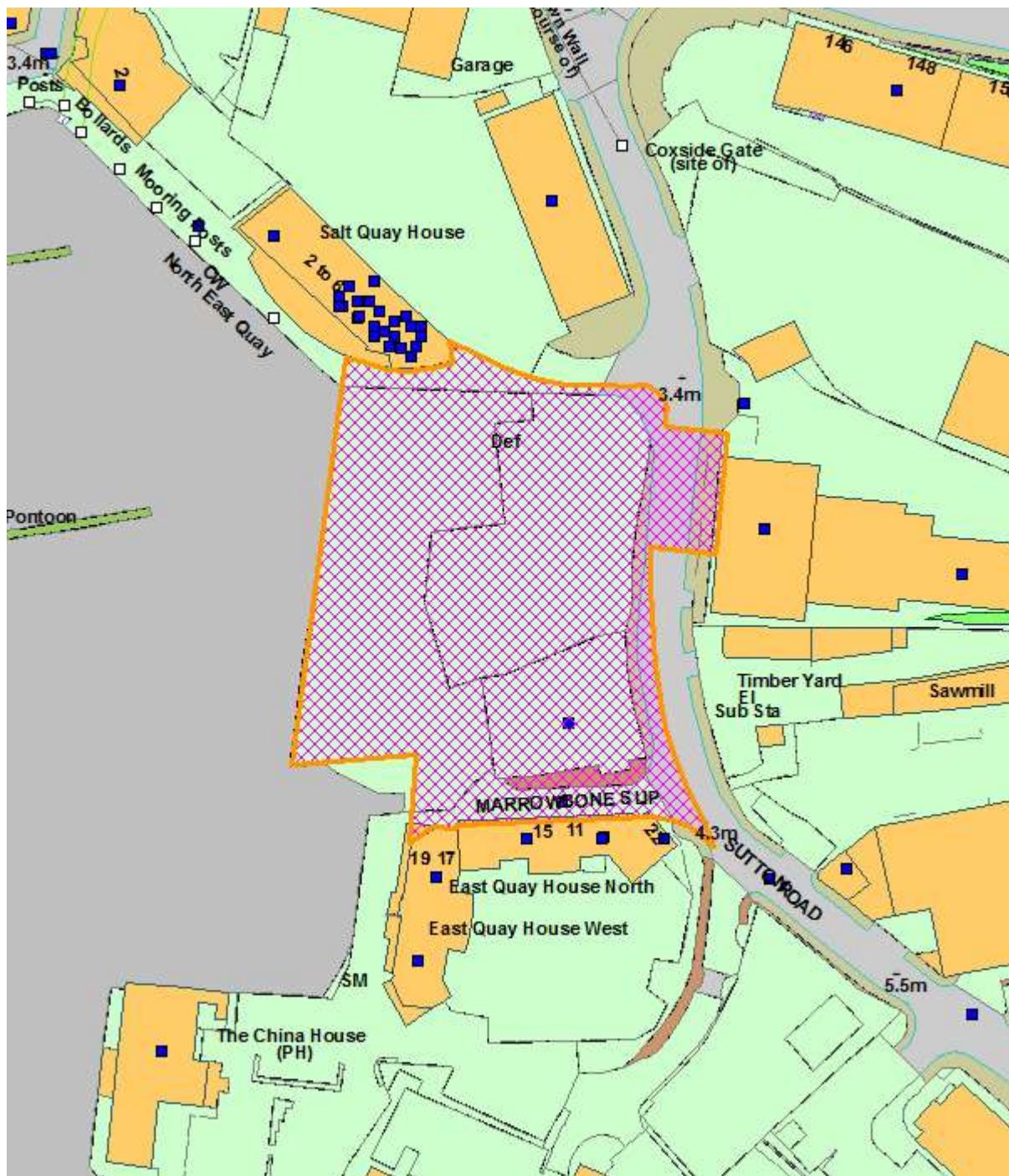


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	20/02046/FUL	<b>Item</b>	02
<b>Date Valid</b>	11.01.2021	<b>Ward</b>	SUTTON AND MOUNT GOULD
<b>Site Address</b>	Land At Sugar Quay East Quay Sutton Harbour Plymouth		
<b>Proposal</b>	Erection of a 21 storey mixed use development comprising 170 residential apartments, ground- and first-floor commercial and retail units (Class E) and associated landscaping, public realm and infrastructure works		
<b>Applicant</b>	Sutton Harbour Group		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>12.04.2021</b>	<b>Committee Date</b>	<b>14.04.2022</b>
<b>Extended Target Date</b>	<b>22.04.2022</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Alistair Wagstaff		
<b>Recommendation</b>	Grant conditionally subject to delegated authority to Director of Strategic Planning and Infrastructure to refuse the application if the S106 is not signed within the agreed timeframes (3 months)		



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

### **I. Description of Site**

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

## **2. Proposal Description**

The proposal seeks full planning permission for a 21-storey landmark building comprising commercial/retail units (Class E) at ground and first floor level together with 170 residential apartments on the upper floors.

This application is an amended scheme following the previous grant of consent in December 2018 (application number 18/01245/FUL): this consent has now expired and cannot be implemented.

In summary, the primary changes to the former approved planning application relate to car parking provision, which was previously provided within a basement car park. This on-site car park provided parking for 106 vehicles. Additional parking for residents was also proposed through an extension to Harbour Car Park (planning consent 18/01246/FUL) - allowing 62 spaces dedicated to Sugar Quay residents and an additional 36 spaces for residents on an optional basis via permits. The current application omits the basement car park on viability grounds and instead proposes to deliver car parking provision off-site through the implementation of planning consent 18/01246/FUL (which has been implemented). This is a change from the application's original submission which sought to use car parking in a different scheme across Sutton Road. These applications have however now been withdrawn.

Amongst other relatively minor alterations to the original scheme, the following changes have been made: internal revisions to the ground floor layout; external alterations to the ground/first-floor of the building where the previously approved basement access ramp was located at Marrowbone Slip; changes to the approved energy strategy and the incorporation of a green roof above the commercial plinth (replacing the approved commercial seating area).

Further to the above, there has been a change to the unit type mix. The submitted application advises the design has been progressed to take account of updated fire regulations following the Grenfell disaster, and also to account for the change to the building energy systems. These changes resulted in amendments to the plant and servicing infrastructure through the building and changes to the unit type mix, as set out below. The total number of units remains the same at 170, as does the bed spaces at 590.

Apartment Size	Proposed Number (2021)	Proposed Number (2018)
1B2P	73	74
2B4P	69	67
3B6P	28	29
Total units	170	170
Total bed spaces	590	590

Changes to the plant room requirements have also resulted in changes to the first floor level and associated changes to the proposed commercial space.

A cumulative total of 3102 sq. m of commercial and/or retail units (Use Class E) is proposed on the ground and first floors. The submitted plans show five two-storey commercial units to the western frontage of the building. The applicant is seeking a flexible consent, which allows future fit out to meet the requirements of occupants and therefore, the first floor plans do not provide details of the upper commercial floor space.

A gym (Class E (d)) is also proposed at ground and first floor level in the south-eastern corner of the building and a co-working space (Class E (g)(i)) is also proposed at first floor level.

Use Class	Floor space m <sup>2</sup>	Floor space m <sup>2</sup> space m <sup>2</sup>	Total floor
	- Ground floor	- first floor	
Unit 1 - E(a), (b), (c)	130	130	260
Unit 2 - E(a), (b), (c)	172	-	172
Unit 3 - E(a), (b), (c)	349	290	639
Unit 4 - E(a), (b), (c)	569	400	969
Unit 5 - E(a), (b), (c)	254	184	438
Gym - E(d)	146	315	461
Co-Worker Space - E(g)(i)	-	163	163
<b>Total</b>	<b>1,620</b>	<b>1,482</b>	<b>3,102</b>

The height of the proposed development and the number of internal storeys has not changed (other than the removal of the basement car park). However, it should be noted, the proposal description has been amended to refer to the erection of a 21 storey building (rather than a 20 storey building as described in application 18/01245/FUL). The applicant previously, and in the current submission, refers to an 'upper ground/mezzanine level' and upon review, officers have determined this is more than a 'mezzanine' and should be considered as a full additional storey. The proposal description has therefore been amended to reflect this.

The roof of the commercial plinth provides both private amenity space for future residents and a landscaped roof garden. Note, notwithstanding some of the details in the submitted application, the commercial plinth will not provide a seating area for the commercial units. Rather, it will be a green roof with a species rich maritime grassland mix (Scotia maritime grassland seed mix) with other areas of more structural planting.

No on-site car parking is proposed. Parking for future residents at Sugar Quay is proposed through the extension to the Harbour Car Park, located on Lockyer's Quay, to the south of the Sugar Quay site. As noted above, planning consent for this car park extension was granted in 2018, under application reference 18/01246/FUL. The approved extension to the car park provides two additional floors of parking to create 114 additional spaces. As part of the amended proposals, a total of 136 vehicle spaces will be made available to the residents of Sugar Quay in the extended Harbour Car Park (at a ratio of 0.8 parking spaces per unit).

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

As part of the application additional information and plans have been submitted in relation to the following matters:

- o highway matters including parking provision
- o Viability Appraisal
- o Energy Strategy
- o A response to the Design Review Panel Report and supporting information
- o Landscaping
- o Drainage
- o floor plans and amended site location plan Ecology.

In addition, the original application sought a five year planning consent. However, this was amended and reduced to a three year planning consent, which is the period the LPA would normally look to require on any application.

During the course of the application three consultation periods took place in January, May and October 2021.

### **3. Pre-application Enquiry**

Pre-application discussions commenced in November 2019 (planning application reference 19/01806/MJR) and covered three sites: Sugar Quay, St John's Bridge and Sutton Road East. The pre-application process largely focused on the sites to the east of Sutton Road, however, a summary of the discussions relating specifically to Sugar Quay is provided below.

Officers' advice was sought on the proposed revisions to the previously approved scheme (planning application reference 18/01245/FUL). The most notable amendment was the removal of the previously approved underground car park and the provision of alternative car parking off-site at the St John's Bridge site. The applicant was seeking to make such amendments through a S73 application: officers advised this would not be appropriate and a full planning application would be required.

In terms of car parking, it was noted at early pre-application stage the principle of providing off-site car parking to serve the residential units at Sugar Quay had been established by the planning history, whereby a significant proportion of car parking was to be provided at the Harbour Car Park. Consequently, there was no over-riding objection to providing off-site parking elsewhere. The Local Highway Authority sought further evidence from the applicant to demonstrate the level of car parking proposed was sufficient to meet demand and would not lead to vehicles over-spilling onto the surrounding residential streets.

With regard to affordable housing, the applicant proposed potential alternative options before determining the £3.15 million payment towards off-site affordable housing delivery. This approach was agreed as part of the previous planning permission and officers agreed in principle this contribution could be retained in relation to the scheme going forward acknowledging the difficulties in viability in the scheme.

During the pre-application process, the applicant carried out a public consultation exercise. Due to limitations on public events caused by COVID-19, an online community consultation event was held for a three week period. This included a virtual exhibition online with images and detailed information regarding the proposals. According to the submitted information, 751 people visited the consultation page; 63% were supportive of the Sugar Quay proposals, 66% were supportive of the St John's Bridge proposals and 74% were supportive of the Sutton Road East proposals.

An Environmental Impact Assessment was requested, submitted and determined (see further details below - reference 20/01162/ERS103) this considered the 3 applications which were originally submitted together. It concluded that the development was not EIA development.

It should be noted that the applicant submitted three separate planning applications following the pre-application process as follows:

- o Sugar Quay (this planning application)
- o St John's Bridge (planning application reference 20/02044/FUL), which was withdrawn on Fri 22/10/2021.
- o Sutton Road East (planning application reference 20/0045/FUL), which was withdrawn on Fri 22/10/2021.

A new pre-application scoping meeting (reference 21/01442/MJR) was submitted on 30th July 2021 in relation to the Sutton Road East, St John's Bridge sites, which incorporated an additional area of land nearby. This pre-application engagement has since been concluded.

#### **4. Relevant Planning History**

##### Application Site

20/01162/ERS103 - Request for EIA Screening Opinion - Environmental Impact Assessment not required.

18/01245/FUL - Erection of a 20 storey (plus basement) mixed use development comprising basement car parking, 170 residential apartments, ground floor and mezzanine commercial space (Class A1, A2, A3 & A4), a gym (Class D1) and co-working space (Class B1a) and associated landscaping, public realm & infrastructure works - APPROVED. This application has not been implemented and has lapsed and is not capable of implementation

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

17/01573/FUL - Use of the site for temporary car park - APPROVED (subject to condition 2 which states that the use of the site as a car park shall cease before the 30th September 2022).

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

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

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

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

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

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

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

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

06/00394/FUL - Demolition of light industrial/office unit and erection of mixed use residential scheme (including use classes A1, A2, A3, A4, B1, B2 and B8) comprising 107 residential flats within a

ten storey building and four storey office building, with associated parking, waterfront piazza and retention, extension and refurbishment of public house - WITHDRAWN

#### Other Related Applications

St John's Bridge - 20/02044/FUL - Demolition of existing buildings and erection of up to 13 storey mixed use development comprising 106 residential apartments, 2 live work or commercial units (Class E) or drinking establishments (sui generis), car parking spaces, public realm works, including pedestrian link and central square, and associated landscaping and infrastructure works including works to Sutton Road - WITHDRAWN.

Sutton Road East - 20/02045/FUL - Demolition of existing buildings and erection of up to 15 storey mixed use development comprising 111 residential apartments, commercial units (Class E) and drinking establishments (sui generis), car parking spaces, public open space, and associated landscaping and infrastructure works including works to Sutton Road - WITHDRAWN.

Harbour Car Park - 18/01246/FUL - 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) - APPROVED (The applicant has submitted pre-commencement planning conditions and confirmed the development has commenced).

### **5. Consultation Responses**

#### Local Highway Authority (LHA)

Numerous consultation engagement has taken place during the consideration of this application.

Summary of final consultation response:

The LHA acknowledge the proposal is similar to that approved under planning application reference 18/01245/FUL and recognise the key fundamental difference is the omission of the basement car park. All vehicle parking requirements are now proposed off-site at Harbour Car Park.

Following ongoing, proactive engagement with the applicant, the LHA raise no in principle objections to the proposals, subject to recommended conditions and informatives. In particular, the LHA seek further details on road access for contractors, the submission of a dilapidation survey to assess the existing condition of all highway infrastructure adjoining the site, the submission of a Construction Traffic Management Plan, street details, car parking and cycle provision, use of loading areas and the submission of a Travel Plan.

The LHA recommend a Grampian condition to ensure proposed improvements to the existing highway are carried out before occupation and also recommend a Grampian condition to ensure the works to increase the capacity of Harbour Car Park (approved under planning application reference 18/001246/FUL) have been delivered, including the provision of 34 electric vehicle charging points within the car park.

The LHA advised that funding of travel planning, of £34,000 is sought for the residential element of the scheme and £220 per employee is sought for the commercial element of the scheme. To be included as an informative.

Detailed comments have been provided by the LHA and are summarised in the analysis section below and are available for Members to fully review on the application file.

#### Urban Design Officer

Numerous consultation response and engagement has taken place during the course of the application. The Urban Design Officer acknowledged the proposal was very similar to the approved

scheme for the site (planning reference 18/01245/FUL). As before, the principle of residential-led mixed use development on the site was considered consistent with JLP Policy PLY25 'Sugar House, Sutton Harbour'.

In response to amended drawings and additional information provided by the Applicant, the Urban Design Officer supported the proposals subject to a series of conditions and informative.

#### Historic Environment Officer/Archaeologist

Due to the known nature of the remains exposed in 2008, notably the remains of the 17th century Sugar House, the Historic Environment Officer recommends a pre-commencement archaeological condition to secure a programme of archaeological work.

#### Historic England (HE)

Historic England acknowledge the land is not within a conservation area. Therefore, HE's statutory role is confined to the assessment of potential impacts on highly-graded heritage assets, such as Grade I and II\* listed buildings or scheduled ancient monuments.

HE's analysis of the previous proposals outlined the likely effect of the proposed Sugar Quay development on the setting of the Royal Citadel, a Scheduled Monument. HE advise that the Royal Citadel is a 17th century fortification incorporating an earlier 16th century structure that is regarded as one of the most complete surviving examples of a bastioned artillery defence in England, and is the most extensively intact survival of the important later 17th century group built to defend England's principal naval ports. HE suggest that if a tall building was to appear above the Citadel in short and medium-range views, it could compromise its fortress-like appearance, causing harm to its setting and thus significance.

Drawing on the application information, HE consider that while the proposed building would rise above the Royal Citadel in longer-range views, it would not be visible from any part of the area within 600 metres of the shoreline. Where the proposed building would rise above the Royal Citadel in longer views from Plymouth Sound, it would be read against a backdrop of existing townscape. This being the case, HE considers any visual impact on the setting of the Royal Citadel is likely to be negligible.

HE continue to regret the potential visual impact of the building on the setting of the Grade II listed Royal Bank of Scotland (RBS) premises, which terminates the view eastwards along Royal Parade, the key east-west axis of the City Centre Conservation Area. HE confirm, the setting of a Grade II listed building and surrounding conservation area are outside HE's remit, but HE confirm they have a strategic interest in Plymouth City Centre and are providing significant grant aid to restore its mid-century glory through the High Street Heritage Action Zone initiative.

HE advise the RBS building is one of Plymouth's finest pieces of modernist architecture, with its elegantly-composed symmetrical silhouette, centrally punctuated by a clock tower. HE state the triangular termination of the proposed building will rise above the RBS premises and suggest this detracts from the symmetry, proportion, and sculptural form of the RBS premises. HE consider this harmful to the setting of the Grade II listed building and the character and appearance of the City Centre Conservation Area.

HE state the proposals will cause harm that is less than substantial to the setting of the RBS building and advise that if the LPA is content the proposals are of the highest quality design, HE are content for this harm to be weighed against any wider public benefits offered by the proposals, in accordance with NPPF paragraph 196.

HE recommend that in determining this application, the LPA should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The LPA is encouraged to also bear in mind, the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

#### Gardens Trust

No response received.

#### Environment Agency (EA)

The EA raise no objections subject to a Section 106 agreement for the sum of £250,000 towards works to upgrade flood defences at Sutton Harbour and the inclusion of conditions to cover the mitigation measures set out in the Flood Risk Assessment, contaminated land report and the final Construction Environmental Management Plan. This response is consistent with the position in respect of the previously approved application 18/01245/FUL.

#### Natural Infrastructure Team (NIT)

Scheme is acceptable subject to conditions and S106 agreement.

A number of responses were received from NIT during the course of the consideration of this application.

Initially a 26.07% biodiversity loss was identified, which conflicts with JLP policy DEV26. An updated landscaping plan reduced this loss, however this assessment method is now out of date. The Applicant has suggested an approach to meeting 10% biodiversity net gain (BNG) through creation of seagrass which is considered acceptable and a S106 is agreed (of £25,000) which will enable direct delivery of marine habitat improvements and which will assist in establishing the long term approach to marine nature recovery. This is considered to enable a 10% net gain to be delivered.

With regards to proposals to deliver BNG on the roof terrace, the NIT recommend attaching a planning condition to ensure the delivery of maximum ecological benefits and secure BNG in perpetuity. The NIT also recommend a condition requiring a Landscape Ecological Management Plan and Construction and Environmental Management Plan to ensure the marine environment is protected and works are done in accordance with the Habitat Regulation Assessment (HRA).

The NIT require further information on tree planting and tree pits (details and plans) and recommend a planning condition to ensure this information is received and agreed by the LPA.

