – Cinema Use

The application originally applied for a D2 Use (Assembly and Leisure). As D2 uses are wide ranging, it was necessary to clarify what D2 use is to be applied for. This was clarified to be for a gym use. Condition 32 was therefore applied which restricted the D2 use to a gym, and also restricted the amount of floor space. The condition is proposed to be varied to allow a cinema use.

11. Referring back to PLY36, it is considered that a D2 cinema use is consistent with the mixed use proposal for the building, as it is considered that it is a complementary commercial use to heritage visitor use of the yard. Strategic Objective S03 of the JLP ‘Delivering growth in Plymouth's City Centre and Waterfront Growth Area’ seeks to capitalise on the potential of the city centre and waterfront to deliver a world class cultural and visitor offer. The use of the waterfront as a world class cultural and visitor offer runs through different planning policies, as listed below.

PLY 1 – Enhancing Plymouth's strategic role

Plymouth's waterfront will continue to be promoted and strengthened as a major regional hub in its own right for the economy, culture, tourism and leisure, and heritage.

PLY20 - Managing and enhancing Plymouth's waterfront

iv. Supporting the continued regeneration and restoration of Royal William Yard as a vibrant heritage-led residential community and cultural destination.

PLY21 Supporting the visitor economy

Support will be given for proposals which protect and deliver growth for Plymouth's visitor economy in its core tourism area. This area includes the waterfront stretching from Sutton Harbour / The Barbican to Royal William Yard, including the Hoe and Millbay as well as the City Centre.

3. Proposals which help enhance Plymouth as a destination for all seasons, including the effective use of the waterfront and the City Centre for events, and which support business tourism and tourist related business development, will be supported.

PLY22 Cultural Quarters

Support will be given for cultural development proposals and proposal which protect existing cultural facilities within the city's three cultural hubs, including the historic waterfront (to include Royal William Yard)

12. The proposed cinema use is considered to be supported by these policies through supporting an all season visitor/leisure/cultural use within the waterfront area.

13. The cinema proposal is therefore considered to comply with PLY36, PLY1, PLY20, PLY21 and PLY22 of the Joint Local Plan.

14. Sequential Test

The NPPF para 86 requires the LPA to “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. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.” The cinema is a town centre use as defined by the NPPF. Whilst it is considered that the proposed cinema is in accordance with the JLP, as it is not specifically named as an acceptable use in the site allocation policy (or any other policy), a sequential test is therefore required. JLP policy DEVI6 is consistent with this NPPF requirement and requires a sequential test for proposals for main town centre uses in out of centre locations. On this basis a sequential test has been requested and submitted.

15. Assessment of alternative sequential sites

The Applicants sequential test has identified sites located within the city centre and local centre including Albert Road, Marlborough Street, Cumberland Street, Stoke Village and Union Street. This has identified 21 potential sites to be considered sequentially.

16. The NPPG states that suitability of more central should be considered, and this should include flexibility in the format and/or scale of the proposal.

17. In terms of the parameters for the sequential test, the test has discounted units that are smaller than 900sqm. It is considered that this is a reasonable approach, as it is acknowledged that substantially smaller units would not provide sufficient space for a cinema offer.

18. However the submitted sequential test has ruled out units larger than 900sqm. This would mean that only sites of exactly 900sqm would pass the sequential test, and it is not considered that this would represent a flexible approach to the format and scale of the development. In order for a policy compliant flexible approach to be taken to sites, officer's assessment has included sites approx. 20% larger than the proposed floor space, which would equate to 1080sqm. It is considered that this is a reasonable approach, given the format of the proposed pod design could be incorporated into a larger unit. Taking this more flexible approach, there are a number of units that still exceed this larger scale parameter, and therefore are not considered suitable.

19. Whilst this has not been raised by the applicants in their sequential test, it is also not considered that city centre retail units are appropriate for cinema use due to their internal layout, including ceiling height. It is unlikely these units would be able to incorporate the internal height required for the cinema pods, or any other cinema screen function.

20. City Centre Joint Local Plan site allocations have also been considered. Some of the allocated sites do not benefit from planning permission and therefore are not considered to be currently available, as it is unlikely that comprehensive scheme for redevelopment will come forward in the next 5 years, to provide an available space for the proposal and therefore will not be available within a reasonable period of time. It is also considered that the proposed use would not be sufficient to lead such redevelopment schemes in its own right. In addition, these sites are not allocated for cinema use, although could be an appropriate use. The sites that benefit from consent, are not comprehensive redevelopments of the site, and do not include consent for cinema use. Therefore these are also not considered to be available within a reasonable period of time.

