

Planning Officer's Report

Application No. 04/00868 Royal William Yard Cremyll Street

Site Description

The site of the proposed development is the Royal William Yard (RWY), a site of national and international significance for its historic and conservation value. It contains numerous grade 1 and Grade 2 star listed buildings, and is held to be in the top 4% of sites in the country because of the architectural and heritage value of its buildings.

Proposal Description

This application, in its original form, was reported to the Committee on 18th August last year. It was then proposed to construct an underground car park and form a new vehicular exit road to Admiralty Road/South Durnford Street. In response to representations received and negotiations by your officers, the applicants have dropped the proposed exit road - opting instead to utilise the RWY main gate as an access and egress point for vehicular traffic. Traffic signals will be installed at the gate (The Committee visited the site in August last year. The application was deferred for further consideration). The submission is supported by an Environmental Statement.

Background History

Following decommissioning of the site from the MoD in 1992, RWY was transferred to the ownership of Plymouth Development Corporation (PDC) in 1993. PDC was established in 1993 for a 5 year period with a specific remit to regenerate Stonehouse (including Royal William Yard), Mount Batten and Mount Wise. PDC had powers under legislation to act as local planning authority, providing development control for schemes within its remit, without the need for approval from the City Council, in respect of planning, listed building an conservation area consent applications. PDC was disbanded in 1998 and ownership was subsequently passed from English Partnerships (EP) to the South West of England Regional Development Agency (SWERDA) in 1999.

Options for regeneration of the entire Stonehouse Peninsula were developed by PDC in the early 1990s. Following public consultation, a preferred option was developed, with access to the area utilising Durnford Street and (an improved) Cremyll Street as a one-way loop. Car parking was proposed for 200-250 spaces within the Yard for essential operational needs, with a further 700 at Western King on the site of the reservoir, with access via Durnford Street and Admiralty Road. Off-site parking would be provided at Stonehouse Playing Fields and it was recommended that the feasibility of installing a new ferry service from a new wharf at Stonehouse Bridge to the Yard should be examined.

Although the exact details of the Royal William Yard development were not covered at that time, it was stated that:-

"Fundamental to the comprehensive regeneration scheme is the assumption that he Royal William Yard will be occupied by a mixed-use scheme including leisure attractions and associated retailing, residential development, hotel and conference facilities and businesses, including offices."

During the tenure of PDC, a Planning Inquiry was held in 1995 regarding applications for confirmation of Compulsory Purchase Orders (CPO), Issue of Exchange Land Certificates and approval of Planning, Listed Building, Conservation Area and Schedule Monument consent applications. The Planning Inquiry considered an application for an underground 700 space, 5-level car parking at Western King, to be constructed on the location of the Western King reservoir. It was recommended that this application should be refused. It was, however stated that the traffic increased would not lead to unacceptable congestion provided certain road improvements were made (including implementing the one-way system). The principal reason for refusing the Western King car park application was this it was considered that the car parking could be reduced in size, in order to reduce the environmental impact, although the proposed location was not dismissed.

Plans were drawn up by PDC with developers MEPC to create a 120,000 sq ft retails village within the Yard. The scheme would have utilised approximately 50% of the floor area, and it was envisaged that the village would attract 2.3 million visitors per year. Whilst involved with the site, MEPC were granted planning permission for development which included construction of a 700 space car park within the Yard.

Whilst the PDC existed, improvements were made to the local road network to facilitate better access to the Yard, envisaging increased traffic volumes utilising the locality after redevelopment of the site. The improvements were developed in consultation with Devon County Council (as Highways Authority).

Following completion of the road improvements, PDC was wound up in 1998, MEPC pulled out of the scheme, and English Partnerships (EP) took over responsibility fir the site. EP oversaw ongoing works at the Yard for a brief period until creation of the South West of England Regional development Agency in 1999.

SWERDA took responsibility for the regeneration of Royal William Yard in 1999, and considered a number of alternative options for the way forward at Board level, ranging from the 'do minimum' option of preservation with minimal infrastructure provision, at that time costed at an estimated £20.4m, to a major regeneration solution comprising a visitor attraction, speciality retail and hotel/conference facilities, supported by a variety of secondary uses and major infrastructure improvements. At the other end of the scale, a major regeneration solution would have cost an estimated £34.1m. The SWERDA Board resolved to pursue a mid-range option of phased, mixed-use development including residential apartments, offices, restaurants, cafes, bars and possibly a hotel and health club.

SWERDA have undertaken extensive enveloping repairs to the buildings at Royal William Yard to prepare them for conversion to mixed use development, and have produced a Conservation Plan and a Public Realm Strategy.

The Public Realm Strategy summarised SWERDA's proposals for the site in 2001, and contained details of proposed building usage, transport and car parking.

Planning applications have been granted by the Council for the conversion of Mills and Bakery to a mixed-use development, and more recently for Urban Splash for the conversion of Clarence and Brewhouse to a mixed-use development, and for SWERDA,

for the first phase of public realm improvements inside the Yard. Work has commenced on Urban Splash's proposals for Clarence and Brewhouse and SWERDA's Public Realm improvements.

SWERDA now seek detailed planning permission for construction of a new 600 space underground car parking, in order to support the long-term regeneration of the Yard by means of a phased, mixed-use development. Proposals for the remainder of the buildings, and further public realm improvements, including a new walkway from Devil's Point to Admiralty Steps to improve access to the Yard from Western King, will follow in due course. During the consideration of the Urban Splash proposals, your officers stated that they would recommend that no further planning consents be given for new uses in RWY until a transport strategy has been put in place. The current car park application is supported by such a strategy, and is examined further below.