In terms of drainage and water quality, NIT recommend a pre-commencement condition requiring further information on the proposed drainage strategy, which considers the impacts to water quality as the site is hydrologically connected to the Special Area of Conservation.

#### Low Carbon Team

The Low Carbon Team raise no objections, subject to a condition ensuring the use of centralised Air Source Heat Pumps to achieve 56% carbon saving over gas baseline.

A restrictive condition is also recommended to ensure there is a commitment to future-proof the scheme for connection to district energy.

#### Lead Local Flood Authority

Site is in flood zone 3 and at high risk of tidal flooding and Critical Drainage area.

The drainage system is designed to the correct standard.

A flood emergency plan identifying safe access routes is provided.

No objections, subject to a recommended restrictive conditions seeking the following additional information:

- a) Calculations and modelling data should be produced in support of any drainage design showing that the drainage system is designed to the required standard. The impact of any potential tide-locking during extreme tide levels must be assessed together with any other incoming flows that may also be using the existing outfall.
- b) The site is located in a Critical Drainage Area and discharge rates to a sewer will be limited to 1 in 10 year greenfield run off rates with onsite attenuation required to store surface water volumes over and above these rates to a 1 in 100 year return period standard of protection with a 40% allowance for climate change.
- c) maintaining the water flow route from Sutton Road across the north of the site and does not impact upon the site drainage and its proposed capacity, as indicated by the EA surface water flood risk mapping. Clarification should be submitted that shows how the site is protected against off- site surface water run-off from Sutton Road.
- d) It is recommended that the property owners and managers sign up to the Environment Agency's Floodline Warnings Direct service for flood warnings.
- e) A Flood Emergency Plan should be developed and communicated to all occupants detailing actions to be taken in the event of a flood warning to ensure occupants and property remain safe. The responsibilities of the building manager and individual property owners and managers should be clearly identified. The Flood Plan should also include an assessment of the scale of anticipated flooding and any access routes clearly identified.
- f) In an extreme event that exceeds the design standard, a surface water exceedance flow route should be identified on a plan that shows the route exceedance flows will take both on and off site from the point of surcharge, and demonstrating that these flows do not increase the risk of flooding to properties on and off the site and or to Third Party Land including the Public Highway. Exceedance flows should be intercepted and contained on site as far as this is reasonably practicable and safe to do so, ensuring that flows are directed away from public access areas.
- g) Details should be provided that show how the water environment is to be protected from pollution from the parking and access road areas. Reference should be made to the pollution risk matrix and mitigation indices in the CIRIA SuDS Manual.
- h) A ground investigation should also confirm there is no risk of groundwater pollution from contaminated land.
- i) A construction environment management plan incorporating method statements should be submitted to demonstrate how the new drainage system and water environment is protected during the demolition and construction phases.
- j) Details should be submitted of how and when the surface water drainage system is to be managed and maintained.

#### Public Protection Service (PPS)

A number of responses were received during the course of the application

The PPS recommend the submission of a Construction and Environmental Management Plan (CEMP) which, amongst many other things, must limit the times of work activities on site to protect neighbouring residential amenity.

In terms of air quality, the PPS has reviewed the submitted Air Quality Assessment which identifies the operational phase will have a negligible impact on air quality and so no mitigation is required. In terms of the construction phase, the assessment identifies that through good practice and

implementation of appropriate mitigation measures, dust impact should be effectively controlled and mitigated with no significant impact. These control measures should be identified and implemented through the CEMP.

The contaminated land risk assessment identified potential pollutant linkages, particularly as a result of the historic use of the site. The report recommends an intrusive investigation to assess the ground conditions on site. The PPS agree that a Phase 2 investigation should be carried out and recommend restricted conditions accordingly to secure the required site characterisation work, plus any other remediation and verification work that may subsequently also be necessary.

With regard to noise, the PPS acknowledge the site is in close proximity to existing businesses, which may have a noise impact on future occupants. A noise impact assessment has been submitted in support of the application, which has assessed the likely impact. Outline proposals have been provided for the façade sound insulation to achieve suitable internal noise levels. The PPS recommend a restrictive condition accordingly.

The noise assessment states ventilation would be by mechanical means to avoid the need for opening windows on the more noise exposed facades. The report, however, does not provide specific details of which dwellings will be fitted with mechanical ventilation. The PPS recommend a condition to ensure this is agreed with the LPA prior to commencement of development.

The PPS also recommend a condition to ensure any of the proposed plant/ventilation systems do not cause an undue noise impact to residents.

With regard to the proposed commercial units, PPS note these units give rise to potential impacts from noise and odour. Conditions are recommended to ensure these potential impacts are adequately controlled by an appropriate management plan and PPS also suggest conditions to restrict opening hours and delivery times.

Finally, the PPS note the noise impact assessment has considered potential operation of the units as a restaurant and gym space and identified the internal generated noise from these units should not exceed 25 dB LAep, 15min and 35 dB LAF max at any time. The PPS recommend a restrictive condition to ensure these levels are not exceeded.

In October 2021 following the submission of a letter of representation from Simms providing a technical assessment of noise associated with the three planning applications, PPS were re-consulted on the amended plans and information and recommended the same conditions.

#### Local Education Authority (LEA)

The LEA has advised the impact of the development proposal will lead to additional population growth, which places greater pressure on education services. Secondary education currently has insufficient capacity to deal with this additional pressure - the LEA presents further evidence and information to support this.

Given the evidence presented and with reference to the SPD which includes the Developer Contributions Evidence Base (June 2020), the LEA has sought a contribution of £280,925.00 towards the expansion of Plymstock School, Hele's School or other secondary basic need education projects which provide citywide pupil places that will benefit the new residential population arising from the proposed development.

The LEA refer to the need to deliver mitigation of the impacts of the proposed development in order to satisfy JLP policies DEV30 and DEL1.

### Officer of the Director of Public Health (ODPH)

The ODPH (acting on behalf of other organisations, including Devon CCG, NHS England and PCC Strategic Commissioning which meet together as a Health and Developer Contributions Group) advise the impact of the development proposal will lead to additional population growth, which places greater pressures on existing health services including primary care, such as general practice, community pharmacy, dental and optometry services and secondary care through hospitals and specialists. The ODPH state there is insufficient capacity in the existing infrastructure to meet the needs of this population growth.

Given the evidence presented and with reference to the SPD, which includes the Developer Contributions Evidence Base (June 2020), Public Health seek a contribution of £54,979 towards the proposed health and wellbeing hub at Colin Campbell Court, Plymouth City Centre or other Wellbeing Hubs which provide citywide services that will benefit the new resident population arising from the development proposal.

### NHS Devon Clinical Commissioning Group (CCG)

The CCG notes concern that three nearest surgeries to the planned development, (Friary House Surgery, Wycliffe Surgery and Beaumont Villa Surgery) are already at or over capacity within their existing footprints. Therefore, it follows that to have a sustainable development in human health terms, the whole local healthcare provision will require review. The surgeries already have 32,765 patients registered between them and this new development will increase the local population by a further 394 persons.

Taking this into account and drawing upon the document Devon Health Contributions Approach: GP Provision document, which was agreed by NHS England and Devon County Council, the CCG seek a contribution of £100,966 (£594 per dwelling) towards the cost of mitigation of the pressures on the local healthcare facility.

### Emergency Planning/Civil Protection

No response received.

### Devon Fire and Rescue

No response received.

### Building Control

PCC Building Control confirm the proposal will require a building regulations application to be submitted to a Building Control Body.

### Natural England

On the basis of the mitigation outlined being secured, Natural England concurs with the LPA's conclusion in the Habitats Regulations Assessment that the proposed development will not have an adverse effect on the integrity of Plymouth Sound and Estuaries SAC & Tamar Estuaries Complex SPA European sites.

### Designing Out Crime Officer

The Designing Out Crime Officer notes the scheme will need to comply with JLP policies DEV10 and DEV20.

The Designing out Crime Officer identifies the main access points as vulnerable areas in respect of reducing crime and the fear of crime. Access control measures are recommended to restrict unauthorised persons from gaining access to the proposed building, including a visitor door entry system.

In addition, a condition is recommended to ensure the development achieves the Silver Standard of Secure by Design aware.

With regard to parking, the Designing out Crime Officer emphasises the importance of coordinating and delivering associated landscaping, public realm and infrastructure works to minimise potential fear of crime to residents utilising the off-site car park.

#### Marine Management Organisation (MMO)

The MMO provided a standard response advising that any works taking place below the mean high water mark may require a marine licence from the MMO in accordance with the Marine and Coastal Access Act (MCAA) 2009.

#### Economic Development (ED), including Building Plymouth Skills Coordinator

ED support the proposal as a significant development with major construction spend, sizable (albeit temporary) construction jobs and further useful permanent jobs associated with commercial space and building management. In addition, residential occupation will bring job supporting spend to the City. ED recommends a restrictive condition seeking an Employment and Skills Plan and seeks a S106 contribution of £1,000 per dwelling towards necessary upgrades to the Hoe Foreshore recreation facilities.

#### Housing Delivery Team (HDT)

The HDT accepts the development cannot afford policy-compliant levels of affordable housing and consider that on-site units would not be affordable to households in need due to the high sales values, rents and service charges. The development will not contribute to the creation of a sustainable, inclusive and mixed community, but it will provide a significant contribution to affordable housing delivery that justifies a relaxation of affordable housing obligations to a level that is less than that required by Policy DEV7.

The HDT considers provision must be made from the outset to ensure M4(2) and M4(3) dwellings are made available for initial and future households. The HDT advises that failure to provide these from the outset would likely result in the loss of a significant and unacceptable number of accessible and adaptable dwellings.

The HDT recommends a planning condition to ensure the development meets JLP policy DEV9 requirements in full and from the outset and also seek a S106 contribution of £3.15 million for off-site affordable housing delivery.

#### Plymouth Waterfront Partnership (PWP)

Whilst the PWP supports the principle of development here as well as the economic investment the application represents, they raise a number of objections/concerns:

- o Scale and massing and the resulting harm this could have on the general environment of the harbour and neighbouring Barbican Conservation Area - the height, bulk and architectural form of this building will dominate many close and distant views as demonstrated by the consultants own perspective images. No neighbouring buildings rise beyond 10 stories in height and to more than double this in an uncompromisingly horizontal stepped form that will significantly impact the urban form of the waterfront and create 'substantial harm'. The overwhelming impact of the scale will be detrimental and is not justified despite the other benefits that have been suggested. There will be areas of Sutton Road and the land to the north of the development that will be placed continuously in shadow. The PWP think the building is too high and should be reduced in height.

- o Reference is made to another recently approved tall building of this scale at North Cross roundabout in Plymouth, which has provided to be an aesthetically detrimental intrusion on the city centre with its stepped south facing rendered façade presenting a very poor quality of architecture visible for miles in every direction. The architecture of this current proposal is unashamedly bold, eclectic and un-compromising and we are fearful that the impact of this will have a long term detrimental effect on the setting of our historic waterfront.
- o Some of the design features may be architecturally disjointed and the designers should reconsider whether there may be alternative solutions that would improve the appearance. Specifically, the PWP do not think the blue diagonal framing feature enhances the design. This is a rather blunt and unsubtle way of reinforcing the stepping façade and it is questioned whether it is really necessary. A primary colour used in this context is too bold and the PWP consider the design would be improved with a more neutral approach to colour. In addition, the way the building connects with the quayside also seems a little uncomfortable and contrived. The angled glass façade creates an appearance that lacks structural integrity and creates the illusion of something that is about to fall over.
- o The development has not been subject to peer review at a Design Panel and question why a building of this magnitude and significance was not required to do so?
- o The Climate Action Plan to move towards Carbon Neutrality by 2030 has not been fully addressed by the application and further steps could be made in the design towards improving energy reduction and biodiversity.
- o There are a significant number of north-facing, single aspect apartments within this proposal that will not obtain any sunlight for most of the year. Many of those apartments will only receive minimal sunlight for a couple of hours in the early evening at the peak of the summer. They also have limited amenity space and are subject to intrusive overlooking from adjacent apartments creating a loss of privacy. This will create a potential legacy of property that does not meet basic standards of wellbeing for a healthy living environment. There are increasing numbers of people who are adopting the practice of working from home and this creates an added pressure on every residential building to provide adequate amenity space and a working environment that functions well in relation to the external environment in which it is placed.
- o The last twelve months have seen an unprecedented period of economic and social upheaval caused by a global pandemic that will have a major impact on the design of tall buildings that accommodate large numbers of people. This building will accommodate over 400 people who will access single aspect apartments via three elevators and narrow mechanically ventilated corridors. Major concerns around the transmission of airborne and surface contaminations spread via confined and densely crowded access points are a significant issue and research on this is still in an early stage of development. It would seem prudent that the Applicant be requested to carry out a risk assessment in relation to this public health emergency which will not have been considered under any other policy requirements.

#### Harbour Master

No response received.

#### Street Services

Street Services refer to the need to provide sufficient space for the number of refuse containers required to meet the needs of the number of flats proposed. An average household would require two 240 litre bins (one for recycling and one for non-recyclables) collected on an alternate weekly basis. Whether individual bins or communal bins up to 1,100 litres are provided, the capacity

calculation needs to be factored in for this space unless the intention is to put in place a commercial waste collection with increased frequency as part of building management fees.

Street Services refer to the need to provide flat, even, direct access for RCV vehicles i.e. without distances to pull bins.

Street Services also refer to the changes afoot following the Environmental Bill, which will see mandated food waste collections on a weekly basis and the potential for more segregation (containers).

Following discussions a waste strategy condition has been agreed to deal with the outstanding matters.

#### Health and Safety Executive

The HSE confirms 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.

#### South West Water (SWW)

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

SWW also confirmed that clean portable water service can be provided from the existing public water main for the proposal and foul sewerage services can be provided by the existing public foul or combined sewer in the vicinity of the site.

It is noted the applicant must demonstrate to the LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable. Having reviewed the submitted information, SWW confirmed the method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

#### Sport England

Sport England confirms the proposed development does not fall within their statutory or non-statutory remit and therefore, a detailed response has not been provided. However, Sport England has provided advice to aid the assessment of the application. The following is of specific relevance to the proposal:

*if the proposal involves the provision of additional housing then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.*

*In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.*

#### Street Lighting

No response received.

## South West Highways

No response received.

## Health and Safety Executive Fire Safety

No Response Received

## **6. Representations**

Nine letters of representation were received in response to the initial consultation exercise, including six letters of objection, one letter of support and two neutral letters. The points raised have been summarised below under key theme headings:

### Objections:

#### Environmental

- Lack of detailed environmental protection in proposal/does not reflect 'green' design/little consideration of nature and environment/no attempt to introduce the contribution of 'green' credentials of the building byway of bio-solar roofs, green walls, habitat routes, charging points for electric vehicles amongst other concerns.
- The application acknowledges the opportunity (but not the intent) for a green and biodiverse roof space as a visual amenity with no public access.
- Design considerations focus on harbour views rather than biodiversity.
- The area is abundant with bird life.
- The site has been left for over a decade and is now of value to wildlife and insects.
- Should include a green or bio solar roof, combining the benefits of a softer exterior with options for low carbon, renewable energy.
- Development should be as low carbon as possible given the Climate Emergency and the commitments made by PCC and national Government.
- Transport infrastructure should encourage the use of public transport, walking and cycling.
- There are no clear habitat routes for bees and other pollinating insects.
- No provision for planting of street trees.
- Improving and maintaining environmental quality is essential for the physical and mental wellbeing of local residents.
- No provision for nesting birds or bats.
- Green walls should be incorporated and 'living pillars' to reduce air pollution.
- Effective waste management has not been comprehensively thought through and provided. More evidence of the provision for recycling, food waste collection and provision of commercial waste receptacles is required. The household refuse system is primitive with no provision for household recycling.
- The DRP commented that 'environmental sustainability did not feature so how the scheme is to address the climate emergency and tightening national requirements was unknown'. We do not know how the scheme will contribute to Plymouth achieving its net zero carbon target by 2030.

### Design

- Size and height/too tall/inappropriate.
- Overbearing.
- Overdevelopment of area and this application should be considered as part of a whole strategy of redevelopment and its impact on the area as a quality place to live in.
- Unsympathetic trophy building proposed for an already over-developed heritage area with absolutely no attempt at enhancing or place making upon which the Council places increasing importance.
- Not in keeping with surrounding buildings/height should be in-keeping with neighbouring buildings/scaled down/wholly out of sympathy with the current elevation level around Sutton

Harbour/dwarf eastern side of the harbour/a 'Los Angeles' style development would be out of place/almost three times higher than over buildings in the area/should not be higher than ten floors/the massive size of this edifice in relation to existing surrounding buildings.

- Call for a more sympathetic design to uplift the area and ensure the building stands out as best practice rather than another high rise development
- Request less angular roof to avoid another Plymouth 'box' and on-going 'pollution' of the city's skyline.
- Design should be reviewed by an independent Design Panel with representation from community groups such as the Plymouth Civic Society.

#### Historic Environment:

- Development must not detract from the heritage potential of the area and surrounding facilities.
- Fail to see how 21 storeys does not represent 'substantial harm' to views from the Barbican Conservation Area.
- Would spoil the character of the historic Sutton Harbour.
- This is one of the most important heritage (and possibly archaeological) sites in Plymouth which has been overlooked within this unsympathetic development.
- This proposed addition to large carbuncular architecture in Plymouth is classed as causing 'less than substantial harm'. With each new development classed as such, the bar gets higher (and so do the buildings) setting the precedent for the next. New buildings in Plymouth will never cause 'substantial harm'.

#### Other

- How many apartments will be second homes or Airbnb lettings?
- Are there going to be affordable homes to help local people? / Affordable housing has not been considered but appears to be outsourced to surrounding area proposed to follow in due course
- Smoke and mirror attempts to offset affordable housing, car parking and net carbon zero targets.
- The policy for this site should be reconsidered as an urban park to create a moderating influence on this proposed building tsunami.
- The Applicant appears to take the position that all shortcomings in this application will be compensated for by other proposed buildings. This is unreasonable, risky, and possibly unenforceable and sets a bad precedent for avoiding regulatory framework.
- Is the development purely a profit venture?
- Neighbours will lose natural light, as will the eastern side of the Harbour.
- Loss of view (not a material planning consideration)
- There is a plethora of developed apartment buildings which are struggling to have occupation perhaps indicating a review of potential requirements.
- Original 'restaurant' and bar units all around Sutton Harbour are still empty. There is little need for any more bar/restaurant units.
- A public facility/space, possibly to encourage water based activities/café with car parking and a lower level apartment building may be more feasible.
- The application does not conform with JLP policy 25 - Sugar House
- No legal requirement for the developer to engage in meaningful participation (i.e. more accessible, collaborative and democratic) with the community and this is plainly evident in the application.
- No evidence of place making in the application.
- The proposed public realm and leisure areas are minimal with no attention paid to quality of life in a pandemic environment.

- Access to local green spaces has not been addressed satisfactorily. The application unrealistically proposes that Tothill Park (in Prince Rock over a mile away) presents the opportunity to enhance existing linkage. The nearer Beaumont Park is ignored.
- The application does not present a solution to access these parks across one of the busiest city strategic road routes. The smaller Teats Hill Park is not mentioned but could be overwhelmed by the addition of a substantial number of new residents to the locality.
- Sufficient electric vehicle charging points should be provided for all residents and visitors.
- The walkway should be made safe, especially for persons with disabilities and health challenges, by installing a barrier/fencing from the slipway to Foot Anstey.

**Support:**

- Great design/massive improvement.
- Will look fantastic from the Barbican.
- Should be welcomed.