21. The only site identified within a local centre (Union Street) is the Palace Theatre. This has been discounted due to the size of the floor space being too large. It has also been discounted due to it being on the Heritage at Risk register, and in need of significant work. However the same can be said of the Melville building, and therefore this is given limited weight. The building is not being marketed and therefore its availability is uncertain.

22. The Reel cinema is potentially the more obvious site to be considered. However, whilst acknowledged this is a vacant building, it is not on the market. In addition, when considering the scale of the proposal, including flexibility the Reel cinema building is substantially larger than the proposed smaller pod design, and therefore not compatible with the proposal which is applied for.

23. Viability has also been given as a reason to discount certain sites. The NPPG states that promoting development in city centre locations can be more expensive and complicated than building elsewhere, and the LPA need to be realistic and flexible in applying the test. However it is not considered that this is a reasonable cause to discount city centre sites in this instance, given the viability challenges of the proposed location, e.g. Grade I listed Heritage Building at Risk.

24. Para 87 of the NPPF states that "Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored." Officers have applied a flexible approach to reviewing the sequential test in terms of format and scale. Taking this into account, it is considered that there are no sequentially preferable sites for the cinema use, and the proposal is therefore in accordance with DEV16 and NPPF para 86 and 87.

25. Cinema: Other considerations and conclusion

There is no requirement for a retail impact test as the proposed 870m² cinema does not meet the trigger for leisure development, which is required for proposals over 2500sqm.

26. Consideration is also given to the provision of cinemas located immediately adjacent to the city centre. This includes a 12 screen complex, including an Imax at Bretonside currently under construction and a 118 seat Plymouth Arts cinema at Plymouth college of Art. On this basis there is not considered to be any need for the provision of cinema use within the city centre.

27. DEV 16 clause 5) also states the following:

"5. Limited development of main town centre uses including retail may be permitted within Plymouth's core tourism areas, including the waterfront area, provided that they are complementary to the role of Plymouth City Centre and other centres and specifically support the visitor economy of these destinations."

28. It is considered that this small scale cinema is complementary to the city centre, and specifically supports the visitor economy of the waterfront.

29. It should also be noted that the principle of D2 floorspace in this location was previously considered acceptable under application 16/01376/FUL, subject to a restrictive condition to a gym use. The revised condition ensures there is no increase in the amount of D2 floor space. Furthermore, the proposals are deemed to accord with the JLP policies and therefore the Local Planning Authority considers that a consistent approach is both reasonable and appropriate in this case.

30. Overall, officers consider that the proposed cinema complies with PLY36, PLY1, PLY20, PLY21 and PLY22. It is also considered that the proposal complies with DEVI6 clause 5, as it is considered to be complementary use to visitor economy of the waterfront area.

31. Principle – Loss of Hotel

Condition 22 requires the provision of floor space as shown on the approved plans to be set aside for hotel use. By removing this condition, this will remove the requirement for a hotel to be implemented within this building. This is contrary to policy PLY36 and therefore a departure application. It is also contrary to PLY21 'Support the visitor economy' which states that strategic opportunities for new high quality hotels will be protected.

32. The NPPF para 47 states "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise." The PPG states that "the local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed, subject to any conditions prescribed by direction by the Secretary of State. This power to depart from development plan policy is confirmed in article 32 of the Town and Country Planning (Development Management Procedure) (England) Order 2015." On this basis it is necessary to consider what material considerations indicate why a hotel is not required in Melville.

33. Viability

Viability is a material planning consideration in this instance, and was also referred to on the original decision notice through an Informative. A viability appraisal has been submitted and assessed by the Development Viability Officer. It is considered that this evidences a viability challenge of delivering a hotel in this building, highlighting a viability 'gap' of circa £6m. The scheme with the cinema is considerably less expensive to deliver and whilst a viability gap remains it is much smaller and can potentially be bridged through grant funding, which the applicant is pursuing. The cinema operator is also identified and prepared to commit to the scheme now, improving the deliverability of the overall development.