Following the submission of additional information/amended plans, including additional transport and highway information, updated landscape plans and revised ground floor plans amending the cycle store, a second public consultation took place (for twenty-one days, until the 15th June 2021). Two additional letters of objection were received on behalf of Sims Group UK Limited (neighbouring scrap metal business use) which raised the following points (in summary):

**Notification**

- Sims were not previously aware of the application(s). Disappointed that PCC elected not to inform them directly.
- Sims sought to engage with the applicant directly prior to the submission of the formal application(s) seeking to engage collaboratively to ensure the proposals would not adversely affect Sims interests and to ensure the application was prepared on the basis of the freedoms resulting from Use Class E.
- Sims had understood the applicant would keep them informed. This did not happen.

**Requirements**

- Reference to the provisions of the NPPF in respect of the 'agent of change' paragraph 182, Planning Practice Guidance (30-009-20190722) and paragraphs 3.58 and 3.59 of JLP policy DEV 2.7.
- Submission documents should adequately assess the cumulative impacts of proposed developments, including those in relation to the provisions of Use Class E to allow an application to be properly determined.

**Noise Impacts**

- PCC raised concerns throughout the pre-application enquiry in relation to noise impact from the industrial uses on the proposed development and requested additional information on assessment of noise and appropriate mitigation measures.
- The long term strategy of regenerating the area is not a sufficient reason to relax the need for mitigation measures.
- Comments on submitted baseline survey results note the unattended daytime ambient noise levels are stated to be excluding the scrap yard works, but it is not clear how that has been determined from the unattended long-term measurements.
- When comparing the submitted results with official noise maps for England it would be expected to see daytime levels of 55 to 59 dB LAeq, 16 hour due to road traffic in the north west of the site, which is potentially 8 to 12 dB lower than reported.
- The attended result from measurement position API, which is close to the measurement position of UPI, report levels of 66 dB LAeq, 15 min with the comment scrap yard works

- measured at alternative location. This is inconsistent with the claim of UPI results excludes scrap yard works.
- The BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' criteria for internal noise is not relevant when assessing industrial type noise. It only applies to anonymous noise, such as road traffic noise.
- The assessment of noise from the Sims site should therefore be assessed in accordance with BS 4142:2014+A1:2019.
- Based on working on other sites belonging to Sims and other similar facilities, the specific sound levels and rating levels would most likely be higher at the facades of the proposed developments. Initial 3D modelling carried out by RPS indicates specific sound levels and rating levels of around 4 dB higher than what has been reported by Hoare Lea. This would result in internal noise levels significantly higher than BS 8233:2014 criteria, despite it not being directly applicable to the industrial noise source. Typical a lower criterion would apply.
- Internal noise levels for apartments facing south would be dominated by activities within the Sims site.
- Drawings show balconies/openable doors on the south façade facing the Sims site. Higher noise levels would be expected when doors are open.
- Noise levels on podiums facing south towards the Sims site would likely be affected by the activities on the site.
- The characteristic of the noise would be highly distinctive and clearly discernible from other types of noise, such as road traffic. It would therefore be very likely that the noise would be considered incongruous, disruptive and annoying. It is reasonable to assume that future residents would have a valid basis for complaining about noise.
- As a result, the residential amenity would be significantly affected and with reference to the Noise Policy Statement for England (NPSE) [i], adverse noise effects would be above the 'Significant Observed Adverse Effect Level' (SOAEL), i.e. the noise would very likely be considered present and disruptive, causing a material change in behaviour and/or attitude. The proposed development would not be compatible with the existing industrial neighbouring land use and the likelihood for unreasonable restrictions placed on Sims would be high. Therefore, the proposed development is not compliant with the NPSE or the National Planning Policy Framework (NPPF) [ii].
- It is recommended that a proper BS 4142:2014+A1:2019 assessment is carried out based on either sound source measurements from operations on the Sims site and/or 3D noise modelling using relevant source data. The assessment should include the external amenity areas.
- It is further recommended that a full assessment of the road traffic noise is carried out. This should also include the external amenity areas on both facades (balconies), podium and roof levels.

## Air Quality Impacts

- The Air Quality Assessments consider the suitability of the sites for NO<sub>2</sub>, PM10 and PM2.5 concentrations from traffic-related emissions and conclude that predicted concentrations are below the relevant Air Quality Assessment Levels at the proposed receptors and therefore, the site is deemed suitable for its proposed use. However, the background NO<sub>2</sub>, PM10 and PM2.5 concentrations used in the assessments could be underestimating actual concentrations. The background concentration often represents a large proportion of the total pollution concentration, so it is important the background concentration selected for the assessment is realistic.
- The background concentrations used in the Air Quality Assessments are Defra mapped background estimates, but these have not been compared with local measurements.
- The use of Defra mapped concentrations at the Application Site may not be appropriate.
- The Application Sites which are surrounded by a number of industrial sources could lead to increased PM concentrations. The Phase I Air Quality Assessment limits its consideration of

these industrial sources to the following statement in Section 4.3: A desk-based review of potential industrial sources using the UK Pollutant Release and Transfers Register and the Environment Agency's Pollution Inventory identified one source in the vicinity of the Application Site. Sims Metal Management, a scrapyard located approximately 20 m south of the Application Site has complied with its environmental permit in the last five years and therefore does not need to be considered further.

- It is not clear where these distances are measured from, but it appears that they may have been measured from the nearest facade of the Proposed Development to the building on the Sims site rather than the Sims site boundary. RPS considers the proposed façade of the Phase I development in particular to be much closer to the Sims site boundary than 20 m. It appears the assessments have only considered the operations in the buildings rather than including those operations within the external yard area.
- The Phase 2 Air Quality Assessment and Addendum did not consider the effect of any potential industrial sources.
- Furthermore, the conclusions of the Air Quality Assessments are only based on the fact that Sims has complied with its Environmental Permit for the past five years. The effect of the Sims site on the Proposed Development have not been considered further. The Environmental Permit requires Sims to apply the Best Available Techniques (BAT) to control dust and odour to minimise emissions beyond the site boundary. After the application of BAT, there will remain some residual emissions of dust and/or odour and there is still the potential for this to have an impact outside the site boundary. This is important because at the time the permit was granted, those residual effects would have been considered to be not significant based on the then-current land use of the surrounding area. The Environmental Permit for the Sims site was granted in 1993 to take effect on 19th May 1996. The land use of the surrounding area at that time was and remains less sensitive to air quality impacts from Sims' operations than those proposed in the three applications.
- The Air Quality Assessments have not assessed the residual emissions from the Sims site operations for the proposed highly sensitive land uses associated with the proposed developments. This is particularly important due to the proximity of the proposed development to the Sims site.
- The November 2020 Environmental Wind Survey submitted with the Phase I planning application states Locations 10, 12, 14, 18, 20 and 21 (Refer Figure 31 and Figure 32) will experience a modest increase in wind speed, equivalent to one Lawson Comfort criterion level increase in most cases. These are primarily due to the impact of prevailing southwest winds and accelerations around the corners of the buildings. As the Proposed Development includes the introduction of highly sensitive land uses immediately downwind of the Sims site, RPS recommends that an assessment of residual dust and odour from the Sims site and any other nearby sources is undertaken. RPS recommends that this also considers any changes in wind speeds predicted in the Environmental Wind Survey.

The Applicant sought to address concerns raised during this consultation, which prompted further correspondence from RPS consultants on behalf of Sims Group UK Limited confirming the original objection to the proposed development was to be maintained.

In October 2021, a third and final consultation took place following the submission of amended plans and further information. The consultation ran for a period of 14 days until 2nd November 2021. There were no letters of representation received.

These letter of representation have been considered by officers in the consideration and evaluation of the scheme set out below. Even when the comments are not directly referred to they have been considered in the assessment.

## **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 on 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 (MHCLG) of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 19th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are None.

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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, and Plymouth City Council's Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030. Additionally, the following planning documents are also material considerations in the determination of the application: [add as appropriate].

[the report should then seek to justify the weight given to all the relevant material consideration, add conclusion about whether it complies with current development plan policy so as to be clear that a decision is being recommended in accordance with the development plan or if not that there are other material considerations, including the emerging plan, which indicate otherwise].

## **8. Analysis**

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

### Introduction

- I. Since the determination of the previous application in 2018, the Core Strategy and Sutton Harbour Area Action Plan (AAP) have been superseded by the adoption of the Joint Local Plan (JLP). The Plymouth and South West Devon Joint Local Plan was adopted in March 2019 and sets out the spatial planning framework for development in the city from 2014-2034. The principle relevant policy for the site is PLY25 (Sugar House, Sutton Harbour).

Other relevant Joint Local Plan policies are:

SPT1 Delivering Sustainable Development

SPT2 Sustainable linked neighbourhoods

SPT3 Provision for new homes

SPT5 Provision for retail development

SPT6 Spatial provision of retail and main town centre uses

SPT9 Strategic principles for transport planning and strategy

SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the historic environment  
SPT12 Strategic approach to the natural environment  
SPT13 Strategic infrastructure measures to deliver the spatial strategy  
SPT14 European Sites - mitigation of recreational impacts from development  
PLY1 Enhancing Plymouth's strategic role  
PLY2 Unlocking Plymouth's regional growth potential  
Strategic Objective SO3 Delivering growth in Plymouth City Centre and Waterfront Growth area  
PLY20 Managing and enhancing Plymouth's waterfront  
PLY21 Supporting the visitor economy  
PLY37 Strategic infrastructure measures for the City Centre and Waterfront Growth Area  
PLY62 Setting our strategic infrastructure priorities for the rest of the city  
DEV1 Protecting health and amenity  
DEV2 Air water soil noise land and light  
DEV7 Meeting local housing need in the Plymouth Policy area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV16 Providing retail and town centre uses in appropriate locations  
DEV19 Provision for local employment and skills  
DEV20 Place shaping and quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play space  
DEV28 Trees woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and water quality impacts  
DELI Approach to development delivery and viability, planning obligations and the CIL

2. Another change to local planning policy context is the Plymouth and South West Devon Supplementary Planning Document (SPD), which has now been adopted. The National Planning Policy Framework is an important material consideration in relation to this planning application, as is the supporting guidance contained in the National Planning Policy Guidance and National Design Guidance.
3. As noted in the 'Planning History' section above (reference: 20/01162/ERS103), in the opinion of the Local Planning Authority an Environmental Impact Assessment is not required, as the proposed development would not be likely to have significant effects on the environment by virtue of its characteristics, location or the characteristic of the potential impacts.
4. The main planning considerations are the principle of the proposed development, design considerations and the impact on the historic environment, transport issues; residential (both neighbouring and of future residents and neighbouring amenity; sustainability; flood risk/protection; impact on the natural environment and other environmental issues including noise and air quality. The consideration of these issues is explained in full below.

#### The Principle of the Proposed Development

5. The proposed development is considered to be acceptable in principle. The JLP makes a positive allocation of the site (Policy PLY25) for a residential-led mixed use development

delivering in the order of 160 new homes. The application is for such a scheme. Development of the site has been stalled for a significant period of time and this application presents an opportunity to address that matter.

6. JLP Strategic Objective SO1 sets out the key elements of the JLP's spatial strategy, which includes the prioritisation of major growth in Plymouth's primary economic nodes. One of these is the City Centre / Waterfront Growth Area and PLY25 is one of the key proposals within that Growth Area.
7. Policies SPT1 and SPT2 set out the JLP's strategic approach to ensuring that development takes place in accordance with the principles of sustainable development, and the PLY25 site is allocated because it satisfies these locational principles including, for example its regeneration benefits, in a highly sustainable location on brownfield land. Through optimising the use of this previously developed site, this proposal will reduce the need for greenfield development, thus supporting JLP Policy SPT1.3 (i). Additionally, the site is very well located to the vibrant mixed use centre of the Barbican and the City Centre, and provides for higher density living an aspiration in SPT2.1 and 2.
8. JLP Strategic Objective SO2 seeks the unlocking of the growth potential of the City's Growth Areas as of key importance to consolidating and strengthening Plymouth's role as a major regional city. Strategic Objective SO3 emphasises the role of the waterfront's economic assets in realising the potential of the City Centre and Waterfront Growth Area. These objectives are supported particularly by policies PLY1, PLY2, PLY20 and PLY21 that seek to optimise the benefits of the waterfront in general and Sutton Harbour in particular. The PLY25 allocation is a crucial part of the jigsaw for realising the potential of this Growth Area.
9. The prominent and important waterfront site has been used as a temporary car park which, despite being in operation since 2009, is not an appropriate long-term use for this prime waterfront location and comprises a significant under-utilisation of this key regeneration opportunity. Officers, and some third party representations, therefore welcome the principle of developing this site, which will deliver much needed new homes within Plymouth, which is a priority for the Council.
10. Whilst the site has benefitted from historic planning consents (see details above), whereby the Council has supported the principle of residential-led and mixed use development, for various reasons, these schemes have not progressed and the site remains undeveloped.
11. The submitted documentation (page 3 of the Planning Statement) explains the most recent scheme, approved for the site in 2018 (planning application reference 18/01245/FUL), was not implemented as it was not viable to construct the underground car park. Whilst, now expired, this established planning history is a material planning consideration in the determination of the current application. Given the close similarities of the proposed development the Council considers that notwithstanding that the previous consent has lapsed a reasonable degree of weight is afforded to the previous consent as part of coming to this view that the previous scheme is a material planning consideration. Officers have also considered the changed policy context since the grant of the previous consent in forming a recommendation for this application.
12. As for the 2018 approval, the current scheme seeks consent for 170 dwellings ranging from 1 to 3 bedrooms. The number of units is deemed to be 'in the order of 160' as set out in policy PLY25 and officers still welcome the mix of 1, 2 and 3 bedroom apartments with 3 bed units more likely to be occupied by families and 1 and 2 bed units appealing to people of a range of ages and family circumstances.

13. With regard to the commercial part of the scheme, the level of active ground floor frontage is supported by policy PLY25 which aims to create a vibrant waterfront. It is considered that the proposed commercial units will bring activity, surveillance and vibrancy to this part of the harbour. An active frontage condition is recommended to ensure all commercial windows remain visually transparent to improve security and ensure that adjoining streets are overlooked.
14. The commercial units are double-height spaces with ground and first floors. The upper storeys would create improved waterfront views for occupants and support the success of the units.
15. The applicant is seeking flexibility for the use of these commercial units 1 to 5 within parts of Class E. Officers support the principle of such flexibility and believe it could help to secure future occupants within these commercial units. However it is important to ensure that any activity here is not unduly harmful to residential amenity and units remain transparent to the street and this should not be compromised in the future.
16. The principle of off-site parking was established by the previous grant of consent in 2018, as some of the parking was provided in Harbour Car Park. Such off-site provision frees up the ground floor plan for additional active ground floor frontage as parking does not need to be provided here which is a visual improvement on the previous scheme.
17. As in 2018, concerns about the vacancy of other nearby commercial units has been raised within third party representations. The applicant is mindful of this, and has therefore sought consent for a variety of potential uses within Use Class E. It is noted the new Use Class E was introduced under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and came into force with effect from 1st September 2020 and gives greater freedom to operators to use their premises both for mixed uses - either for multiple uses at the same time or different uses at different times of the day (provided all uses fall within Use Class E) and also to switch between use(s) within the use class without the need for formal planning consent.
18. The new Class E covers shops (formerly A1); professional and financial Services (formerly A2); restaurants and cafes (formerly A3); business (office, research and development and light industrial) (formerly B1); medical or health services; crèches; day nurseries and day centres (formerly part of D1); indoor sport and recreation; fitness and gym uses (formerly part of D2). Such flexibility should improve the chances of occupation. In addition, it is noted that future occupiers of the proposed residential accommodation are likely to support existing and new commercial operations on this side of the harbour. On this basis, officers are satisfied that the proposed commercial units will help to deliver a greater level of activity in this part of the harbour in accordance with the aspirations of policy PLY25 to enliven the quayside with active ground floor uses and also meet the requirements of Policy DEV16.5 in providing town centre uses in the waterfront area supporting the visitor economy relating to the Sutton Harbour Waterfront area. More detailed consideration of the likely impact on town centre uses is considered below.
19. In summary, in respect of the residential-led, mixed use development proposed, officers raise no objection in principle. Officers consider the proposal supports the aspirations of JLP strategic objectives SO1, SO2, SO3 ; JLP policies SPT1, SPT2, PLY1, PLY2, PLY20 and PLY21, and that the proposal is broadly consistent with the adopted JLP policy PLY25 and DEV16.5. Crucially, as was hoped in 2018, the proposal will bring a longstanding vacant/derelict site in

this prime gateway location back into use; such reuse in itself will bring significant benefits to the immediate environment. This position is subject to the detailed considerations below.

#### Phasing and Delivery

20. As outlined above, this application was originally part of a trio of interlinked planning applications and a five year consent was being sought by the applicant. However, the Sutton Road East and St John's Bridge planning applications have now been withdrawn and a three year consent is now being sought. A standard three year commencement condition is included in this recommendation.
21. Furthermore, as Sugar Quay is no longer dependant on Sutton Road East for car parking provision, it can be considered in isolation. Officers are content that Sugar Quay, by virtue of its design, visual prominence and siting, will have an acceptable and justified townscape impact as discussed below and are comfortable with determining this application in isolation of any potential forthcoming revised applications for the Sutton Road East and St Johns Bridge sites. Aspirations for the Sugar Quay site are clearly defined within JLP policy PLY25.

#### Highways and Parking

22. In considering the highways and parking matters of the scheme the JLP policy DEV29 and accompanying guidance in the SPD is relevant alongside that set out at a national level. The specialist advice of the Local Highway Authority is also a significant consideration and the letters of representation have also been considered. In terms of the principle of development, as set out above this has been established. It is noted that the LHA raised no highway objections to the previous application 18/01245/FUL, subject to the inclusion of certain planning conditions.
23. It is relevant in terms of highway impacts that a marginal increase from 2,947sq.m to 3,102sq.m of commercial floor space is proposed. However, the key fundamental difference with this application is the omission of on-site car parking. Instead, the parking is to be provided at the Harbour Car Park.

#### Trip Generation

24. Based upon the trip rates derived from the TRIC's database for Flats Privately Owned agreed for the consented Sugar Quay scheme, the LHA have advised that the proposed development would likely generate approximately 45 two-way trips in both the am and pm peak hours. The LHA consider such a low number of stand-alone vehicular trips would be unlikely to give rise to concerns in relation to capacity on the local road network. It is therefore considered that the trip generation of the scheme is acceptable and therefore there is no conflict with JLP policy DEV29.

#### Car Parking

25. As set out in the sections above, the proposals for car parking have altered from the original submission. Instead, parking provision would be located in the Harbour Car Park which will be extended in accordance with planning consent 18/01246/FUL. The applicants have confirm that they are currently commencing the implementation of this scheme.
26. Based upon the quantum and size of the units proposed, calculated through the SPD it is considered that a total of 267 spaces would be required to serve the development. However,

due to the location of the site, on the edge of the city centre, the applicant sought a reduction in the level of parking on the grounds the site can be accessed sustainably.

27. At the request of the LHA and in accordance with the SPD, the applicant provided supporting information detailing levels of car ownership within the local and wider area (based upon Census Output areas). The results indicated that 38% of properties in the area had no cars, 48% had one car and 10% owned two or more cars. Taking account of this information and the accessible location of the development, in terms of availability and access to sustainable modes of transport, the LHA confirmed there were no in-principle objections to the level of car parking proposed, equivalent to 0.8 spaces per unit. Furthermore, the applicant confirmed a willingness to offer those units without an allocated parking space the opportunity to purchase a Harbour Car Park permit that would provide residents with access to a parking space.
28. This proposal has been considered by the LHA and the principle of delivering off-site car parking provision to serve the development has already been established by the previous consent. While, a level of parking would normally be expected on site in tight urban areas, including the waterfront area it is not always the case. In consultation with the LHA it is considered that the proposal is acceptable in this case. The LHA have advised the number of spaces to be provided would need to increase from 62 to 172 at the Harbour Car Park given the change in on site provision. This provision includes 136 spaces to serve the residential units proposed at Sugar Quay and 36 spaces to offset those lost on site when the temporary car park ceases operating on the site.
28. The LHA have considered survey data submitted in support of a planning application to increase the size of the Harbour Car Park from 364 spaces to 478 spaces (approved under planning application reference 18/01246/FUL). The survey revealed Harbour Car Park on an average weekday is 30% occupied when taking account of the planned extension that will provide 114 additional spaces to the facility. The LHA have advised that sufficient capacity would be provided within the Harbour car park to meet the car parking demands arising from the development (172 spaces) in addition to its current use. However, this is very much dependent upon the works to increase the capacity of the car park being delivered prior to the occupation of any of the residential units proposed at Sugar Quay. The LHA and case officer therefore consider that a Grampian condition be attached to any grant of consent relating to the additional parking being delivered.
29. During the course of the application, legal advice was sought in relation to the acceptability of increasing the number of parking spaces allocated to Sugar Quay residents within the Harbour Car Park from 62 to 172. In particular, guidance was sought on whether there was suitable flexibility within the consent that was granted (18/01246/FUL) to increase and secure additional parking provision to serve all the needs of Sugar Quay residents, rather than a restricted number. The advice received concluded that nothing in terms of the extant planning permission (reference 18/01246/FUL) would restrict the additional allocation of spaces to future residents.
30. Given that there will be an increase in the allocation of spaces at the Harbour Car Park to serve the development; the LHA have advised that this will necessitate an increase in the number of electric vehicle (EV) charging points to be provided within the Harbour Car Park. Application of the standards for EV charging points as outlined in the JLP SPD requires a total of 34 EV charging points to be provided within the Harbour Car Park to serve the development. The LHA recommend using a planning condition to secure this level of provision, in accordance with JLP policy DEV29 and the SPD and this is considered reasonable and necessary.

31. The final point in relation to parking is that the LHA have advised the development would be excluded from the Controlled Parking Zones operating in the area and suggest including an informative to address this matter.
32. Given these considerations the scheme is considered acceptable in relation to parking subject to appropriate planning conditions being applied to the decision.

#### Cycle Provision

33. In terms of cycle provision, the applicant is proposing 138 secure and covered cycle parking spaces within a communal facility in the building. The LHA have considered this and accept this provision and recommend a planning condition to ensure the delivery of this cycle parking. The LHA also advise that consideration is given to providing some charging points with the cycle store area in order to cater for electric bikes.
34. The cycling parking requirement of the commercial units also needs to be considered and the LHA have advised that additional secure and covered cycle parking should be provided to serve the commercial units in accordance with the approved minimum standards (particularly for uses such as the Gym etc.) this is therefore proposed to be secured by conditions to promote more sustainable travel.

#### Layout

35. In terms of the layout of the scheme, it is important to ensure that it appropriately interrelates to the surrounding environment. The LHA had raised concerns with regard to the outward opening doors proposed on the ground floor that were considered to pose safety concerns to public highway users. The applicant subsequently provided amended plans to address these matters to the satisfaction of the LHA (drawing reference 7376\_030). The LHA has also identified concern with the canopies projecting out over the loading bay on the Sutton Road building frontage advising that there would need to be sufficient clearance between any projecting structures and high sided vehicles using the loading/unloading bay. Given these concerns, officers consider that a condition to ensure that there is sufficient space will be required. The urban design officer has also raised concern as to whether the layout provides sufficient space for pedestrians given the close relationship of the layby to other structures and as such this detail will also be covered by condition.

#### Accessibility

36. The proposed development is in a highly accessible location. However, there are a number of areas surrounding the site where existing infrastructure particularly for pedestrian's falls below the required minimum standards or there are opportunities to improve provision. In particular, the LHA reference a number of junctions where there are no dropped kerbs or tactile paving, which would be the very minimum in terms of encouraging increased walking and cycling.
37. At the request of the LHA the applicant undertook an assessment of walking and cycling routes to and from the development, with those routes primarily focused on the route to the City Centre from the development via Bretonside and to and from the Harbour Car Park. The assessment determined a list of sites where localised improvements are required namely the provision of dropped kerbs and tactile paving crossing points. These works are listed in Tables 3.1 and 3.2 of the Technical Note Post Application Highways Response document dated November 2021. It is considered that these works are necessary to make the

development acceptable in terms of accessibility and therefore, these will be conditioned for delivery.

38. There are also a number of off-site highway works which are proposed through the scheme. This includes works proposed on Sutton Road including the provision of a new zebra crossing and loading bay along the Sugar Quay frontage; subject to these details being secured by condition, the proposed development is considered acceptable in terms of the layout of the scheme in accessibility terms.

### Travel Plan

39. A Framework Travel Plan (FTP) has been submitted, which includes measures/initiatives to be implemented that will encourage the use of sustainable modes of travel as an alternative to the private car. However, the LHA have highlighted that there needs to be updated information on the specifics of the scheme. This is considered necessary to ensure that the promotion of sustainable travel is achieved and recommended to be secured as a condition.

### Transport Conclusion

40. In summary, in terms of the highways and transport consideration of the scheme the proposal is considered acceptable subject to a number of planning conditions. Officers conclude that the proposals are consistent with the requirements of JLP policies PLY25, DEV29, SPT1 and SPT2 and as such the proposal is acceptable in highways terms subject to the conditions set out below.

### Design

41. In considering, the design detail of the proposal it is important to consider the design of the building, changes from the previous scheme, landscaping and other key matters in considering the proposal against the policy requirements of DEV20 and PLY25 and the guidance set out in the SPD, NPPF, NPPG and national design guidance.

### Design - 18/01245/FUL Scheme

42. Given the scale and prominence of this application, it is useful to understand the relationship to the previous consent on the site which is considered an important material planning consideration when considering the acceptability of the current scheme. The current proposal is very similar to the original scheme in design terms; limited external changes have been made to the building and the changes largely relate to the removal of the car parking from the scheme.
43. During the evolution of the 18/01245/FUL scheme, the site was located within the Tall Building Zone of Opportunity in the adopted Sutton Harbour AAP, Core Strategy and Design SPD - documents which have now been superseded by the JLP. Although the principle of optimising development on the site has long been supported in planning policy, the accented massing the scheme proposed was a significant departure from previously consented schemes and masterplans. With the 18/01245/FUL proposal, officers undertook extensive design discussions and negotiations with the architect at the pre-application and application stages, to assess the appropriateness of the new three dimensional form of the development and in particular, the proposed tower's location and height. The scheme evolved to a point where officers considered that its architectural quality and distinctiveness created a high quality, memorable landmark and that there was justification for the developments' accented height.

44. As part of the pre-application enquiry (reference 19/01806/MJR) which considered the changes proposed to the consented Sugar Quay Scheme and also development associated with the now withdrawn applications across Sutton Road; The scheme was considered by an independent Design Review Panel (DRP) on the 16th July 2020. As planning consent had previously been granted for the 2018 Sugar Quay scheme and limited design changes have been proposed, the DRP raised no significant issues.
45. Given the above it is considered that the acceptance of the scheme previously is a material planning consideration in terms of the current scheme. It is however the case that the policy framework has changed including the adoption of the Joint Local Plan, SPD but also changes to the NPPF and the National Design Guide. Planning officers and colleagues in urban design have considered the scheme in light of these and are in principle supportive of the building and scheme design. This is subject to the considerations set out below.

#### Removal of the Basement Car Park

46. Turning to the current proposal, a key change from the consented scheme (reference 18/01245/FUL) is the removal of the basement car park. This change results in some minor revisions to the south and east ground floor elevations, these changes are considered positive from an urban design perspective and it will result in fewer vehicle movements along Marrowbone Slip and a more pedestrian-friendly, humane and usable space for people around the building at this point and are visually also considered acceptable.

#### Change to Heating System / First Floor

47. Another amendment is to the building's main heating system, which has been changed from gas to air-source heat pumps. The change to a low-carbon/renewable heat system is positive, although the subsequent loss of the mezzanine floor from Commercial Unit 2 is disappointing. However it is positive that the projecting exhaust flue at roof level has been removed from the scheme.

#### Change to Landscape Strategy

48. During the application the landscape strategy for the scheme has been amended following negotiation with the Planning Officers, Urban Design and Natural Infrastructure Team. The scheme as proposed now is considered to present a good quality approach to the site and its wider existing and potential future connections should a future scheme come forward across Sutton Road. It equally provides a suitable relationship to the Waterfront which enables part of the area to be made available for future events space. As requested by the consultation response from Urban Design and Natural Infrastructure final specific details of both the hard and soft landscaping will need to be secured by detailed conditions.

#### Materials

49. The proposed materials palette has not substantially changed from the consented scheme. As before, it is agreed there is an opportunity for innovation here, particularly given the site's gateway role, and it is positive the use of render has been avoided, given its poor performance, staining and algae growth on adjacent buildings. However, it is essential the materials are specified to be suitably robust, and are able to weather attractively. All metalwork and external materials should be of marine grade or suitable specification and as such notwithstanding the submitted information, with regards to all external building materials, it is proposed that a condition be added to ensure key material specifications are agreed including sample panels showing proposed materials together. This will ensure materials and design of the building are resilient to their context and that they will endure over time. This is consistent with the requirements of JLP policies PLY25 and DEV20 and the SPD. It is also considered that a maintenance condition is secured for the building to ensure the quality of the design and the building appearance is secured long term.

### Lighting Scheme

50. In accordance with JLP policies DEV2 and DEV10, it is requested that a lighting scheme be developed in consultation with the LPA, to ensure the building functions as a strategic urban marker at night, whilst being sensitive to light pollution, residential amenity and biodiversity and as such this is conditioned.

### Commercial Units Detail

51. The visual appearance of the commercial units is considered acceptable however as recommended by colleagues in urban design it is considered that a design code for the commercial unit signage is required to ensure a high quality cohesive approach which does not undermine the quality of the overall architectural composition. A condition which ensures all shopfronts and ground floor windows remain principally transparent and clear of obstructions, such as vinyl adhesive films or display stands, to safeguard active frontage is also recommended. This will ensure the quality of the development is of high quality design and is consistent with the requirements of JLP policies PLY20 and PLY25.

### Sutton Harbour Heritage Trail

52. The scheme is located on the route of the Sutton Harbour Heritage Trail and has an important historic role in the area. In accordance with JLP policy PLY25, the scheme should provide details of interpretation of historic features, to form a part of the Sutton Harbour Heritage Trail. The development of this should draw upon the historic environment ensuring it makes a positive contribution to local character and the enhancement of local distinctiveness in the measures proposed. Officers recommend the detail of this should be agreed with the LPA by condition.

### Design - Conclusions

53. The design of the proposal and its impact on the Sutton Harbour and city townscape is understandably one of the principle issues for consideration in this case given the height and prominence of the proposed building and its visual impact when viewed from nearby historic settings. As noted above, issues of design and visual impact have been raised in several submitted letters of representation. Officers have considered these in their consideration as well as the advice of consultees.
54. Overall, officers consider the scheme can be supported in design terms, subject to a series of conditions. The development is considered to contribute positively to the existing high quality waterfront design and is in keeping with the variety of building styles that give Sutton Harbour and the Barbican its locally distinctive character. The development is considered on this basis to accord with JLP policies SPT2, PLY20, DEV20, DEV23 and DEV27, the National Design Guide: Planning practice guidance for beautiful, enduring and successful places (2019) and paragraphs 127-130 of the National Planning Policy Framework 2021. This is subject to the further consideration in relationship to the historic environment below.

### Historic Environment

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

56. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act contains similar requirements with respect to buildings or land in a conservation area. Although the setting of conservation areas is not a statutory duty in primary legislation, the NPPF states the setting of a designated heritage asset can contribute to its significance and Policy DEV21 also provides protection for such features.
57. Paragraph 199 of the NPPF (2021) states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)' Paragraph 200 confirms that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'
58. In this case, impacts on the heritage assets can only be to their setting as there is no physical connection between the development and the designated heritage assets. The NPPF defines 'Setting of a heritage asset' as follows: 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'
59. It has been accepted by officers, including the Historic Environment officer, and Historic England (HE) that the site in question can take a large, landmark building, higher than those immediately adjacent to it. Its sensitive location means the development should be of a high quality and an innovative design has been encouraged and achieved in accordance with JLP policy PLY25, so officers are supportive of the building having a striking appearance. Historic England (HE) have been consulted on the scheme and in their response acknowledge the previous advice and considerations they gave to the previous application. In terms of the schemes impact on the Royal Citadel Historic England conclude that 'The information supplied demonstrates that while the proposed building would rise above the Citadel in longer-range views, it would not be visible from any part of the Area within 600 metres of the shoreline. Where the proposed building would rise above the Citadel in longer views from Plymouth Sound, it would be read against a backdrop of existing townscape. This being the case, we agree that any visual impact on the setting of the Royal Citadel is likely to be negligible.'
60. In addition to the above, HE have raised concerns regarding the harm the building will have on the setting of the Grade II listed Royal Bank of Scotland premises which terminates the view eastwards along Royal Parade and also the City Centre Conservation Area. However, HE has confirmed that the proposals will cause less than substantial harm to the setting of the RBS building. In considering the application of critical importance to this balancing required on this scheme, given the requirements of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national historic environment policy set out in chapter 16 of the NPPF, it is officers' view that any harm to heritage assets is 'less than substantial'. Whilst objections have been raised to both this and the previous application, the Local Planning Authority's Historic Environment Officer, nor Historic England claim that 'substantial harm' will be caused in the determination of the previous application or the current scheme.
61. In this regard officers recognise that the site is currently derelict and a new development will improve the appearance of the area and is allocated for development in policy PLY25 of the

JLP. The design and massing of the proposed building have been during the two applications evolved and been carefully considered. Whilst third party representations are and have been critical of the design, height and massing of the proposed building officers consider that the scheme's architectural quality and distinctiveness will provide a high quality, memorable landmark which justifies the development's height.

62. Paragraph 202 of the NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' It is concluded by officers that the scheme will inevitably change the setting of the conservation area, particularly as a result of its scale, but officers are in agreement that this constitutes 'less than substantial'. Weighing up this 'less than substantial' harm, against its numerous benefits (which are set out elsewhere in this report), Officers conclude that the proposal can be accepted.

#### Archaeology

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

#### Impact on Neighbouring Amenity

64. The consideration of such a large scheme on the surrounding residential environment is a key consideration of the scheme and the policy requirement of policy's DEV1 and DEV2 of the JLP are a key consideration.

#### Overshadowing/Loss of Light

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

that overshadowing will impact their operation. Therefore, Officers are satisfied this impact could not warrant the refusal of planning consent in this case.

67. Maintaining sufficient light to East Quay House North is more critical as this building primarily comprises residential units. However, as this residential building lies due south of the application Site, overshadowing will not occur and the relationship between proposal and these residential units is therefore acceptable and proposal would not conflict with JLP policies DEV1 and DEV2 in this regard.

#### Overlooking/Visual Prominence

68. By virtue of the proposed 'T' shaped design, the main bulk and massing of the building has been arranged in a way that it is set away from the neighbouring residential accommodation in East Quay House North.
69. At the closest point (i.e. the south elevation to the Sutton Road/Marrowbone Slip corner) there is approximately 15.3m between the proposed development and East Quay House North. This complies with the guidance within the Development Guidelines Supplementary Planning Document which recommends that developments over three storeys in height should be set away from existing residential windows by at least 15m to maintain sufficient outlook.
70. Given the application site has remained undeveloped and derelict for a significant period of time, the properties to the side of East Quay House have become accustomed to unimpeded views north. This proposal would severely interrupt, and in many cases sever completely, those views. The Courts have long held that Local Planning Authorities cannot protect individual private views and the impact upon existing private views from a development proposal is not a legitimate matter of planning concern.
71. The planning system does however provide for the consideration of overbearing impacts, and given the size of the building and its proximity, residents of East Quay House North will clearly perceive an impact. However, taking in to account the policy aspiration for development in this location set out in JLP policy PLY25, where higher densities are a typical character of the locality, these localised negative impacts must ultimately be weighed against the wider benefits of the site development. As was the case when the scheme was previously considered the current scheme is, on balance, considered by officers to be acceptable and accords with the requirements of JLP policies DEV 1, DEV10 and PLY25.

#### Privacy/Overlooking

72. In terms of privacy, the SPD suggests distances of 21m for facing habitable windows or 28m for dwellings of 3+ storeys. The north elevation of East Quay House North comprises the primary frontage of several residential units, many of which benefit from balconies and generous floor-to-ceiling windows - these windows are likely to be most sensitive to loss of privacy due to their width and full height.
73. As noted above, the proposed Sutton Road/Marrowbone Slip corner of the development lies within 15.4m (approx.) of neighbouring windows and balconies. Such separation distance falls significantly short of that recommended in the relevant guidance document for the protection of privacy. Therefore, a restrictive condition is recommended to ensure that all of the windows on the residential first to fourth floors in the side (south) elevation (immediately adjacent to Marrowbone Slip), shall at all times be obscured to protect neighbouring privacy and to make the scheme acceptable. This is considered reasonable and to not unduly impact the amenity of the future occupiers of the building.

74. Whilst balconies are proposed to serve units fronting Marrowbone Slip, all balconies are at eighth floor level and above. Given the adjacent East Quay House North contains only four storeys of residential accommodation, the balconies will look out over the neighbouring building. Therefore, in accordance with JLP policy DEV1 officers are satisfied there will not be an undue loss of privacy.
75. Other residential windows in the north and south elevations (within the 'stem of the T') do not create any significant opportunities for overlooking, as adequate separation distances are achieved - 23.8m (approx.) from Salt Quay House to the north and 45.5m (approx.) from East Quay House North to the south.
76. Third party representations have raised concerns/objections regarding the potential loss of privacy/overlooking caused by the proposed height of the commercial units (at ground floor and mezzanine level) and the associated roof garden/dining area. At the closest point, these units and their raised external seating areas are sited approximately 18m from East Quay House North. During the course of the consideration of the application the use of the external roof space has been discussed with the applicant and it has been agreed that with the exception of the balcony's and enclosed amenity space there will be no further use of the roof space for residential or commercial use. This will be restricted by condition. In terms of the units themselves officers acknowledge there will be some impact in terms of overlooking/loss of privacy. Whilst it is important to maintain active ground floor frontages, officers consider that some form of screening could be introduced at mezzanine level to protect neighbouring amenity in accordance with JLP policy DEV1.

#### Noise and Disturbance - Construction Phase

77. The construction phase of any approved development here has the potential to disturb nearby residential dwellings. Officers, however, consider that a Code of Practice condition could be included on any grant of planning consent to minimise/control this. In accordance with JLP policy DEV2, a Code of Practice would cover all potential aspects of nuisance with regards to the development and should acknowledge the development has the potential to impact others.

#### Neighbouring Amenity - Conclusions

78. Overall, in amenity terms, officers acknowledge the scheme would have an impact on adjacent residential occupiers. However, this impact is not deemed unacceptable with reference to JLP policies DEV1 and DEV2, the SPD and the NPPF.