34. Viability is therefore a material consideration that indicates that a hotel is not deliverable in this building.

35. Impact upon Visitor Offer

Consultation has taken place with Economic Development (ED), who have supported the application, including the loss of hotel. ED comments are copied directly in the consultee section above. This references a recent Collier 2019 Hotel Supply and Demand Study 2019, which does not assume any provision at RWY, but identified a bed space supply that broadly matched the forecast growth in visitor demand. The ED officer goes into detail looking at different schemes within the city that will potentially provide bed spaces, and therefore that lack of provision of 90 bed spaces in Melville is not considered critical to the delivery of projected visitors in Plymouth to 2026. Notwithstanding this, disappointment is noted that a hotel can't be made to work in this location.

36. The comment made by ED is a material consideration that indicates the lack of a provision of a hotel in this location, will not harm the city's visitor offer.

37. There has also been the recent provision of hotel rooms, albeit without the associated on site services, through Bistro Pierre's Rooms at Residence One. This provides 14 ensuite rooms of different sizes. Whilst this does not fully mitigate for the loss of a 90 bed hotel, it does mean there is some formal provision of tourist/visitor accommodation within Royal William Yard.

38. The supporting information also suggests that there are approx. 40 available rooms for booking on various online holiday let sites. However, whilst addressing a level of visitor need, these are not the same offer as hotel provision and is given limited weight.

39. Attempts to deliver a hotel

The supporting information provide a timeline of attempts to deliver a hotel on site, which is summarised below. There were early offers to deliver a hotel as part of a tourist attraction at the RWY while under control of Plymouth Development Corporation, however interested parties pulled out in 1998. As these attempts are over 20 years ago, and the market as changed in this time, these attempts are given limited weight.

40. The applicants acquired the site in 2012, and from 2013 until 2016 the applicants worked with the Watergate Bay hotel developer and planning permission granted in 2014 (see planning history above). The supporting statement advises "Watergate Bay spent a year developing proposals, looking at procurement options and seeking funding for the £18 million project, but ultimately it was deemed to be unviable due to the extensive historic fabric repairs that were required." In addition in 2015 they applied for LEP funding for the hotel, but was unfortunately turned down.

41. In 2016 the revised consent was granted, as part of a flexible consent, in order to try and bring Melville back into use. The agent has confirmed that since 2015 Urban Splash have discussed the hotel proposition in Melville with both large, medium, small and boutique hotel operators which has included site tours and the production of bespoke plans for marketing purposes. The conclusion of all these potential lettings is underpinned in the analysis provided in the submitted Viability report which demonstrates based on market facing rents and costs that a hotel in Melville is economically unviable to deliver and increased the gap funding requirement to bring the building forward.

42. In conclusion it is considered that there has been significant attempts to deliver a hotel at Melville. This is evidenced through the submission of various applications and funding bids.

43. Alternative Provision

On the ground floor the consented hotel had a fairly modest floor space with a reception area and use of some of the cores. The proposed scheme shows this going over to restaurant space, which is consistent with the previously consented use. The cinema use will also have a ground floor access to the front of the building. This is also considered to comply with PLY36 through provision of accessible active ground floor uses.

44. On the 1st floor and 2nd floor, the consented hotel used approx. 50% of the floor space, equating to approx. 3270 m2 floor space.

45. The hotel floor space is in part replaced by the cinema on the 2nd floor with 870m2 of use. The remaining floor space on the first and second floor is replaced by the office floorspace, approx. 2290 sqm. BI office is one of the previously consented uses and there is no objection to this change. The remaining floor space on the ground floor is replaced by retail/restaurant uses which is as per the previously approved scheme.

46. It is considered that the cinema helps to mitigate against the loss of the hotel, through an alternative visitor offer, as detailed in paras 10 - 13 above. It is considered that the provision of office helps to mitigate against the loss of hotel through alternative employment provision. This has been confirmed with ED. Using the proposed floor space, and the HCA employment density guide as referenced in ED comments above, this indicates that the hotel would provide 30 jobs, but the cinema and offices would total 170 jobs. In fact the ED calculation was based on slightly reduced office floors space for office, so using the correct floor space 2290 sqm, this would equate to 190 jobs for the office space totalling 194 jobs. It is acknowledged this is an approximation based on benchmarked figures but indicate there is likely to be an increase in employment resulting from this application. This is in accordance with SPT4, PLY1 and PLY2 of the Joint Local Plan.

47. Heritage and Heritage Building at Risk

Melville is a Grade I Listed building, and is currently on the Heritage at Risk register. As noted by Historic England (HE), this has been a longstanding item on this register, and is a material planning consideration. HE have advised that this proposal will not have any adverse impact upon its significance and strongly support the proposals, which will see activity and investment into the vacant building.