#### Proposed Residential Amenity

79. Officers welcome the fact the scheme includes a mix of 1, 2 and 3-bedroom apartments, which could appeal to a range of people and families. In accordance with JLP policy DEV7, the proposed mix will help to meet local housing needs in the Plymouth Policy Area particularly the larger units.
80. According to the submitted information, the proposed residential apartments all meet or exceed the internal space standards set out in the Nationally Described Space Standards (NDSS), which accords with JLP policy DEV10 and is supported by the SPD ensuring that all residents would benefit from sufficient living space.
- o The minimum 1 Bed, 2 Person Apartment area is: 51sqm (NDSS for a 1bed, 2persons, 1 storey dwelling is 50sqm).
  - o The minimum 2 Bed, 3 Person Apartment area is: 61sqm (NDSS for a 2bed, 3persons, 1 storey dwelling is 61sqm).The minimum 2 Bed, 4 Person Apartment area is: 72sqm (NDSS for a 2bed, 4persons, 1 storey dwelling is 70sqm).

- o The minimum 3 Bed, 5 Person Apartment area is: 107.4sqm (NDSS for a 3bed, 4 persons, 1 storey dwelling is 74sqm)
    - o The minimum 3 Bed, 6 Person Apartment area is: 110.91sqm (NDSS for a 3bed, 5 persons, 1 storey dwelling is 95sqm)
81. The depth of the proposed building results in a central corridor with apartment units either side. As a result of this proposed internal layout, most of the units are single aspect. Open plan layouts have been adopted in some units so kitchen/dining areas can rely on 'borrowed light' from windows, which primarily serve living spaces. Whilst this is not ideal, officers are satisfied that future occupier(s) would benefit from acceptable levels of amenity in accordance with the principles of JLP policies DEV1, DEV10 and DEV20 and the SPD guidance.
82. The ground floor will provide some shared residential services, with a front and rear entrance and lift/stair hall, as well as access to bin stores and cycle Stores. Public amenity space is offered at ground level via the new public square; all units have private external amenity space in the form of balconies and roof terraces, which are welcomed in principle. This is in line with other residential developments in the area and given the waterfront location, future occupiers will have access to public open spaces that are amongst the highest in the city, including the Hoe Registered Park (Grade II). In line with the SPD, balconies should be a useable size of at least 3sqm to be considered an 'amenity space'. The balconies proposed all exceed this standard. The SDP states that flat developments should provide for 50sqm of amenity space per development plus 5sqm additional per units over five for this scheme this would require 900m<sup>2</sup> of amenity space. The development exceeds this with 2770.15 m<sup>2</sup> provided by a combination of balconies and roof gardens.
83. The site is bound by long established commercial premises including a scrap yard, timber merchants and car garage. Current commercial operators generate a significant amount of noise and other adverse environmental effects which would be harmful to neighbouring residential amenity. Whilst, it is noted there is existing residential properties nearby, including Alma Cottages and pockets of housing to the northeast, this is a long established relationship which benefits from a greater degree of separation.

#### Noise - Existing Residents

84. In terms of the surround areas residential amenity the construction phase will be a disruptive period which is the case with all development. The Public Protection Service (PPS) acknowledge that construction works are likely to impact on neighbouring residents and recommend a condition requiring a Construction and Environmental Management Plan (CEMP). In particular, the PPS suggest restricting construction hours as follows: Monday - Friday 8am - 6pm and Saturday 8.30am - 1pm. Securing this will ensure that construction works do not occur during anti-social hours for neighbouring residents.

#### Air Quality - Existing Residents

85. An air quality assessment has been submitted alongside the application and it concludes that the operational phase will have a negligible impact on air quality. Following a review of this assessment, the PPS have confirmed no mitigation in this respect is required. Although, it is noted by officers that the requested CEMP would help limit dust and other disruptions which could impact on Air Quality.

#### Contaminated Land

86. The PPS acknowledge the contaminated land risk assessment report submitted with the application has identified potential pollutant linkages, particularly as a result of the historic use of the site. The submitted report recommends an intrusive investigation to assess the ground

conditions on site and the PPS are in agreement that a Phase 2 investigation should be carried out. As such, this would be conditioned.

#### Noise - Future Residents

87. A Noise Impact Assessment has been submitted alongside the application and reviewed by the Public Protection Service (PPS). The PPS consider the proposal is in close proximity to existing businesses and therefore, there may be a noise impact on future occupants of the proposed development from existing uses in the surrounding area. The PPS, therefore, recommend conditions to ensure a suitable British Standard is achieved (BS8233) to deliver adequate sound insulation within the proposed development to mitigate against this impact and to ensure development accords with DEV1 and DEV2 of JLP'.
88. The noise assessment states that ventilation would be by mechanical means to avoid the need for opening windows on the more noise exposed facades. The PPS note the report does not provide specific details, such as, which dwellings will be fitted with mechanical ventilation and the PPS recommend a condition to ensure these matters are agreed with the LPA prior to construction.
89. Representations were received on behalf of Sims Group Limited, which occupy land near the application site. In letters dated 15/06/2021 and 08/09/2021 (it is noted that these relate to both the Sugar Quay scheme and also the two now withdrawn applications across Sutton Road) a number of concerns were raised, in particular, attention was drawn to the perceived noise impacts and air quality impacts of Sims business operations on new occupants within the proposed development and the impact on the Simm operations going forward. A detailed Technical Note was submitted with the second letter.
90. The PPS have reviewed the submitted information and advised in their consultation response, that it is considered that the proposed development has been appropriately designed to ensure suitable mitigation is in place to protect future occupants from external noise, specifically, for example, there are no balconies proposed on the eastern side of the building and mechanical ventilation will also be installed. The PPS confirm the application is supported by a noise assessment, which demonstrates suitable internal noise levels can be achieved, which can be secured by condition. Having gained this response from the Council PPS, officers having considered the concerns conclude subject to conditions this is an acceptable relationship in relation to Policies DEV1 and DEV2 of the JLP

#### Ventilation

91. There are number of ventilation/plant systems proposed in the development and in order to ensure these systems do not adversely impact residents of the building a condition is recommend to ensure the detailing and systems proposed are appropriate. This will also ensure they are visually acceptable as requested by the Urban Design Consultation.

#### Commercial Uses Impacts

92. In relation to the commercial units, it is acknowledged there are potential impacts from noise and odour to both the existing and future residents. The PPS recommend a condition requiring a management plan prior to the operation of any commercial unit, to ensure adequate measures are in place to control noise and odour. In addition, the PPS recommend conditions to control opening hours and delivery times. These recommendations are all considered necessary in order that residential amenity is preserved of both the future and existing residents and to ensure proposal complies with requirements of JLP policies DEV1 and DEV2.

93. The Noise Impact Assessment has considered the potential operation of the commercial units as a restaurant and gym space; This assessment has identified that internally generated noise from the commercial units to residential properties should not exceed 25 dB LAeq, 15min and 35 dB LAF max at any time. The PPS recommend a condition to ensure these levels are not exceeded.

94. Having considered in detail the residential amenity considerations for the site and the surrounding area officers consider, on balance, the proposed scheme is acceptable with regard to residential amenity, and its relationship to the surrounding area and uses. The development is deemed acceptable in terms of JLP policies DEV1, DEV10, DEV2 and DEV20 and the guidance contained in the SPD.

#### Refuse and Recycling

95. JLP policy DEV31 sets out the requirements for waste management. The proposal includes two separate waste and recycling stores at ground-floor level which would serve both the residential and commercial uses. Discussion on the proposals have taken place with the Council's Waste Service and they have voiced concerns with the strategy, quantum of space provided, access, servicing and the frequency of collections required. One of the key issues relates to the required collection frequency not aligning to that provided by the Council. Discussions have taken place with the applicant and the waste services department. Waste service have working alongside the planning department developed a planning condition which would ensure that safe and suitable waste collection and storage arrangements are established prior to the commencement of development as part of a Waste Strategy. This could necessitate the alteration of the ground floor layout to improve the provision subject to this condition being applied it is considered that a suitable waste strategy for the building can be developed which would satisfy the requirements of JLP policy DEV31 and it is considered acceptable for this detail to be secured by prior to commencement condition.

#### Integration with Existing Communities

96. Strategic Objection SO3 - 'Delivering growth in Plymouth City Centre and Waterfront Growth area, seeks new residential-led mixed use developments that integrate successfully with existing communities. JLP policy SPT2 sets out the objectives of creating a sustainable neighbourhood/community to create a place where people of all ages and circumstances want to live and seeks to provide attractive living environments with good access to local facilities. Officers consider the removal of the basement car park (permitted previously in 2018) will improve the quality of the residential environment. The site offers good pedestrian, cycling and public transport connectivity to existing developed areas, open spaces and local services in accordance with JLP policies DEV10 and DEV29. This is subject to the improvements to the surrounding area recommended by condition by the LHA as set out earlier in this report
97. The proposal will deliver an open and flexible space on the quayside area to the south of the building; it will be served with a power supply and will be available to host future events. The space will provide moveable features, such as seating and sun loungers for community use that officers recommend should be secured by conditions. Officers consider this space could help to support the integration of new residents with existing communities and could facilitate and enhance community cohesion in accordance with JLP Strategic Objective SO3.

#### Affordable Housing

98. JLP policy DEV7 seeks to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and will create sustainable, inclusive and mixed communities. Furthermore, the policy requires at least 30% of the total number of dwellings to be affordable homes (without public subsidy) on developments of more than 10 homes, stating:

*'For developments of above ten homes, at least 30 per cent of the total number of dwellings should be affordable homes without public subsidy. These homes should be provided on-site, except in the case of sites of between 11 and 14 dwellings or where robustly justified. In such cases the requirement can be met by providing an off-site provision or commuted payments in lieu of on-site provision to deliver affordable housing elsewhere in the policy area'.*

99. In addition to local planning policies, section 5 (Delivering a sufficient supply of homes) of the NPPF (2021) sets out the national policy context for affordable housing delivery. Paragraph 63 of the NPPF (2021) states that

*'where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be delivered on-site unless:*

- a) *off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
- a) *The agreed approach contributes to the objective of creating mixed and balanced communities.*

100. Paragraph 65 of the NPPF (2021) states that:

*where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area...*

101. With 8,026 households currently on the housing waiting list (as of 11/05/2021), including 2,283 in priority need (bands A-C), Plymouth has a significant and demonstrable need for affordable housing. The provision of affordable housing is therefore considered a priority for the City Council and it is crucial that contributions are sought from all major developments to help address this need.
102. This application follows the approval of the (now lapsed) consent (reference 18/01245/FUL), whereby a financial contribution of £3,150,000 in lieu of on-site affordable housing was agreed following extensive viability negotiations between the applicant, the HDT and PCC's Development Viability Officer. At the time, the HDT advised that it would be preferable to see at least 30% / 51 no. affordable housing units delivered on-site. However, accepted the development was viability constrained and that it would not be possible to integrate the affordable housing units within the development due to the high sales values, rents and service charges, which would not be affordable to households on low incomes. The HDT therefore considered there was a robust justification to support offsite affordable housing delivery.
103. The current application proposes to honour the financial contribution of £3,150,000 for off-site affordable housing delivery with instalments of £1,050,000 to be paid on three milestones:
- o Commencement of construction;
  - o Disposal of the 87th unit; and
  - o Disposal of the 153rd unit.
104. At the time of considering application reference 18/01245/FUL, the £3.15 million contribution was equivalent to around 10% affordable housing. Since then, a new revised methodology for calculating affordable housing commuted sums has been determined through the SPD. Using the SPD methodology, the £3.15 million contribution equates to around 14% affordable housing.
105. As before, the HDT has again confirmed that it would be preferable to see 51 affordable housing units delivered on site. However, policy DEV7 of the JLP and paragraph 63 of the

NPPF (2021) allow a commuted sum in lieu of on-site delivery where it can be robustly justified and where it contributes to the objective of creating sustainable, inclusive and mixed communities. Paragraph 4.111 of the SPD provides examples of circumstances in which a commuted sum may be appropriate: 'Within the PPA, circumstances where the affordable housing requirement may be provided by off-site provision, or via an appropriate financial contribution (subject to appropriate evidence where required), include:

- o Developments of between 11 and 14 units;
  - o Developments where it is impractical or unreasonable for an RP to manage a small number of units within a large development, for example where viability has reduced the proportion of affordable housing numbers to a very low level;
  - o Developments where the total housing costs of the affordable rental products or affordable home ownership units would be unaffordable to eligible Applicants. For example where very high service and other management charges would be required because of the nature of the development.'
106. In this case, the HDT accepts the development is viability constrained and consider that it would not be possible to integrate affordable housing within the development due to high sales values, high rents and service charges, which would not be affordable to households on low incomes. The development will not contribute to the creation of a sustainable, inclusive and mixed community but it will provide a significant contribution to affordable housing delivery that justifies a relaxation of affordable housing obligations to a level that is less than required by JLP policy DEV7. On this basis, as noted above, the Housing Delivery Team accepts the principle of the applicant meeting its affordable housing obligation through a commuted sum for off-site delivery.

107. In conclusion, with due regard to JLP policies DEV7 and DEL1, as well as the SPD, and chapter 5 of the NPPF, Officers agree that, whilst it does not deliver policy compliant 30% affordable housing provision, there is a robust justification to support off-site provision i.e. affordability for future occupiers and £3,150,000 is an acceptable offer that will deliver a substantial number of affordable housing units in the City whilst ensuring the proposed development remains financially viable to prevent the site from remaining stalled.

#### Accessible Housing

108. JLP policy DEV9 and paragraphs 4.51-4.56 of the SPD require at least 20% of dwellings to meet national standards for accessibility and adaptability (Category M4(2) of Building Regulations) on developments of five or more homes; and at least 2% to meet national standards for wheelchair user homes (Category M4(3)) on developments of 50 or more dwellings. Therefore, there is an expectation the development will provide at least 34 no. M4(2) and 4 no. M4(3) dwellings (note that M4(3) dwellings contribute towards the Category M4(2) requirement).
109. Within the Design and Access Statement (chapter 9), reference is made to the potential to construct apartments with 2+ beds so they meet Building Regulations M4(2) or M4(3) standards. However, there was no commitment from the applicant to deliver this provision from the outset. The Design and Access Statement suggests dwellings can be retrospectively adapted to meet M4(2) or M4(3) standards post sale and refer to meeting the needs of accompanied wheelchair users, rather than independent wheelchair users. The HDT objected to this approach and further discussions took place between the HDT and applicant during the course of the consideration of this application. The HDT consider that M4(2) and M4(3) dwellings must be provided from the outset to ensure provision is made for initial and future households. To ensure compliance with JLP policy DEV9, officers recommend securing at least 34 no. M4(2) dwellings and at least 4 no. M4(3) dwellings by condition.

110. This proposal seeks to deliver a residential-led, mixed use scheme comprising 3,102sq.m commercial floor space and 170 residential units. The principle of delivering a residential-led mixed use scheme on this site has been established through historic planning application reference 18/01245/FUL and is supported by JLP policy PLY25. JLP policy DEV16 seeks to ensure that retail and town centre uses are located in appropriate locations by adopting a centres first approach and supporting the spatial strategy of the plan. It also supports limited provision of town centre uses in Core Tourism Areas.
111. The retail hierarchy of centres within the Plymouth Policy Area is set out within the JLP (figure 3.7) and policy SPT6 identifies a centres-first approach to retail and other town centre uses. In considering this approach the sequential and impact assessment requirements are key considerations as set out below.

#### Impact Test and Historic Sugar Quay Application

112. DEV16 states that proposals for retail, leisure and office development in edge of centre and out of centre locations must be accompanied by an impact assessment where the floor space exceeds the thresholds set out below. This is so they will not have a significant adverse impact on the investment in and/or the vitality and viability of an existing centre or prejudice the deliverability or investment in proposed centres.
  - o Retail development creating new or additional floor space greater than 500sqm (gross).
  - o Leisure and office development creating new or additional floor space greater than 2,500sqm (gross).
113. Within the pre-application response dated 16 November 2020, officers state that, for the Sugar Quay application, an impact assessment will not be required if a restrictive condition to floor space is applied. This is still the case and the approach has been accepted by the applicant.
114. The combined total floor space of the commercial area has marginally increased from 2,947sqm to 3,102sqm since planning application 18/01245/FUL was approved in 2018. In the view of officers, a condition restricting the amount of each type of Town Centre use is consistent with the previous approach adopted in 2018 and ensures that an adverse impact on the network of centres is secured while also helping deliver the aspiration of the JLP policy PLY25.

#### Sequential Test Considerations

115. DEV16 states proposals need to be assessed in relation to their support for the spatial strategy of the JLP and the sequential hierarchy of centres. It also states proposals for main town centre uses (as defined by the NPPF) outside of centres should be supported by a sequential test that demonstrates flexibility in its assessment and needs to explore whether there are any other sequentially preferable, suitable and available sites within or on the edge of the network of Centres. As required by policy, the application is accompanied by a sequential test in the form of an appendix to the Planning Statement.
116. Officers have assessed the sequential test and have the following comments. The catchment area used for the sequential test is deemed to be acceptable and officers broadly accept the argument presented regarding disaggregation of a development is reasonable. Due to this, the following scale was used within the sequential tests to determine which sites to assess in each centre: 0.48 hectares (after applying a 20 per cent reduction in the developable area to allow for a degree of flexibility).
117. The level of flexibility used is considered reasonable for these schemes considering their high density form of development. This methodology resulted in 15 sites being assessed, many of

which are allocated within the JLP as development sites. Officers do not agree with the conclusions the applicants have reached on many of the sites. Little proper justification or examination has taken place which would be expected in appropriate sequential tests. Officers take particular concern with the disregarding of the site allocations of the JLP (PLY7-15 and PLY18), particularly those within the City Centre which are clearly capable of locating a similar form of development as part of a comprehensive scheme, or, in some cases, piecemeal development of the allocations. A number of the sites are now either on the open market or are, in part, within the control of the Council. No attempt has been made on behalf of the applicant to properly consider these sites, nor properly ascertain if they are available. As such officers cannot, based on the evidence, conclude the sequential test has been passed based upon the evidence presented by the applicant.

118. On the basis of the lack of adequate assessment, officers have now considered the potential sequentially preferable sites. In terms of the City Centre sites, particularly for a number of the allocated sites, there is, a clear potential for some of these sites to be suitable and available in a reasonable period of time for a similar development to take place. As such, it is not concluded the sequential test can be considered to be passed in this regard.
119. That said, as part of the balanced consideration which needs to take place on the application, and the recognition that good place-making requires active frontages, officers have considered the quantum town centre uses within the scheme and that the schemes self-relate to proposals for the delivery of site allocation PLY25. On balance, officers consider that in this instance, while the sequential test is not considered to be passed it is not considered that it should warrant the refusal of the application given the site allocation and place shaping considerations weigh in its favour.
120. On balance and considering the proposal on its merits; notwithstanding, the lack of passing the sequential test, it is not considered, in retail and town centre policy terms, to warrant the refusal of the application given the contribution the town centre uses provide in this specific scheme. It is also not considered the scheme would undermine the retail hierarchy as set out in figure 3.7 and policy SPT6 of the JLP.

#### Carbon Reduction

121. Delivering Low Carbon Development is a crucial part of considering schemes in the context of Policy DEV32 of the JLP and the Council's Declaration of a Climate Emergency. Officers and the Low Carbon Officers have considered the revised Energy Statement. In principle, the proposed approach is acceptable, utilising a centralised air source heat pump to meet the thermal demands for heating and hot water for the development to achieve a greater than 20% CO<sub>2</sub> emissions reduction from the Building Regulations Part L 2013 compliant scheme based on Standard Assessment Procedure 10 carbon factors in accordance with JLP policy DEV 32.5. Officers consider that a restrictive condition should be included and welcome the improvements on the previous scheme approach.
122. The statement also sets out the technical ability to connect to a future heat network will be provided (e.g. connected to Marine Source) in line with JLP policy DEV32.6. Again, officers consider that a restrictive condition should be included to secure this.
123. Policy DEV32 also seek a wider range of requirements which improve the ultimate sustainability of buildings. This includes consideration of solar orientation. In this regard the building has glazing on all aspects of the development and as such the opportunity for this is secured. The sustainability of the building is also intrinsically linked to both its construction and ongoing uses. A planning condition is therefore considered necessary to secure details of the measure set out in the submitted sustainability statement being delivered and secured for

the lifetime of the development. This will ensure that all reasonable opportunities are taken to reduce carbon production and increase the sustainability of the building.

124. In terms of the schemes wider ability to help support the Council declaration of a climate emergency it is acknowledged that flood prevention measures and a contribution towards the existing Sutton Harbour Flood Defence measures are secured. The schemes reduced levels of car parking and detailed travel plans will also help promote sustainable travel choice for future residents and operators. Likewise, the provision of EV charging secured in Harbour Arc will also be a wider benefit of the scheme.
125. As such, subject to further detail secured through conditions, the proposal is considered acceptable in terms of sustainability and low carbon development in accordance with policy DEV32, the Councils Climate Action Plan and the guidance in the SPD and NPPF.

#### Flood Risk/Protection - Sequential and Exception Test

126. The Flood Risk Sequential Test does not need to be applied for this individual development as the site has been allocated in the adopted development plan and the Sequential Test was applied at point of allocation. Specifically, JLP policy PLY25 identified the application site as suitable for development, despite the potential flood risk on the basis that there was no alternative suitable site available at a lower flood risk. The Plymouth and South West Devon Joint Local Plan: Flood Risk Sequential Test Report (February 2017) sets out how the requirements of the Flood Risk Sequential Test was integrated into the assessment of this site allocation as part of the JLP preparation. It confirms there are no other reasonable alternative sites available in the same or lower flood zones and the site forms a key development opportunity on the edge of Sutton Harbour and is part of a previous site allocation in the Sutton Harbour AAP. The site is within the City Centre and Waterfront Growth Area which is identified as a focus for growth in the JLP.
127. As it is not possible for this development to be located in a zone with a lower risk of flooding, JLP policy DEV35 and chapter 14 of the NPPF 2021, allows the Exception Test to be applied to any development which includes a more vulnerable use in Flood Zone 3a. The Exceptions Test provides a method for managing flood risk while still allowing development to occur.
128. There are two elements of the Exception Test both of which need to be passed:
  - a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall (NPPF, para 164)
129. In terms of part one of the Exception Test, the Local Planning Authority considers the proposed development will deliver wider regeneration and economic benefits, including visual enhancement of this stalled site, as well as beneficial effects in terms of flood risk management (by way of the agreed S106 contribution towards the upgrading of the existing Sutton Harbour defences to provide protection against increasing sea levels and more intense coastal storms). The Local Planning Authority considers that these wider community benefits outweigh the flood risks and therefore the first part of the test is passed.
130. The second part of the test requires that the proposal will be safe (including access and egress) over its lifetime, and would not increase flood risk elsewhere and, where possible, reduce flood risk overall. In this regard, the Environment Agency is satisfied with the flood risk mitigation measures set out in the submitted FRA and associated plans, which will be

secured by way of planning conditions, and the agreed financial contribution towards the upgrade of existing defences will ensure that this development is safe over its lifetime. As such, it is considered that the Exception Test has been passed and the site is deemed suitable for development.

131. The standing advice from the EA for development in this area of Plymouth, contained within the Sutton Harbour Development Guidance (Environment Agency 2016), is that new development should meet all the following requirements:
  - o There should be no residential development or any other more vulnerable development at ground floor level and no new development below ground level;
  - o Ground floor levels should be set no lower than 3.15mAOD;
  - o Ground floors should incorporate flood resistance and resilience measures;
  - o Provide and demonstrate a flood warning and evacuation procedures for occupants;
  - o Residential or any other more vulnerable development should be set at no lower than 5.10mAOD;
  - o Provide a proportionate contribution (depending on scale of development) towards the future upgrade of the Sutton Harbour flood defences to ensure new development benefits from an appropriate standard of protection over its lifetime whilst also helping to reduce flood risk over time to existing development.
132. The EA and LPA have reviewed the Flood Risk Assessment (FRA) (ref. WE04821/FRA, v5, 29 September 2020) and are satisfied that it adequately highlights the key flood risk issues associated with the proposed development. The mitigation measures set out in the FRA are welcomed and they demonstrate that the layout of the proposed development has been significantly influenced by consideration of flood risk management, including:
  - o Less Vulnerable commercial units will be set at a minimum of 3.75m AOD to enable continuation to the external harbour spaces. These units will be provided with resilience measures, such as horizontal plasterboard, flood compatible flooring and raised services and outlets.
  - o Vulnerable ground floor elements such as the plant room should be set at 4.60m AOD (or above), above the design flood level of 4.58m AOD (200 year return period tidal level in 2125 using higher central allowance).
  - o All accesses to the building will be provided with a warning beacon/ signage for operation in times of flood.
  - o More vulnerable residential development will be sited at locations above ground floor and as such will be safe from potential flooding for the lifetime of the development.
133. These measures help ensure that the most vulnerable development is located at higher ground levels with lower flood risk and the development includes appropriately flood resistance and resilience measures such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment and safe access and egress routes are provided, supported by an emergency plan. A restrictive condition is recommended to ensure that any grant of planning permission is carried out in accordance with the flood risk management and mitigation recommendations set out in the submitted FRA and to ensure that these are fully implemented prior to the occupation of the building.

#### Financial Contribution for the Upgrade of Defences

134. Sutton Harbour is currently defended from coastal flooding during a 1 in 200 year event through a combination of raised quay walls, flood gates and a water level within the harbour that allows for the storage of water that overtop these defences.
135. The NPPF advises that developers need to consider flood risk over the lifetime of development and as such sea level rise needs to be considered. Sea level rise using current

predictions will increase sea levels by approximately 0.7m over the next 75 years and 1.1m over the next 100 years. When sea level rise is included the current defences at Sutton Harbour do not provide adequate protection during a 1 in 200 year coastal flood event.

136. The proposed development will rely on flood defences, owned and maintained by the Environment Agency and Plymouth City Council, to keep it safe from flooding over its lifetime. Therefore the Environment Agency, supported by officers, consider that it is justified to request a financial contribution towards the future upgrade of the defences to meet the challenge of climate change.
137. Section 106 contributions have therefore been agreed towards future flood risk management works around the harbour. The level of this contribution is linked to the scale and nature of this development. Further details are set out in the Planning Obligations section below.

#### Contaminated Land

138. The Phase 1 and Phase 2 Contamination Assessment report (ref: WE04821/GR01, version 3, dated 9th July 2018) identified potential pollutant linkages, particularly as a result of the historic use of the site, including a potential source of contamination to groundwater and future users of the land. Therefore, restrictive conditions are recommended in accordance with guidance from the Environment Agency and Public Protection Service.; Subject to these conditions being applied the proposal is considered acceptable in this regard and would accord with the requirements of JLP policies DEV1 and DEV2.

#### Natural Environment

139. The proposed scheme is supported by a detailed landscaping strategy. This differed from the previous approach to the site from the last application. A number of concerns were raised by both the Natural Infrastructure and Urban Design officers. This lead to an updated scheme which is now, subject to conditions, considered an appropriate approach to the site.
140. In terms of biodiversity considerations, the site is on the edge of the harbour and as such it is important that consideration is given to both the terrestrial environment and also the water environment. This is particularly important during the construction period where the potential for disturbance and pollution to occur is high. The consultation response from NIT has required a detailed condition for a Construction and Environmental Management Plan. This will ensure that appropriate mitigation and control measures are put in place to protect the environment as required by JLP policy DEV26.
141. Policy DEV26 also requires schemes to deliver a 10% net gain for biodiversity. This has been a source of on-going negotiation during the application seeking to ensure that the SPD requirement to deliver a 10% net gain is delivered. As part of those discussions, consideration has been given to the role of the Harbour Car Park Scheme as that scheme is delivering a significant uplift in biodiversity net gain.
142. Notwithstanding, that there have remained concerns over the delivery of net gain through the scheme; Extensive negotiations have taken place in this regard. Under normal circumstances, the delivery of net gain is normally sought to be achieve by the provision of the same species type that is being lost. However, in this instance an innovative strategy was identified which sought to provide sea grass enhancement, this would help contribute towards wider biodiversity benefit within the Plymouth Sound National Marine Park.
143. The applicant working alongside the Ocean Conservation Trust (OCT) sought to establish how much sea grass planting would be required to deliver the required level of net gain and the costing for its provision, maintenance and management. It was advised following this work

that an area of 802sqm of sea grass provision would be required and that if that was delivered alongside other sea grass provision and management the cost for this would be £13,000. While, supporting the principle of this approach the Natural Infrastructure Team did have concerns over how the quantum of provision and funding was calculated and in part this related to the fact that at present sea grass does not currently form a component of the biodiversity metric calculation system. Concern was also raised that at present there is not a Local Nature Recovery Strategy (LNRS) for Plymouth Sound to guide how and where specific measures would be secured for marine enhancement. In the absence of such guidance, negotiations with the applicant and other key stakeholders continued. This has led to an innovative approach being agreed that recognises that there is currently no strategic approach for implementation. As such, the Sugar Quay development through financial contribution can act as a trailblazer, by providing funding to pilot a number of different measures designed to secure a marine BNG.

144. A contribution of £25,000 has been requested by the Natural Infrastructure Team and has been agreed with the applicant. This will fund direct delivery and will contribute to establishing the long term approach to marine nature recovery in the Sound. This would include contributing to the planting of seagrass beds in Plymouth Sound, as well as other measures to improve habitat for marine life on shoreline infrastructure e.g. harbour walls and similar structures. While, it is not possible in BNG terms to calculate the exact level of net gain this would provide; The Natural Infrastructure Team advise that the long term benefits created, would alongside those already being delivered by the scheme, deliver at least 10% net gain. As such, it is considered that subject to this contribution; the delivery of landscaping on site and at the Harbour Car Park and the securing of a Landscape and Ecology Management Plan that the requirements of JLP policy DEV26 would be met.

#### Habitat Regulations Assessment

145. Natural England has been consulted on the Habitats Regulation Assessment for the scheme provided by the Natural Infrastructure Team and advise that on the basis of the mitigation outlined being secured, Natural England concurs with the LPA's conclusion that the proposed development will not have an adverse effect on the integrity of Plymouth Sound and Estuaries SAC & Tamar Estuaries Complex SPA European sites.

#### Fire Safety

146. Following the publication of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (the 2021 Order), In August 2021, new Fire Safety requirements for High-rise buildings were introduced into the planning system as Gateway 1. This was to bring forward the consideration of some Fire Safety matters to the planning stage and to introduce the HSE as a statutory consultee for relevant applications.
147. This legislation applies to all new applications made on or after the 1st August 2021. As such this application is not required to meet these requirements. Notwithstanding this, the Health and Safety Executive were consulted on the application in order that if they wanted to raise any matter relevant they could be considered. No Consultation response was received. In light of this and given that the procedure does not apply retrospectively, no further action is required in terms of the planning process. However, an informative is included to ensure the applicant is aware of the importance of these requirements going into the Building Control process as a high rise residential building.

## **9. Human Rights**

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

## **10. Local Finance Considerations**

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule.

## **11. Planning Obligations**

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met. In terms of this application in a statement submitted on the 18th February, the applicant's agent confirmed that the previously agreed contributions for SQ will also be honoured. They are as follows:

- o Affordable Housing: £3,150,000 towards the provision of affordable housing within the boundaries of Plymouth City Council to be paid in three equal instalments at the following trigger points:
  - o £1,050,000 upon commencement of development
  - o £1,050,000 upon disposal of 87th unit
  - o £1,050,000 upon disposal of 154th unit
- o Education: £256,595 to be paid upon commencement of development towards provision of secondary pupil places within the boundaries of Plymouth City Council.
- o Flood Risk: £250,000 to be paid upon commencement of development towards the upgrading of the existing Sutton Harbour defences to provide protection against increasing sea levels and more intense coastal storms.
- o Health Care: £44,817 to be paid upon commencement of development towards health and capacity improvements at Beaumont Villa and/or Friary GP surgeries
- o A management fee of £8004

These infrastructure contributions total £3,701,412.

These figure were reached following a detailed viability process being undertaken on the previous application. The level of contribution secured exceeded what it was considered the scheme could reasonably pay based upon the viability process undertaken. Since the financial contributions were secured the JLP and SPD have been adopted; With JLP policy DEV30 seeking development to meet the community infrastructure needs of new homes and policy DEL1 of the JLP setting out the Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy.

The following broad areas and contributions have been requested during the application from consultees:

Affordable Housing	£3.15m
Education	£280,925
Flood Risk EA	£250,000
Public Health	£54,979
CCG	£100,966

Biodiversity BNG	£25,000
Management fee	£8,004
Total	£3,970,840

The current application is not accompanied by an updated Viability Assessment, however the consideration of viability has been ongoing during the pre-application and application period.

It is acknowledged that the situation between the two applications has altered with the removal of the car parking from the scheme which would reduce some elements of the schemes costs. However, the lack of viability previously identified and considered was substantial. The changes to the scheme when considered and in the current climate where Development costs and materials have risen substantially is not considered to alter the previous viability conclusions significantly to make viability any less of a challenge. It has therefore been considered by Officers the previously agreed S106 quantum should be accepted in principle. It is however, as set out in the biodiversity section of the report agreed that an addition £25,000 is included towards delivery of a net gain for biodiversity in line with JLP policy DEV26.

In terms of the quantum's the following figures have therefore been agreed. Furthermore, following the receipt of the consultation responses the specific allocation of funding towards projects has been updated.

It is also noted that the requested contribution from the Clinical Commissioning Group (CCG) duplicates the request previously agreed by the Councils' Public Health Department.

The following contributions and projects are therefore secured:

Affordable Housing £3.15m

Towards the provision of affordable housing within the boundaries of Plymouth City Council to be paid in three equal instalments at the following trigger points:

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

Education £256,595

To be paid upon commencement of development towards provision of secondary pupil places within the boundaries of Plymouth City Council.

Flood Risk EA £250,000

To be paid upon commencement of development towards the upgrading of the existing Sutton Harbour defences to provide protection against increasing sea levels and more intense coastal storms.

Health £44,817

To be paid upon commencement of development towards a health and wellbeing hub at Colin Campbell Court or delivery of other Wellbeing Hubs within the City.

Biodiversity BNG £25,000

To be paid in three equal instalments at the following trigger points:

- £15,000 upon commencement of development
- £10,000 upon disposal of 87th unit

Towards direct delivery of biodiversity enhancement measures (including Sea Grass) and towards establishing the long term approach to marine nature recovery within Plymouth Sound Area.

Total	£3,726,412
Management fee	£8,004

## **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.

## **13. Conclusions and Reasons for Decision**

This application has been considered in the context of the development plan being the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7. The following key policies have been considered in the determination of the application SPT1, SPT2, SPT3, SPT5, SPT6, SPT9, SPT10, SPT11, SPT12, SPT13, SPT14, PLY1, PLY2, Strategic Objective SO3, PLY20, PLY21, PLY25 PLY37, PLY62, DEV1, DEV2, DEV7 DEV9, DEV10, DEV16, DEV19, DEV20, DEV21, DEV23, DEV26, DEV27, DEV28, DEV29, DEV30, DEV31, DEV32, DEV35 and DEL1 of the Joint Local Plan. As well as the guidance contained in the Supplementary Planning Document, NPPF, NPPG and National Design Guide.

In terms of the key considerations, in relation to the application, the principle of the development is considered acceptable in the context of Policy PLY25 and taking into account the material consideration given to the previous consent granted on site.

In terms of highways and parking it is accepted that the off-site car parking provided at the Harbour Car Park is, on balance, acceptable and at an appropriate level given the sustainability of the location and the scheme is not considered to have an adverse impact on the surrounding highways network, subject to the provision of key infrastructure secured by conditions. Furthermore, the layout of the scheme is concluded to be acceptable.

The design of the scheme and its impact on the Sutton Harbour and city townscape is considered, on balance, to be an acceptable approach to the development and it is accepted that the height proposed is reasonable in the context of the surrounding area and acknowledging the previously consented scheme on the site. It is also considered that the landscaping strategy is acceptable subject to the detail secured by conditions.

In terms of Historic Environment and Archaeology, officers consider that the proposal will result in a less than substantial harm to the surrounding historic environment and features and that the schemes benefits outweigh this concern. In terms of consideration of the impacts of the scheme on the surrounding area and the amenity of the future residents; The scheme is concluded to be acceptable subject to the detailed conditions set out above.

In relation to refuse and recycling, while the level of provision and the location of the storage is not considered ideal, subject to a detailed waste and recycling strategy being agreed the proposals are considered acceptable.

In terms of the housing provision, the scheme is considered to appropriately integrate in to the surrounding area. In terms of the Affordable Housing provision it is, on balance, accepted that it would not be possible to integrate affordable housing within the development and that given the viability consideration previously considered a contribution of £3,150,000 towards off- site provision is acceptable.

In terms of the schemes commercial component, these are not considered to undermine the retail strategy and are, on balance, concluded to be acceptable.

In relation to carbon reduction and wider sustainability matters, in the context of the Council's declared climate emergency, the scheme is considered acceptable subject to future detail secured via conditions.

In relation to flood risk and drainage, subject to the flood provision measures being secured and the S106 contribution; the scheme is considered acceptable and finally in relation to the natural environment the proposal is considered acceptable subject to the measures agreed in relation to delivery of a net gain for biodiversity.

As such, having considered the above in detail. Officers having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004, conclude that the proposal accords with policy and national guidance and the application is therefore recommended for conditional approval subject to the signing of a S106 agreement securing the funding set out in section 11 and the detailed condition(s) set out below.

#### **14. Post Planning Committee Addendum**

Following the Deferral of the item from Planning Committee on the 10th of February a number of further actions have taken place which this addendum sets out and advises of any required changes to the Officer Recommendation.

Following the Committee, Officer's met with the applicant's team to discuss opportunities to provide additional disabled/ assessable parking spaces on site, as part of this meeting the applicant's team advised of other opportunities they thought could help improve the accessibility of the scheme and also safe operation of waste facilities. The principle of this was welcomed by the Local Planning Authority and additional plans were submitted on the application file. A further consultation period was undertaken on the amended plans for 14 days.

The plans were slightly amended during the consultation period to amend an allocated space in the layby to a disabled space, this was not considered to require additional consultation.

The following consultation and letters of representation have been received following the planning committee meeting.

#### **Additional Consultation responses**

Natural Infrastructure – no concerns subject to previous conditions

Urban Design - reduction in quality of public realm including the visual impact of the proposed parking, but on balance acceptable. Parking spaces use should be limited. Replacement of lost tree should be explored. Support Local Highway Authority (LHA) comment on reducing layby size. Support granite sets on Marrowbone slip and parking space should be delineated with these not line painting.

Highways Authority – No in principle objections, no objection to servicing on Marrowbone Slip, although turning over runs concierge space, recommend additional disabled space in layby is considered. Layby parking would be controlled to 20 minutes subject to a Traffic Regulation Order. These matters can be addressed through existing planning conditions proposed.

Highways Authority Additional response- Proposed layby could be reduced to widen footway concerns over altered cycle storage, potential for overrunning of pavement at Jewson site.

## **Letters of representations**

2 received

1 objection

1 neutral

### **Key points**

Development height, impact of illumination at night for ships, wind impact on pedestrian environment, off site car parking, congestion.

One response was from the Cattewater Harbour Commissioner who provided images of the leading lights that are critical for all vessels navigating into Plymouth.

He advised that the presence, and increase backscatter of lighting from the city is already a concern for mariners, and with the proposed location of the development any additional lighting facing the water will compromise navigational safety. Please could the planning department ensure no additional lighting is facing the South as further plans are developed.