48. One of HE's previous concerns was the amount of subdivision required by the hotel (or residential) use, and therefore HE required a certain amount of more open plan uses, such as the office space, which was then reflected in the approved plans. This application will increase the amount of open plan uses through both the cinema and office provision, and therefore is considered to preserve more of the character and appearance of the building than the previously consented scheme.

49. The NPPF places great weight upon conserving heritage assets (para 193). On the basis of the above heritage considerations, these also indicate that the loss of the hotel may be acceptable in this instance, and these considerations are given great weight.

50. Principle - Loss of hotel conclusion

Whilst site allocation policy PLY36 requires a hotel as part of the uses of Melville, and PLY21 requires strategic opportunities for hotels to be protected, there are material planning considerations that indicate otherwise.

51. This includes:

- The viability assessment which indicates a hotel is not viable
- The economic development comments which indicate that the loss of a hotel would not give rise to harm to the visitor offer
- The attempts made to deliver a hotel on site which also indicates it is not viable
- The alternative provision of an office and cinema on the site which will help to mitigate against the loss of the hotel through visitor offer and employment
- the benefits of bringing a Heritage Building at Risk back into use and the benefits of retaining more open plan uses and therefore conserving more of the heritage asset
- The provision of alternative hotel accommodation within the RWY

52. On the basis of the above, it is considered that there are significant material considerations that indicate why a hotel is not deliverable on the site and that the loss of the hotel will not harm the city visitor offer. Officers accept the principle in this instance.

53. Heritage

54. Listed Building

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In considering whether to grant planning permission for development which affects a listed building or its setting to 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.

55. The supporting information states that the cinema is proposed to be formed by creating 3 auditorium pods. This is considered to preserve the internal open plan spaces of the building.

56. The external works do not change from the previously approved scheme.

57. HE have strongly supported this application, and the key focus is securing a viable use for the building. The LPA Historic Environment Officer (HEO) also has no objections and has advised the details will be confirmed on receipt of the listed building application.

58. As noted above, in the original application, HE and the LPA HEO had concerns regarding the amount of subdivision of the building due to the proposed hotel.

59. Overall, it is considered that the loss of the hotel with associated subdivided floor space, and replacement with more open plan uses (cinema and office) is considered to better preserve the large open spaces within the building. Therefore it is considered that there has been special regard to preserving the building and its features of special architectural and historical interest, in this case the large open plan nature of the building.

60. It is therefore considered that the application complies with DEV21 of the Joint Local Plan and NPPF and that the proposal preserves the features of architectural and historic interest.

61. Conservation Area

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that as the application does not make any external alterations from the previously consented scheme, there are no significant implications for the conservation area (Stonehouse Peninsula). Consideration has also been given to the Conservation Area Appraisal and Management Plan, and it is not considered that there are any conflicts with this plan. Therefore the character and appearance of the conservation area is considered to be preserved and enhanced, through bringing a vacant Heritage Building at Risk back into use. In addition, given there are no external changes, there are no additional design considerations as part of this application.

62. The application is therefore considered to comply with DEV 20 and DEV21 of the Joint Local Plan.

63. Highway safety and parking

The Highways Authority have not raised any concerns regarding highway safety. The main consideration is whether any changes are required to parking demands as a result of the change of uses. There are no changes to the previous parking arrangements approved under the previous scheme.

64. The Highway Authority has confirmed that with the previously approved parking arrangements in place, there will be sufficient parking for the proposed uses. However there remains peak demand at RWY when events are being held, and the Highway Authority have queried again the events management plan. It has been agreed with the applicants to review the events management plan, along with the Transport Strategy. As these are both covered by conditions on the consent

(conditions 15 and 17) there is no objection to the proposed application on the basis of highway grounds.

65. The application is therefore considered to comply with DEV29 of the Joint Local Plan.

66. Amenity and Noise

This application will not give rise to any additional overlooking, impact upon privacy or loss of light as a result of the proposed changes. The key consideration in terms of amenity is the noise impact.

67. The hotel was a noise generating use, so this impact will be reduced, however the cinema is also a noise generating use which needs to be assessed. A noise assessment was submitted with the previous application. This has been updated to address this issue. This confirms that “each cinema screen is within an acoustically isolated box, separate to the roof element.”

68. It goes on to state that “The predicted noise levels at the closest receptors are in the order of 12 dB LAeq,T, this is significantly below the prevailing night-time background noise levels, typically between 15-20 dB below the prevailing background noise, when the cinema is likely to be operational. According to the research by Craik and Stirling this should be acceptable. Assuming a 10-15 dB open window attenuation value the internal noise level is extremely low should be clearly acceptable.”

69. PPS have no objection to the proposal, and recommend a condition (38) that states noise emitted must not exceed 5dB above the background level when measured at the façade of the nearest residential dwelling. In addition, officers have proposed changes to conditions 23 (noise management plan) and 30 (gym and cinema use siting) to ensure that the management of noise is properly addressed.

70. Overall this proposal is considered to comply with DEV1 and DEV2 of the Joint Local Plan.

71. Flood Risk

The application site is partially located within Flood Zone 2 along the front (North West) elevation. There are no changes to the previously approved flood mitigation strategy, however the new cinema use needs to be assessed in flood terms. A cinema is classed as a ‘less vulnerable’ use in planning flood risk terms. As the hotel was considered a ‘more vulnerable’ use, this proposal actually represents a reduction in flood risk. Consultation has taken place with the EA, which confirm the above approach, and raise no objection provided previous conditions are applied, which is standard practice for this type of application. The application is considered to comply with DEV35 of the Joint Local Plan.

72. Comment on letters of representation

One letter of representation was submitted supporting the proposal, although caveated with two queries. Further clarity was requested on the acoustic impact of open air seating and potential early morning opening hours. It is believed that this is in reference to the noise report, which referenced the previously approved roof terraces. These were considered and approved as part of the previously approved application and therefore not under consideration as part of this application. Notwithstanding this, there is a condition on the application that restrict opening hours for outside seating (condition 24) and a management plan (condition 23).

73. The other query was in relation to the timeline for development, specifically the parking and reservoir parking works. The applicant has confirmed that “in terms of programme at this stage we are onsite with the heritage works to Melville and subject to lettings the intention is that the works to Melville are forecast to take over 2 years to complete.” Condition 16 deals with the implementation of the parking.

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

If residential floor space is included, under either this or the previous application, then there will be a CIL liability.

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.

This application will be subject to a S106 agreement, as per the previous application. There is no change to the previously agreed S106.

A summary is included below:

Shrub-bed enhancements: Yearly Contribution for 5 years £7,000 per year
Total Contribution £35,000
Access/Signage/Interpretation Total Contribution £40,000
Masterplan Contribution Total Contribution £25,000
Creation of Wildflower Meadow
European Marine Site: Residential £823, or Hotel £593.40
S106 Monitoring Fee £1800

Total S106 Mitigation £102,393.40

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.

As per the previously approved application, all the ground floor will be level access, with level thresholds. Lift access is provided internally, which means the upper floors are fully accessible, including the proposed cinema. The only exception to this is the clock tower which cannot be accessed by lift.

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004. In this case the proposal does not fully accord with the development plan, through the removal of a condition requiring a hotel to be delivered. Other material considerations have been considered, as outlined in para 51 above and the rest of section 8 Analysis of the report. It is considered that these material considerations considered indicate that the removal of the hotel condition is acceptable in this instance.

Consideration is also given to NPPF para 9, which states that “Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.” This application is considered to reflect an opportunity to bring a Heritage Building at Risk back into use and contribute towards the visitor offer at Royal William Yard. This then also supports the city vision of becoming one of Europe’s finest waterfront cities. The proposed cinema is considered to accord with policy and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 20.05.2019 it is recommended to Grant conditionally subject to S106. Delegated authority to service director to refuse if agreed decision timescales are not met.

15. Conditions / Reasons

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

1 **CONDITION: COMMENCE WITHIN 2 YEARS**

The development hereby permitted shall be begun before the expiration of 09.05.2017, which is two years beginning from the date of original permission 16/01376/FUL.

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.