## **Updated Analysis**

The proposed changes provided on the plans are as follows:

Changes to Marrowbone Slip to allow large vehicle servicing including for waste collection, the provision of two disabled parking spaces and one dedicated concierge space for the use of the Sugar Quay Development, the removal of proposed cycle spaces. The surfacing material will include granite sets for surface delineation.

Changes to the servicing layby to provide 4 parking spaces for general use including one for a disabled car parking space.

### **Changes to the proposed building**

These include:

- Doors rationalised on the south side of the building with one set removed to avoid conflict with the concierge space;
- Internal bin store layouts and connections between them have been amended for collection from Marrowbone Slip;
- A new ramp for improved accessible access has been added on the north-east side of the building with amendments to the steps access; and
- Additional door sets are provided to some of the commercial units to improve access to these units.
- Reduction in the total retail floor space of 17sqm less at 2461sqm, with Unit 5 slightly increased and unit 4 has shrunk.

In terms of the considerations of the proposed changes these are as follows:

The additional provision of the car parking spaces on Marrowbone slip are considered a positive addition in relation to the accessibility of the future residents, particularly those with limited or restricted mobility. The addition of the concierge space also provides the potential to enable all residents to use this space for drop off purposes and to be used in collaboration with the proposed concierge service of the building. While only two spaces are provided for disabled/ accessible spaces, this needs to be balanced against the operation of the slipway and its contribution to the setting of the building and contribution to the wider public realm. On balance officers consider this provision is acceptable. It is however important that the spaces are properly managed and as such a further condition is recommended on the application for an onsite car park management plan.

In terms of the alteration of the servicing arrangements, sufficient space has been provided to enable vehicles to turn on the slip road providing access and egress on to the highway network in a forward gear. This will also enable the servicing of the adjoining building to be improved. Consequentially this will allow the collections of waste facilities to be located away from the principle pavement along Sutton Road. This will introduce new movements on to this area but this is considered acceptable subject to the already proposed waste management condition. While a consultation response from waste services has not been received the case officer has met with Waste Service and reviewed the plans and no objections were raised to the proposed changes to the servicing arrangements.

A consequence of the changes to Marrowbone slip is changes to the surfacing materials which are to match the wider approach with granite detailing. The proposals also result in the removal of one of the trees proposed and while consultees have suggested it is moved to the side of East Quay House, this would interfere with the parking and access for that building. The changes also result in a relocation of some of the proposed cycle parking, which officers raised concerns with and they have now been removed from the plans. The final cycle details were already proposed to be controlled by condition and their replacement location can be secured through this condition. As raised by urban design consultation while the changes result in a slight reduction in quality of public realm they are on balance acceptable.

The changes to the waste strategy have resulted in some slight alterations to the internal configuration of the building. This is considered to improve the servicing arrangement and the consequential change internally and to the size of commercial units raises no concerns, as such the consideration remains the same in the main report.

The changes to the servicing of the building have freed up the proposed servicing bay and this is now proposed for 4 vehicles to park, as these are on HMPE these would be for general use not restricted to the building. The LHA advised that one of these spaces could be a disabled parking space and the plans were amended on this basis. The LHA has advised that these spaces would be restricted to 20 minute stopping and this is considered reasonable and would be controlled by a Traffic Regulation Order outside of the planning process. While they are for general use it is acknowledged that they are likely to be utilised by building occupiers for drop off and accessing the concierge services and this is considered beneficial particularly the addition of a disabled parking space.

The plans also provide a series of external amendments to the building. There are no concerns with the visual alterations with the proposed changes. The inclusion of an accessible ramp to the buildings main entrance is an improvement in terms of the building accessibility to all. While it is a shame that it banks away from the proposed parking it would not be feasible to be located the other way. The proposals also include some changes to and inclusion of additional doors to increase accessibility to the commercial units which raises no new concerns in relation to the application.

Following the Committee the Cattewater Harbour Commissioner contacted officers raising concerns with further lighting facing southward in the future due to the impact of ships navigation using the marker lights for guidance. Officers have met with the Harbour Master and discussed the impact of future development pressures but this is not a matter for this application. Concerns were also raised in this regard by the other letter of representation. In terms of the wider scheme this is an allocated site and the developments potential impacts were considered during the formation of the JLP and the proposals also accord with the building design to the previous granted scheme. It is not considered by officers that these matters should impact the determination of this application the same consideration is given to the wind concerns raised.

Finally the scheme includes changes to the tracking adjoining Jewson as a result of the amendments which shows a slight over run of the pavement which is not ideal however the LHA are content that this matter can be addressed by the existing conditions.

In summary, on balance officers are satisfied that the proposed changes are acceptable and as such, having considered the above in detail. Officers having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004, conclude that the proposal accords with policy and national guidance and the application is therefore recommended for conditional approval subject to the signing of a S106 agreement securing the funding set out in section 11 of the officer's report and the detailed condition(s) set out below.

For the avoidance of doubt the following conditions have been amended:

New Condition 50

## **ONSITE CAR PARK MANAGEMENT PLAN**

### PRE-OCCUPATION

Prior to the first occupation of the development an onsite car parking strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- Set out the use, restrictions and operation of the spaces proposed
- Set out how coordination of the concierge space with waste collections will be undertaken
- Set out how the spaces will be managed with any proposed concierge service offered
- Set out methods to control the use of the spaces
- Provide details of signage

Once approved the development shall be permanently managed in accordance with the approved details.

For the avoidance of doubt the 2 disabled/accessible spaces shall not be allocated to individual properties within the development.

Reason: to ensure the safe operation of the proposed parking and to ensure it is made available for the intended purpose and in accordance with policies PLY25 and DEV29 of the Joint Local Plan.

Condition 27 amended

## **CONDITION: ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)**

### PRE-OCCUPATION

No part of the building hereby proposed shall be occupied until the proposed improvements to the existing highway (including the provision of a zebra crossing and parking spaces) have been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such improvements shall also include pedestrian improvements as outlined in Tables 3.1 and 3.2 of the document TN08 Post Application Highways Response dated November 2021.

Reason:

In the interests of highway and pedestrian safety and to facilitate safe access to and from the site for all highway users in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

As requested previously by Members an additional informative has been included:

## **INFORMATIVE: CONSULTATION CONDITION 6**

Applicants are advised that the detail required with condition 6 should be developed in consultation with the Designing Out Crime Officer and in the context of the guidance of the Commission on Violence against Women and Girls.

### **14. Recommendation**

In respect of the application dated 11.01.2021 it is recommended to Grant conditionally subject to S106 with delegated authority to Director of Strategic Planning and Infrastructure to refuse the application if the S106 is not signed within the agreed timeframes (3 months)

### **15. Conditions / Reasons**

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

#### **I      CONDITION: APPROVED PLANS**

Landscape General Arrangement Plan 7376\_030 Rev E received 09/03/22

Site Location Plan 1000 Rev G received 22/12/20

Demolition Plan 1050 - received 22/12/20

Ground Floor Mezzanine GA Plan 2002 Rev B received 22/12/20

First Floor GA Plan 2003 Rev N received 22/12/20

Second Floor GA Plan 2004 Rev P received 22/12/20

Third Floor GA Plan 2005 Rev P received 22/12/20

Fourth Floor GA Plan 2006 Rev P received 22/12/20

Fifth Floor GA Plan 2007 Rev P received 22/12/20

Sixth Floor GA Plan 2008 Rev P received 22/12/20

Seventh Floor GA Plan 2009 Rev P received 22/12/20

Eighth Floor GA Plan 2010 Rev P received 22/12/20

Ninth Floor GA Plan 2011 Rev P received 22/12/20

Tenth Floor GA Plan 2012 Rev P received 22/12/20

Eleventh Floor GA Plan 2013 Rev P received 22/12/20

Twelfth Floor GA Plan 2014 Rev P received 22/12/20

Thirteenth Floor GA Plan 2015 Rev P received 22/12/20

Fourteenth Floor GA Plan 2016 Rev P received 22/12/20

Fifteenth Floor GA Plan 2017 Rev P received 22/12/20

Sixteenth Floor GA Plan 2018 Rev Q received 22/12/20

Seventeenth Floor GA Plan 2019 Rev Q received 22/12/20

Eighteenth Floor GA Plan 2020 Rev R received 22/12/20

Nineteenth Floor GA Plan 2021 Rev Q received 22/12/20

Context Elevations 3006 Rev A received 22/12/20

Section AA 3100 Rev C received 22/12/20

Section BB 3101 Rev C received 22/12/20

Roof Plan 7376 \_031 Rev A received 22/12/20

Landscape General Arrangement Roof Plan 7376\_031 Rev A

First Floor GA Plan 2003 Rev N

Revised Highway Scheme Crossing South of Jewsons SK\_004 Rev P6 received 03/09/21

Roof Floor GA Plan 2022 Rev H received 12/10/21

Site Block Plan 1001 Rev J received 12/10/21  
Site Location and Land Ownership Plan 3554-1030 - received 10/11/21  
North Elevation AWW-02-ZZ-DR-A-01 3003 Rev E received 02/03/22  
West Elevation AWW-02-ZZ-DR-A-01 3002 Rev E received 02/03/22  
South Elevation AWW-02-ZZ-DR-A-01 3001 Rev F received 02/03/22  
East Elevation AWW-02-ZZ-DR-A-01 3000 Rev E received 02/03/22  
Ground Flood GA Plan AWW-02-00-DR-A-01 2001 Rev K received 02/03/22  
Disabled Parking Elevation 7376\_205 - received 02/03/22

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

## **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: ACCESS (CONTRACTORS)**

### PRE-COMMENCEMENT

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

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

Justification: To ensure safe site access.

## **4 CONDITION: HIGHWAY DILAPIDATION SURVEY**

### PRE-COMMENCEMENT

No works shall commence on-site until the applicant has undertaken a highway dilapidation survey in consultation with the Local Highway Authority. The survey shall assess the existing condition of all highway infrastructure adjoining the site which will be impacted upon through the construction activities associated with the development hereby approved. This shall also include routes to and from the site being used by construction traffic.

Reason:

To ensure that any damage to the existing highway infrastructure arising from the construction of the proposed development is properly recorded and addressed by the developer on completion of the works in the interests of the safety of all users of the highway in accordance with Policy DEV29 of the Plymouth and South West Devon JLP.

**Justification:** To ensure that any damage to the existing highway infrastructure arising from the construction of the proposed development is properly recorded and addressed by the developer on completion of the works.

## **5 CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

### **PRE-COMMENCEMENT**

The development 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 be submitted to and approved by the Local Planning Authority prior to the commencement of the development works and 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 development works hereby proposed shall be carried out strictly in accordance with the approved CTMP.

**Reason:**

To ensure that the traffic impacts associated with the construction phase of the development does not lead to adverse impacts upon the operation of the Local Road Network in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

**Justification:** To ensure that the development is undertaken in a safe way in relation to the Highway network.

## **6 CONDITION: STREET DETAILS**

### **PRE-COMMENCEMENT**

No development shall take place until details of the design, layout, levels, gradients, materials and method of construction and drainage of all access roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No part of the building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

**Reason:**

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policy DEV 29 of the Plymouth and South West Devon JLP 2019.

**Justification:** To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard.

## **7 CONDITION: PROGRAMME OF ARCHAEOLOGICAL WORK**

### **PRE-COMMENCEMENT**

No part of the development approved by this permission shall be commenced until the applicant (or their agent or successors in title) has secured a programme of archaeological work, in accordance with a written scheme of investigation (WSI) that has been submitted to and approved in writing by

the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme.

Reason:

The site is known to contain important archaeological deposits (including those of the documented 17th century Sugar House) that warrant appropriate investigation and/or recording in accordance with Policies DEV21 and DEV22 of the Plymouth and South West Devon Joint Local Plan (2014-2034), and paragraphs 189-199 of the National Planning Policy Framework 2019.

Justification: To ensure that important archaeological features are properly recorded before construction commences.

## **8 CONDITION: EXTERNAL MATERIAL SAMPLES BUILDING**

### PRE-COMMENCEMENT

Notwithstanding the submitted details, the development hereby approved shall not proceed past the Damp Proof Course (DPC) level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Sample panels demonstrating the proposed materials together shall be erected on site for inspection by the Local Planning Authority, with an associated specification of materials submitted to the Local Planning Authority for approval.

The material should be marine grade or otherwise appropriate to their Setting

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

Reason:

To ensure that the design of the building is a high-quality building with cohesive design and in accordance with Policies PLY20, PLY25 and DEV20 of the Joint Local Plan.

Justification: To ensure that the design of the building is a high-quality building with cohesive design.

## **9 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

### PRE-COMMENCEMENT

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- o Risk assessment of potentially damaging construction activities.
- o Identification of 'biodiversity protection zones'.
- o Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- o The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- o The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken.
- o Responsible persons and lines of communication. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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 Joint Local Plan Policies SPT11 & DEV26 and Government advice contained in the NPPF paragraphs 174 and 180.

**Justification:** To ensure that the construction activities shall take place in a considerate and safe way and to protect the environment.

## 10 CONDITION: RESOURCE AND WASTE MANAGEMENT PLAN

### PRE-COMMENCEMENT

Prior to the commencement of development a detailed waste and recycling management plan shall be submitted to and approved by the Local Planning Authority which sets out:

- The safe and sufficient provision of waste and recycling facilities to serve the developments including the type and number of receptacles for storage of both residential units and commercial units
- Suitable access arrangements to waste collection location with routes that are free from obstruction and minimise distances for receptacle movements .
- Details of alternative waste carriers, timing and frequency of any supplementary and/or commercial waste collection arrangements which minimise HGV movements
- Measures to provide the safe movement of the waste and recycling receptacles to a designated kerbside location pick up point including banksmen or other measures to enable the collection.
- Details of designated kerbside collection points and vehicle stopping points suitable for HGV and without impact on the highway.
- Method of storage during presentation for collection and maximum timeframes for storage on the highway to reduce the obstruction of the highway

For the avoidance of doubt the prolonged storage of multiple waste and recycling receptacles outside of the building will not be acceptable and must be minimised.

As part of the submission details of the ground floor plans should be provided including any required changes to the internal layout to facilitate the management of waste.

This condition can if required be discharged in 2 parts;

- I. Which sets out an overarching strategy and associated ground floor changes
- II. Which provides the detailed approach

The second of which can be prior to the first occupation of the building by residential or commercial units.

**Reason:**

To ensure the safe and acceptable means of waste and recycling facilities and their collection which will serve the building and ensure highway safety and in accordance with Policies PLY25, DEV1, DEV2, DEV10 and DEV20 of the Joint Local Plan and the Guidance in the Supplementary Planning Document.

Justification: To ensure that the waste and recycling facilities can reasonably be stored and managed on site.

## 11 CONDITION: CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN

### PRE-COMMENCEMENT

Prior to the commencement of development approved by this planning permission the developer shall submit a Code of Practice for the site that outlines how they intend to prevent or control any nuisance arising from any work carried out.

The Code of practice must comply with all sections of the Public Protection Service, Code of Practice for construction and demolition sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust. All sensitive properties surrounding the site boundary shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

Reason:

To protect the residential and general amenity of the area from noise and dust from demolition / construction and avoid conflict with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

Justification: To Ensure the Construction process is undertaken in a safe and considerate way.

## 12 CONDITION: LAND QUALITY

### PRE-COMMENCEMENT

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

#### Section 1: Site Characterisation

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

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s).  
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Section 2: Submission of Detailed Remediation Scheme

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

#### Section 3: Implementation of Approved Detailed Remediation Scheme

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

#### Section 4: Land Quality - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified; it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

An investigation and risk assessment shall be undertaken in accordance with the requirements of Section 1, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of Section 2 above, which is subject to the approval in writing of the Local Planning Authority.

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

#### Reason:

To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

Justification: To ensure land contamination is appropriately managed during construction process.

## **13 CONDITION: MECHANICAL VENTILATION RESIDENTIAL**

### **PRE-COMMENCEMENT**

All dwellings must be installed with mechanical ventilation (to avoid the need for opening windows) unless otherwise agreed in writing by the Local Planning Authority. This agreement must be obtained prior to construction.

#### **Reason:**

To protect the residential and general amenity of the area from noise emanating from the business and avoid conflict with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

**Justification:** To protect the residential and general amenity of the area from noise emanating from the surrounding business uses.

## **14 CONDITION: DRAINAGE**

### **PRE-COMMENCEMENT**

Prior to the commencement of development and updated drainage strategy shall be submitted which includes the following:

- a) Calculations and modelling data should be produced in support of any drainage design showing that the drainage system is designed to the required standard. The impact of any potential tide-locking during extreme tide levels must be assessed together with any other incoming flows that may also be using the existing outfall.
- b) Discharge rates to a sewer are limited to 1 in 10 year greenfield run off rates with onsite attenuation required to store surface water volumes over and above these rates to a 1 in 100 year return period standard of protection with a 40% allowance for climate change. Unless otherwise agreed through the detail to be submitted under part (a) above.
- c) maintaining the water flow route from Sutton Road across the north of the site is maintained and does not impact upon the site drainage and clarification that shows how the site is protected against off- site surface water run-off from Sutton Road.
- d) It is recommended that the property owners and managers sign up to the Environment Agency's Floodline Warnings Direct service for flood warnings.
- e) A Flood Emergency Plan which is communicated to all occupants detailing actions to be taken in the event of a flood warning to ensure occupants and property remain safe. The responsibilities of the building manager and individual property owners and managers should be clearly identified. The Flood Plan should also include an assessment of the scale of anticipated flooding and any access routes clearly identified.
- f) In an extreme event that exceeds the design standard, a surface water exceedance flow route should be identified on a plan that shows the route exceedance flows will take both on and off site from the point of surcharge, and demonstrating that these flows do not increase the risk of flooding to properties on and off the site and or to Third Party Land including the Public Highway. Exceedance flows should be intercepted and contained on site as far as this is reasonably practicable and safe to do so, ensuring that flows are directed away from public access areas.
- g) Details that show how the water environment is to be protected from pollution from the parking and access road areas. Reference should be made to the pollution risk matrix and mitigation indices in the CIRIA SuDS Manual.
- h) A ground investigation should also confirm there is no risk of groundwater pollution from contaminated land.

- i) A construction environment management plan incorporating method statements to demonstrate how the new drainage system and water environment is protected during the demolition and construction phases.
- j) Details should be submitted of how and when the surface water drainage system is to be managed and maintained.

The Drainage strategy shall:

- o explore the use of the proposed tree pits as SuDS and where this isn't feasible provide robust evidence as to why their use as SuDS isn't feasible;
- o Incorporate pollution prevention measures into the surface water drains and provide the appropriate details thereof
- o Considers the incorporation of the Yellow Fish Symbol or other communication tool to inform people that the drains flow directly into the harbour in order to limit the chemicals that are poured down the drains

Reason:

In the interests of the retention, protection and enhancement of water quality and to ensure appropriate site wide drainage provision in accordance with Joint Local Plan Policies SPT12, DEV2 and DEV35 and Government advice contained in the NPPF.

Justification: To ensure that a sustainable drainage strategy is delivered as part of the development.

## **15 CONDITION: ACCESSIBLE AND ADAPTABLE DWELLINGS**

### **PRE-COMMENCEMENT**

Prior to the commencement of development details of the location, access arrangements and specification of residential units to meet the Standard of M4(2) 34 units and M4(3) 4 units shall be submitted to and approved by the Local Planning authority and there after the development shall be undertaken in accordance with the approved detail.

Reason:

To ensure an acceptable number of dwellings are provided for accessible and adaptable House and in accordance with Policies DEV7, DEV9 and DEV10 of the Joint Local Plan.

Justification: To ensure an acceptable number of dwellings are provided for accessible and adaptable House and are appropriately designed.