2 **CONDITION: APPROVED PLANS**

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

SK-100 REV PL2 PROPOSED GROUND FLOOR PLAN
SK-101 REV PL2 PROPOSED FIRST FLOOR PLAN
SK-102 REV PL2 PROPOSED SECOND FLOOR PLAN
I103 GA 001 PL1 Site Location Plan
I103-GA-013 rev A Proposed roof plan
I103 GA 030 PL2 Proposed north elevation
I103-GA-031 PL1 Proposed east elevation
I103-GA-032 PL1 Proposed south elevation
I103-GA-033 PL1 Proposed west elevation
I103-GA-034 PL1 Proposed inner north range
I103-GA-035 PL1 Proposed inner east range
I103-GA-036 PL1 Proposed inner south range
I103-GA-037 PL1 Proposed inner west range
I103-GA-040 PL1 Proposed Section AA
I103-GA-041 PL1 Proposed Section BB
I103-GA-042 PL1 Proposed Section CC
I103-GA-043 PL1 Proposed Section DD
I103-GA-04 PL1 Proposed Section EE
I103-GA-045 PL1 Proposed Section FF

I103-GA-080 PLI External Repairs- North Elevation
 I103-GA-081 PLI External Repairs- East Elevation
 I103-GA-082 PLI External Repairs- South Elevation
 I103-GA-083 PLI External Repairs West Elevation
 I103-GA-084 PLI External Repairs Inner Courtyard 1
 I103-GA-085 PLI External Repairs Inner Courtyard 2
 I103-GA-210 Rev J Devils Point Proposed Plan
 I103-SCH-100 PLI Historic Fabric Treatments- Ground 1
 I103-SCH-101 PLI Historic Fabric Treatments- Ground 2
 I103-SCH-102 PLI Historic Fabric Treatments- First 1
 I103-SCH-103 PLI Historic Fabric Treatments- First 2
 I103-SCH-104 PLI Historic Fabric Treatments- Second 1
 I103-SCH-105 PLI Historic Fabric Treatments- Second 2
 I103-SCH-106 PLI Repairs and Alteration Schedule- Ground
 I103-SCH-107 PLI Repairs and Alteration Schedule- First
 I103-SCH-108 PLI Repairs and Alteration Schedule- Second
 I103-SCH-109 PLI Repairs and Alteration Schedule- Roof
 I103-C-020 PLI Typical loading bay door (frameless)
 I103-C-021 PLI Typical loading bay door (metal frame)
 I103-C-022 PLI Typical loading bay door section
 I103-C-023 PLI Typical louvred window to plant
 I103-C-025 PLI Loading bay door railings
 I103-C-026 PLI Public Routes Plan & Section 1
 I103-C-027 PLI Public Routes Section 2 & Details
 I103-C-030 PLI New Core 4 staircase plan
 I103-C-030 PLI New Core 4 staircase section
 I103-C-033 PLI Clocktower staircase
 I103-A-001 PLI Typical partition details
 I103-A-002 PLI Ceiling Type A
 I103-A-003 PLI Ceiling Type B
 I103-A-011 PLI Junction to existing/acoustic floors
 I103-A-050 PLI Typical parapet detail (slate finish)
 I103-A-051 PLI Typical new insulated roof detail
 I103-A-052 PLI Typical Louvred Plenum Details
 I103-A-054 PLI Roof lantern details
 I103-A-070 PLI Typical new openings to internal stone walls
 I103-A-071 PLI Enlarged openings to courtyard
 I103-A-074 PLI Roof Terrace Details

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012. It is noted that the Core Strategy has been superseded by the Joint Local Plan, and the NPPF has been updated 2018. It therefore also in accordance with Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and NPPF (2018).

3 EMPLOYMENT AND SKILLS STRATEGY

Development shall be carried out in accordance with the Employment and Skills Plan and Employment and Skills Plan Method Statement as approved through I7/01309/CDM, unless an alternative strategy has been approved in writing.

Reason:

To ensure employment and skills development in accordance with policy CS04 of the Plymouth Local Development Framework Core-Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan. It is therefore in accordance with DEV19 of the Plymouth and South West Devon Joint Local Plan.

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

4 PRE-COMMENCEMENT: CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

Development shall be carried out in accordance with the Construction Environmental Management Plan (rev no 2, issued 10/05/17) and plan MELVILLE/AB/SKDRG 01 E, as approved through 17/01309/CDM, unless an alternative strategy is agreed in writing.

Prior to commencement of works to Devil's Point and/or the reservoir, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan throughout the implementation of the scheme hereby approved.

The CEMP should:

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

Reason:

To ensure the development does not impact upon water quality and to avoid conflict with Policy CS22 and to ensure wildlife habitats are protected to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan. It is therefore in accordance with DEV1, DEV2 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

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

5 PRE-COMMENCEMENT: LANDSCAPE DESIGN PROPOSALS

No development shall take place to Devils Point, Reservoir or Nursery car park until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours, including bunding/mounds; means of enclosure, including details of gates, repair works to walls, and the embossed concrete wall; car parking layouts; other vehicle and pedestrian access and circulation areas; details of the boundary between the access to the Reservoir and Devil's Point green space, hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units,

signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; planting plans including the location of all proposed plants their species, numbers, densities, type (i.e. bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection].