## **16 CONDITION: EMPLOYMENT AND SKILLS PLAN (ESP)**

### **PRE-COMMENCEMENT**

No development shall take place until an ESP has been submitted to and approved in writing by the Local Planning Authority. The ESP should demonstrate how local people will benefit from the development in terms of job opportunities, apprenticeship placements, work experience and other employment and skills priorities. The ESP should cover the construction of the development. The development shall thereafter be carried out in accordance with the approved ESP unless a variation in the plan is agreed in writing in advance by the Local Planning Authority.

Reason:

To ensure employment and skills development in accordance with DEV19 of the Plymouth and South West Devon Joint Local Plan 2019 and the NPPF 2019

Justification: To ensure the skills development and job opportunities are available throughout the construction of the development.

## 17 CONDITION: DISTRICT HEATING AND COOLING FUTURE CONNECTION

### PRE-COMMENCEMENT

Prior to the commencement of development details of the location and connection detail of the proposed development Connections to future District Heating and Cooling System shall be submitted to and approved by the Local Planning Authority

Reason:

To ensure the scheme delivers appropriate connections to future District Energy generation systems and in accordance with Policy DEV32 of the Joint Local Plan.

Justification: To ensure future connections to District Energy can be achieved.

## 18 CONDITION: FURTHER DETAILS - SCREENING

### PRE-DAMP PROOF COURSE (DPC)

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

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

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

Reason:

In order to protect the privacy enjoyed by the occupiers of neighbouring and proposed dwellings in accordance with Policy DEVI of the Plymouth and South West Devon Joint Local Plan (2014-2034).

## 19 . CONDITION: FURTHER DESIGN DETAILS

### PRE-DPC

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

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

## 7. Details of the boundary treatment serving the first floor residential roof gardens

The works shall conform to the approved details.

Reason:

To ensure that the design of the building is a high-quality building with cohesive design and in accordance with Policies PLY20, PLY25 and DEV20 of the Joint Local Plan.

## 20 CONDITION: LIGHTING DETAILS

### PRE-DPC

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

Reason:

To ensure that the lighting of the building is a high-quality and the lighting is appropriate to its setting and in accordance with Policies PLY20, PLY25, DEV26 and DEV20 of the Joint Local Plan.

## 21 CONDITION: DELIVERY OF BIODIVERSITY NET GAIN MEASURES ON-SITE

### PRE-DPC

Not-withstanding any of the approved plans and details, prior to the development reaching damp proof water course, details of the on-site biodiversity net gain measures shall be submitted to and approved by the Local Planning Authority. These measures must constitute no greater than - 51.93% loss in biodiversity. The details must include:

- o Details of the overall provision of net gain consisting of an assessment of the on-site landscaping to be provided
- o detailed delivery plan including timeframes for implementation
- o detailed management and maintenance strategy taking the form of a Landscape Ecological Management Plan which 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.
- o Details of the resourcing of the entire delivery strategy for net gain on site for biodiversity for at least a period of 30 years including how potential loss of the proposed habitat areas will be avoided.

For the avoidance of doubt the approved delivery plans must commence prior to occupation and the development shall be undertaken in full accordance with the approved detail.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Joint Local Plan Policies SPT12 & DEV26 and Government advice contained in the NPPF paragraphs 174, 179 & 180.

## 22 CONDITION: LANDSCAPE DETAILS

### PRE-DPC

No development shall take place beyond Damp Proof Course until the details of the landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall include:

1. Soft landscape details:
  - o Full soft landscape specification; 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) demonstrating sufficient rooting volume for the proposed trees. Plans should include a planting schedule for reference.
  - o Planting details (1:20 scale or as appropriate) including (but not limited to) tree pit details and extensive green roof build-up
2. Hard Landscape Details: to provide:
  - o the arrangement of proposed hard landscape elements including (but not limited to) paving materials, boundary treatment materials (including the use of granite as the principle material), planters, corten rail features and all external surface treatments,
    - ii. street furniture, including details of how movable features will be secured,
    - iii. wayfinding and heritage interpretation features relating to the Sutton Harbour Heritage Trail and the sites to the east of Sutton Road,
    - iv. 3 seagull proof bins
    - v. junction details between existing and proposed paving, (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.

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 JLP policies PLY20, PLY25, DEV20 and DEV23 and Paragraph 130, 131 & 134 of the National Planning Policy Framework 2019.

## 23 CONDITION: OBSCURE GLAZING

### PRE-DPC

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

**Reason:**

In order to protect the privacy enjoyed by the occupiers of the neighbouring dwellings in accordance with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan.

## **24 CONDITION: COMMERCIAL FLOOR SPACE**

### **PRE-SPECIFIC EVENT**

Prior to the internal fitting out of the commercial units of the building, detailed layout for each unit shall be submitted to and approved by the local planning authority this shall be accompanied by detail of the final floor space for each unit and a cumulative total for the scheme.

Notwithstanding the provision of section 55(2)(f) of the Town and Country Planning Act 1990 or any provision equivalent to that Act in any statutory instrument revoking and re-enacting that Act with or without modification, and 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) and The Town and Country Planning (General Permitted Development) (England) Order 2015 any provision equivalent to that Order in any statutory instrument revoking and re-enacting that Order with or without modification

The final layout of the commercial uses including and mezzanine space shall not exceed the following quantums of development.

Units 1-5 Use class E (a) (b) (c) total 2478 sqm of which no more than 500sqm shall be for E (a)  
Gym Unit E(d) 461

Co-worker Space E (g) (i) 163 sqm

Any proposed alteration to the approved subsections of the use class E or subdivisions or amalgamations of the units shall be submitted to and approved in writing with the Local Planning Authority.

**Reason:**

The application has been assessed on this basis and the impact of additional retail or Town Centre floorspace would need further consideration to ensure that the development would not impact on vitality and viability of other designated centres in accordance with Policy DEV16 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

## **25 CONDITION: PLANT, EQUIPMENT AND ACCRECTIONS**

### **PRE-INSTALATION**

Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no plant, equipment or other accretions shall be added to the roof or elevations of any part of the building hereby permitted without the details of these having been submitted to and approved by the Local Planning Authority (any application for which will be expected to demonstrate the visual impact of such equipment).

**Reason:**

To ensure that the design quality and appearance does not diminish over and ensuring a quality built form and in accordance with Policies PLY20 and PLY25 of the Joint Local Plan.

## **26 CONDITION: ACCESS CONTROL MEASURES**

### PRE-OCCUPATION

Prior to the first occupation of the building details of access control measures to protect the building and its users shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be secured in accordance with the approved details thereafter.

Reason:

To protect the residential amenity of the buildings occupiers and in accordance with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan.

## **27 CONDITION: ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)**

### PRE-OCCUPATION

No part of the building hereby proposed shall be occupied until the proposed improvements to the existing highway (including the provision of a zebra crossing and parking spaces) have been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such improvements shall also include pedestrian improvements as outlined in Tables 3.1 and 3.2 of the document TN08 Post Application Highways Response dated November 2021.

Reason:

In the interests of highway and pedestrian safety and to facilitate safe access to and from the site for all highway users in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

## **28 CONDITION: GRAMPIAN HARBOUR CAR PARK**

### PRE-OCCUPATION

No part of the building hereby proposed shall be occupied until the works to increase the capacity of Harbour Car Park (approved under application no 18/001246/FUL) or any modification to that consent have been delivered and in accordance with details submitted to and approved in writing by the Local Planning Authority which shall include the provision of a total of 34 EV Charging Points within the car park. Which shall also have been implemented prior to the first occupation of the building

Reason:

To enable vehicles used by occupiers or visitors to the development 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 Policy DEV29 of the Plymouth and South West Devon JLP 2019.

## **29 CONDITION: GRAMPIAN CAR PARKING PROVISION**

### PRE-OCCUPATION

No part of the building hereby proposed shall be occupied until a minimum of 172 spaces, of which 114 spaces are to be provided through the extension of Harbour Car Park approved under reference number 18/001246/FUL or any modification to that consent have been delivered and in accordance with details submitted to and approved in writing by the Local Planning Authority and 58

spaces are to be provided elsewhere within the existing 359 spaces of the Harbour Car Park, spaces have been provided within Harbour Car Park to serve the development.

Details relating to the allocation of these spaces within the car park along with measures to control their use shall be submitted to and approved in writing by the Local Planning Authority once approved the Spaces shall be managed in accordance with the approved detail.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

## 30 CONDITION: CYCLE PROVISION RESIDENTIAL

### PRE-OCCUPATION

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 a minimum of 138 bicycles to be securely parked including an element of provision for E Bike charging.

As part of the submission details the ground floor plans should be provided including any required changes to the internal layout to facilitate the required cycle parking.

Unless alternative cycle parking facilities have been submitted to and approved by the Local Planning Authority.

The secure area for storing bicycles shown on the approved plans 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 DEV29 of the Plymouth and South West Devon JLP 2019.

## 31 CONDITION: CYCLE PROVISION COMMERCIAL

### PRE-OCCUPATION

The building shall not be occupied until details of Cycle Parking to Serve the Commercial Premises has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of

- 10 spaces for Units 1-5
- 5 spaces for the gym use

For bicycles to be securely parked including an element of provision for E Bike charging.

As part of the submission detail of the proposed number of employees per unit shall be provided with the final number of spaces determined in accordance with the provision set out in the Plymouth and South West Devon Supplementary Planning Document (2020)

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 DEV29 of the Plymouth and South West Devon JLP 2019 and Plymouth and South West Devon Supplementary Planning Document (2020).

## 32 CONDITION: USE OF LOADING AREAS

### PRE-OCCUPATION

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

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience, and (iii) interference with the free flow of traffic on the highway; in accordance with Policy DEV29 of the Plymouth and South West Devon JLP.

## 33 CONDITION: TRAVEL PLAN

### PRE-OCCUPATION

The development hereby permitted shall not be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall seek to encourage residents, visitors and commercial occupants to use modes of transport other than the private car to get to and from the site. It shall also include details of the measures/initiatives that will be implemented in order to secure the modal shift targets, agreed funding to deliver those measures/initiatives, an agreed arrangement for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the developer shall operate the approved Travel Plan. The applicant should contact the Sustainable Transport Team within Strategic Planning and Infrastructure for site-specific advice prior to preparing the 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 DEV29 of the Plymouth and South West Devon JLP.

## 34 CONDITION: SIGNAGE DESIGN CODE COMMERCIAL

### PRE-OCCUPATION

Notwithstanding the submitted information, the ground floor commercial units shall not be occupied until a design code for their shop-front signage has been submitted to and approved in writing by the Local Planning Authority. The units shopfront signage design will thereafter conform to this code, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the design of the building commercial signage is of a high-quality and cohesive design and in accordance with Policies PLY20, PLY25 and DEV20 of the Joint Local Plan.

### **35 CONDITION: EXTERNAL MAINTENANCE MANAGEMENT PLAN**

#### PRE-OCCUPATION

No part of the development hereby proposed shall be occupied until the applicant has submitted to the Local Planning Authority for approval a management plan for the external maintenance of the building. The said management plan will provide details relating to how all external materials shall be maintained in a good, clean condition and appearance as long as the proposed buildings remain on the site and how any problems with corrosion, discolouration, weathering or other defects will be rectified promptly.

Once approved the building shall thereafter permanently be maintained in accordance with the approved document.

Reason:

To ensure that the design quality and appearance does not diminish over time and ensuring a quality built form and in accordance with Policies PLY20 and PLY25 of the Joint Local Plan.

### **36 CONDITION: INTERNAL SOUND LEVELS RESIDENTIAL**

#### PRE-OCCUPATION

All dwellings shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 35 dB LAeq for living rooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided.

Prior to any occupation of dwellings, the developer should submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria.

Reason:

To protect the residential and general amenity of the area from noise emanating from the business and avoid conflict with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

### **37 CONDITION: EXTRACTION AND VENTILATION**

#### PRE-OCCUPATION

Before the use hereby permitted is first implemented, details of the specification and design of equipment to control the emission of fumes and smell from the commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use first commences and shall be retained at all times thereafter. Any alteration or variation to the equipment should receive the written approval of the Local Planning Authority. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

**Reason:**

To protect the residential and general amenity of the area from noise, odour and vibrations emanating from the business and residential uses machinery and avoid conflict with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

## **38 CONDITION: COMERCIAL USE MANAGEMENT PLAN**

### **PRE-OCCUPATION**

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

**Reason:**

To protect the residential and general amenity of the area from noise emanating from the general operation of the establishment and from patrons arriving and leaving, and avoid conflict with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

## **39 CONDITION: FIRST FLOOR ROOF TERRACE**

Notwithstanding the approved plans the first floor roof space of the Commercial plinth shall not be used in connection with the operation for the commercial units below for the access or enjoyment of customers.

**Reason:**

To protect the amenity of residents both of and neighbouring the proposed development and in accordance with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan.

## **40 CONDITION: FLEXIBLE EVENTS SPACE**

The southwest corner of the quayside public realm must remain as a flexible space for events as intended and the buildings' residents and occupants should be made aware that this is the intention for this area.

**Reason:**

To ensure that the proposed area is available for its intended purpose and can contribute to the wider Water front area offer and in accordance with Policies PLY20, PLY25 and DEV20 of the Joint Local Plan.

## **41 CONDITION: ACTIVE FRONTEAGE**

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

writing by the Local Planning Authority. Except where approved under other conditions of this consent.

Reason:

To ensure that the street scene is enlivened and that blank and inactive frontages are not created and in accordance with Policies PLY20, PLY25, DEV1, DEV20 of the Joint Local Plan.

## **42 CONDITION: NOISE COMERCIAL UNITS**

Internal noise generated from the commercial units to the residential properties hereby approved shall not exceed 25dB LAeq, 15min or 35 dB LAFmax at any time.

Reason:

To protect the residential and general amenity of the area from noise emanating from the business and avoid conflict with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

## **43 CONDITION: NOISE FROM PLANT**

The noise (LAeqT) emanating from plant hereby approved, including any air conditioning, ventilation or extract systems, shall not exceed the background noise level (LA90), including the character/tonalities of the noise, at any time as measured at the façade of the nearest residential property. All plant installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions .

Reason:

To protect the residential and general amenity of the area from noise emanating from the business and avoid conflict with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

## **44 CONDITION: HOURS OF OPERATION COMMERCIAL**

Hours of operation are restricted to the following times;

Monday to Saturday 08.00 - 23.00 hrs

Sunday and Bank Holidays 10.00 - 22.30 hrs

Reason:

To protect the residential and general amenity of the area from noise emanating from the general operation of the establishment and from patrons arriving and leaving, and avoid conflict with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

## **45 CONDITION: DELIVERIES AND COLLECTIONS**

Goods deliveries and refuse collections are restricted to the following times: -

Monday to Saturday: No deliveries or refuse collection between 6pm and 8am

Sundays and Bank Holidays: No deliveries or refuse collection. Except where approved under other conditions of this consent.

Reason:

To protect the residential and general amenity of the area from noise emanating from the business and avoid conflict with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

## **46 CONDITION: BIN STORAGE COMMERCIAL**

All food refuse generate at the premises prior to collection will be stored securely in closed lidded containers.

For the avoidance of doubt no external storage of waste is permitted within the site (except during collection).

Reason:

To protect the residents, local operators and visitors from odours arising from decomposing food matter, and to reduce the potential for the attraction of pests such as rats, mice, ants, cockroaches and seagulls and avoid conflict with To protect the residential and general amenity of the area from noise emanating from the business and avoid conflict with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

## **47 CONDITION: AIR SOURCE HEAT PUMPS**

The proposed centralised Air Source Heat Pumps shall achieve a 56% Carbon Saving Over Gas Boiler Base in accordance with the submitted Energy Strategy Review (Revision D dated 1 March 2021).

Reason:

To ensure the scheme delivers appropriate carbon reduction measures in accordance with Policy DEV32 of the Joint Local Plan.

## **48 CONDITION: ENERGY AND SUSTAINABILITY**

The development shall be carried out in accordance with the submitted Sustainability Statement including the sustainability measure set out which will be permanently retained thereafter.

Reason:

To ensure a sustainable form of development is secured and one which reduces natural resource use and is adaptable to Climate change and in accordance with the requirement of Policy DEV 32 of the Adopted Joint Local Plan.

## **49 CONDITION: FLOOD RISK**

planning permission shall only be carried out in accordance with the flood risk management and mitigation recommendations set out in the approved Flood Risk Assessment (Ref. WE04821/FRA, v5, 29 September 2020), which shall be fully implemented as part of the development and maintained and operated for the lifetime of the development.

Reason:

To ensure the development is safe from the risk of flooding and in accordance with Joint Local Plan Policies SPT12, DEV2 and DEV35 and Government advice contained in the NPPF.

## 50 ONSITE CAR PARK MANAGEMENT PLAN

### PRE-OCCUPATION

Prior to the first occupation of the development an onsite car parking strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- o Set out the use, restrictions and operation of the spaces proposed
- o Set out how coordination of the concierge space with waste collections will be undertaken
- o Set out how the spaces will be managed with any proposed concierge service offered
- o Set out methods to control the use of the spaces
- o Provide details of signage

Once approved the development shall be permanently managed in accordance with the approved details.

For the avoidance of doubt the 2 disabled/accessible spaces shall not be allocated to individual properties within the development.

Reason: to ensure the safe operation of the proposed parking and to ensure it is made available for the intended purpose and in accordance with policies PLY25 and DEV29 of the Joint Local Plan.

### **INFORMATIVES**

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

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

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

More information and CIL Forms can be accessed via the Planning Portal:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5)

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

#### **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, the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

### **3 INFORMATIVE: ACTIVE FRONTEAGE**

For the purposes of the 'Active Frontage' condition; an active window is one where the activities within the property can be seen through a substantial proportion of the glazed area.

### **4 INFORMATIVE: ADVERTISING**

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

Furthermore, any signage proposed in the future should be of high quality and every effort should be made to ensure that ad hoc signage does not undermine the quality of the overall architectural composition over time.

### **5 INFORMATIVE: MARINE GRADE MATERIALS**

You are advised that materials should be of an appropriate specification and sufficiently robust to weather well in the exposed marine environment.

### **6 INFORMATIVE: PUBLIC HIGHWAY ENGINEERING**

No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth Highways for the necessary approval.

### **7 INFORMATIVE: RESIDENT PARKING PERMIT SCHEME**

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

### **8 INFORMATIVE: TRAVEL PLAN**

The document required in connection with the relevant travel plan condition should be based upon the Council's Travel Plan Guide for Developments in Plymouth published on the Council's website. The guidance is available at this link :

<https://www.plymouth.gov.uk/planningandbuildingcontrol/travelplans> or can be obtained by emailing [Travelplans@plymouth.gov.uk](mailto:Travelplans@plymouth.gov.uk)

Further information on the Council's Travel Plan Audit and Monitoring Fee which may be applicable is also contained in the Travel Plan guide and also in the Strategic Planning and Infrastructure Fees Policy which can be viewed here:

<https://www.plymouth.gov.uk/planningandbuildingcontrol/planningapplications/planningapplicationfees>

### **9 INFORMATIVE: BUILDING SAFETY GATEWAYS**

The Applicants attention is drawn to the publication of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021. This legislation applies to all new applications made on or after the 1st August 2021, as such this application is not required to meet these requirements. Notwithstanding this, Fire Safety of high rise residential buildings is an important matter and as such the applicant is urged to

ensure these matters are given due consideration and to ensure that all relevant Building Regulations are met.

## **10 INFORMATIVE: CONSULTATION CONDITION 6**

Applicants are advised that the detail required with condition 6 should be developed in consultation with the Designing Out Crime Officer and in the context of the guidance of the Commission on Violence against Women and Girls.