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

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

6 PRE-COMMENCEMENT: FIT OUT REFUSE STRATEGY

CONDITION: Prior to commencement of the fit out for each unit, details of the siting and form of bin store for disposal of refuse and recycling for each unit shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage provision for each unit shall be fully implemented before the respective unit is first occupied/brought into use and henceforth permanently made available for future occupiers/users of the site.

Reason:

In order to ensure that adequate, safe and convenient refuse and recycling storage provision is provided and made available for use by future occupiers and to protect the residential and general amenity of the area from noise emanating from delivery and waste collection activities in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

Justification: To ensure that the development can reasonably accommodate the refuse requirements that are acceptable to the local planning authority.

7 PRE-COMMENCEMENT: GYM MITIGATION

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

Reason:

To protect the residential and general amenity of the area from noise emanating from the gym and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

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

8 PRE-COMMENCEMENT: STREET DETAILS DEVIL'S POINT

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

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

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

9 PRE-COMMENCEMENT: GROUND WORKS: DRAINAGE

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

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

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that the scheme is completed in accordance with the agreed details. The scheme shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with Policy CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

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

10 PRE-COMMENCEMENT: WILDFLOWER PLANTING

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

Reason:

In the interests enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109,

118 as outlined within the applicants EMES. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

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

11 PRE-OCCUPATION: FLOOD DEFENCE DELIVERY PLAN

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

Reason:

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

12 PRE-OCCUPATION: FLOOD RESILIENCE MEASURES

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

Reason:

To reduce the risk of flooding to the proposed development and future users in accordance with the National Planning Policy Framework and Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

13 PRE-OCCUPATION: FLOOD EMERGENCY MANAGEMENT PLAN

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

Reason:

To reduce the risk of flooding to the proposed development and future users in accordance with the National Planning Policy Framework and Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

14 PRE-OCCUPATION: LANDSCAPE ECOLOGY MANAGEMENT PLAN

A landscape ecology management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the

occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape ecology management plan shall be carried out as approved.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

15 PRE-OPERATION: EVENT SPACE MANAGEMENT PLAN CONDITION

The applicant shall submit to the LPA for approval an Events Space Management Plan prior to first operation. The plan should indicate the maximum numbers of people permitted, methods of control for numbers/security, noise and entertainment. It should also document how any event organisers propose to provide toilet facilities for the public during the period of any events being undertaken, and standards with regards to post event cleaning. The event space management plan shall be carried out as approved.

Reason:

To ensure that suitable standards are adhered to prevent unacceptable levels of disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

16 PRE-OCCUPATION: CAR PARK DELIVERY STRATEGY

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

Reason:

To enable vehicles used by staff or visitors to the RWY to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

17 PRE-OCCUPATION: RWY TRANSPORT STRATEGY

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

Reason:

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

18 PRE-OCCUPATION: CYCLE PROVISION

The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for an appropriate level of cycle parking to be provided which is in accordance with the minimum standards as set out within the Development Guidelines SPD. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

19 PRE-OCCUPATION: LOADING AND UNLOADING PROVISION

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

Reason:

To enable such vehicles to be loaded and unloaded clear of the access routes that serve the RWY so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

20 PRE-OCCUPATION: TRAVEL PLAN

A Travel Plan for Melville building shall be submitted to the Local Planning Authority no later than 6 months prior to occupation of the building. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the RWY in accordance with the approved site-wide Travel Plan. It shall include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; details of associated funding to support sustainable travel initiatives and the name, position and contact telephone number of the person responsible for its implementation. The use hereby permitted shall not be occupied until the Travel Plan for the Melville building has been approved in writing by the Local Planning Authority and from the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

21 CONDITION: BOLLARD IMPLEMENTATION

Prior to the first use of the reservoir car park, in accordance with details to be agreed by the local planning authority, fold down bollards will be installed at the reservoir entrance and retained in situ (to be used if occurrences of anti-social behaviour).

Reason:

In order to prevent disorder and fear of crime in accordance with sections 58 and 69 of the National Planning Policy Framework March 2012 and Core Strategy Policy CS32 designing out crime. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

22 CONDITION: NOISE FROM PLANT AND EQUIPMENT

The noise emanating from the fans/ventilation equipment/air conditioning/plant/etc. (LAeqT) should not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at any time as measured at the façade of the nearest residential property.

Reason:

To protect the residential and general amenity of the area from noise and odour emanating from the operation of any mechanical extract ventilation system and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

23 CONDITION: NOISE MANAGEMENT PLAN HOTEL, A3, CINEMA USE

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

As a minimum the management plan must specify;

- The position of the designated smoking areas which must be at least 2 metres away from the façade of any building with residential properties adjacent or above.
- The controls to ensure that the smoking area must be used for smoking only. In line with any time restrictions.
- The actions in place to control any noise likely to affect nearby residential properties.
- How the applicant intends to monitor any activity that may affect residential properties, which should include as a minimum the provision of hourly security checks of the outdoor seating to identify any activity or behaviour that may affect residential properties.
- Procedure for implementation of appropriate control measures to deal with unacceptable activity that may impact on the amenity of the area.
- Supplying residents a phone number of the security desk to contact in the event of any disturbance. Any calls received must be recorded and made available to the Local Authority.
- A system of training must be completed and maintained with local businesses operating in Royal William Yard, to ensure compliance at all times with the management plan.
- The management plan must be reviewed annually and on any occasion when significant changes to the businesses take place or any complaints are received from local residents.

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan. It is therefore in accordance with DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

24 CONDITION: NOISE HOURS OF OPERATION

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

Monday to Saturday 10.00 - 22.30 hrs

Sunday 11.00 - 22.30 hrs,

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

External furniture must only be set up or removed between the hours of 10:00 am and 22:40pm

Monday - Saturday and 11:00am and 22:40pm on Sundays.

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

25 CONDITION: OPERATIONAL RESTRICTIONS TO ENSURE USE REFLECTS USE CLASS

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

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

26 CONDITION: OUTDOOR TABLES AND FURNITURE

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

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

27 CONDITION: NOISE / MUSIC

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

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

28 CONDITION: SMOKING AREA - NOISE AND ODOUR NUISANCE

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

Reason:

To protect the residential and general amenity of the area from noise and odour emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

29 CONDITION: REPORT UNEXPECTED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where further remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

30 CONDITION: GYM AND CINEMA USE SITING

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

Reason:

To prevent any resultant noise or vibration impact that would give rise to an impact upon future occupiers in accordance with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan. It is therefore in accordance with DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

31 CONDITION: D2 GYM AND CINEMA USE RESTRICTION

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

The total D2 uses (combined cinema and gym floor space) shall be restricted to maximum of 3000sqm gross internal floor space.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 and 123 of the National Planning Policy Framework 2012. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan, and the NPPF has been updated NPPF (2018). Therefore it is also considered to be in accordance with Joint Local Plan policies DEV1, DEV2 and DEV16 and paragraphs 54 and 86 of the National Planning Policy Framework 2018.

32 CONDITION: RETAIL RESTRICTION

The retail units shall not exceed a total of 600 sq. m GIA (m2).

Reason:

In order to ensure the retail offer does not harm the viability of the City Centre in accordance with CS07 and CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

33 CONDITION: A3 USES

The A3 units shall not exceed a total of 3100 sq. m GIA (m2).

Reason:

In order to ensure a mix of development consistent with Development Plan Policy MS01 of the Millbay and Stonehouse Area Action Plan and the A3 offer does not harm the viability of the City Centre in accordance with CS07 and CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

34 CONDITION: D1 USES

The D1 premises shall be used for art galleries, education/training centre (University or College) and for no other purposes (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

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

35 CONDITION: TREE REPLACEMENT

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size

as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and are subsequently properly maintained, if necessary by replacement. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

36 CONDITION: ENERGY AND SUSTAINABILITY STATEMENT

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

Reason:

To comply with policy CS20 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and Government advice contained in the NPPF. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

37 CONDITION: BIODIVERSITY

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

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118. It is noted that the Core Strategy has been superseded by the Plymouth and South West Joint Local Plan.

38 CONDITION: CINEMA NOISE

Noise from the cinema must not exceed 5dB above the background level when measured at the façade of the nearest residential dwelling.

Reason: To protect the residential and general amenity of the area from noise emanating from the cinema pods in accordance with policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

INFORMATIVES

I INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

The Local Planning Authority has assessed that the residential development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that

you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

2 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 the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.