Consultation Responses

English Nature:

- No objections in terms of Plymouth Sound and Estuaries Special Area of Conservation - provided the Environment Impact Statement recommendations are followed regarding water quality impact during construction
- No objections in terms of impact on Western King Point Site of Special Scientific Interest
- Originally objected to proposed development because all appropriate surveys and/or safeguarding regarding bats on the site had not been provided. However, following negotiation, and the submission of further information, this objection was withdrawn on 3rd February.

Countryside Agency:

No formal comments to offer.

Devon and Cornwall Crime Prevention Officer:

No objections to amended planning application.

English Heritage:

Scheme has been the subject of extensive discussions between all relevant agencies, and it seeks to minimise, as far as possible, its physical and visual impact. There are certain sacrifices but the benefits outweigh the disbenefits. Offers various observations on the new exit road - but now abandoned. Requested further information regarding the reconstructed garden wall on the upper level of the car park, and changes in levels beside the New Cooperage building - before the application is determined. These issues were raised with the agent. At the time of drafting this report, English Heritage's response to the revised planning application had not been received. This information will be provided in an Addendum Report.

Environment Agency:

Originally expresses reservations about possible mercury contamination on the ground. Having received further test results, accepts that there is no significant risk to the estuary and the marine environment. Further assessment will be required to establish how water pumped from construction excavation should be dealt with, since mercury and other contaminants may otherwise have an impact on the Tamar Estuary and Plymouth Sound.

This can be addressed with a planning condition. Advice offered on the disposal of contaminated, clean and inert waste. In response to revised scheme, advises that new flood plain mapping has been published. This shows that the entrance to the underground car park, adj to the Firestone Bay tunnel is located in flood zone 2 (1 in 200 and 1 in 1000 years ie between 0.5 and 0.1% chance in any given year). In view of the sensitivity of an underground car park to flooding and to the potential risk to life - recommend that a Flood Risk Assessment is carried out for this element of the proposal. Further recommendations made on water contamination, prevention of tidal water entering drains, and on precautions recommended during construction.

Transport:

Issues under continuing negotiation. See below. To be continued in Addendum Report.

Environmental Services:

Negotiations held with officers. Final observations awaited - any further observations to be reported in Addendum Report.

Representations

1. Response to original scheme, including new exit road:-
 - a) Petitions, objecting to new road, and impact on gardens in Mount Stone Road, signed by 202 people from Stonehouse and other parts of the City.
 - b) Standard letters objecting to the new road and impact on the Mount Stone Road gardens, signed by 41 local residents.
 - c) A letter, on behalf of the Royal William Yard Development Focus Group arguing that the car park and the road schemes should be considered as two separate proposals. It supported the principle of the car park. It drew attention to significant omissions in the Environmental Statement:- no justification for the new exist road, no consideration of alternative proposals for vehicular access, no demonstration of the need for the proposed traffic circulation arrangement, lack of assessment of ground contamination, lack of evidence of positive impact that the regeneration of RWY would produce, and lack of assessment of the impact of vibration and blasting on dwellings and protected buildings. The letter also referred to issues including the environmental effects of the proposals compared with car park originally proposed at Western King, the possible impediments to the scheme being implemented, the planning conditions required, and the policy conflicts with the Development Plan. It recommended that the Council refused permission for the new road.
 - d) 40 letters and e-mails, primarily from local residents, objecting to the proposed new road, its impact on traffic conditions and existing houses, especially in Mountstone Road.
 - e) A letter from the Stonehouse Lawn Tennis Club, objecting to the new road on grounds of environmental impact and traffic impact.
 - f) Two letters complaining about the impact of the proposals on existing trees.
2. Response to revised scheme (excluding new road):-
 - a) A letter from a resident of Mount Stone Road expressing concern that lighting in the gate area should be sensitively designed, and expressing reservations about the traffic measures proposed in the Mount Stone Road/roundabout area.

- b) A letter from a resident of Mount Stone Road objecting to the installation of traffic lights close to houses, and where there is much pedestrian activity (including children). Fears are also expressed that the proposal will aggravate existing on street parking difficulties.
- c) A second letter, on behalf of the Royal William Yard Development Focus Group. It states that almost all of the matters of concern from the previous letter have been addressed. No objections are raised to the car park, or its size subject to the imposition of a planning condition requiring spaces in the car park to be made available only in phases - relating to the conversion and occupancy of buildings within the RWY. This would accord with PPG13, and would encourage the use of alternative modes of transport. In respect of ground contaminating, the comments of the Environment Agency are noted; a condition is requested to require a process of mercury monitoring, (and remediation if necessary). Planning conditions are recommended regarding control of blasting, and noise control during construction. It is also recommended that the proposals contained in the proposed transport strategy action plan should be required to be implemented by planning conditions and a Section 106 Agreement. This condition/agreement package should also ensure that the obligations remain in place even if the SWRDA do not own the RWY in the future, and that the required alternative transport facilities are maintained for the life of the development. It is requested that the Section 106 Agreement should require improved signs and publicity for non car users in appropriate locations throughout the City, that the visibility and attraction of the Number 34 bus be improved, that the proposed berthing pontoon be linked to the conversion of the a particular building and that he proposed walkway to Devil's Point should be encouraged. Subject to these conditions, the group supports the application.

Observations

1. Land Use Policy

- 1.1. General proposals in the Local Plan First Alteration (LPFA), and the Local Plan First Deposit (LPFD) look towards the overall future land uses in RWY. LPFA proposal ATR14.5 provides for a new car park. Policies AER 8.8, ARL37, ATM 10.3 and ASR 12 propose wider commercial and employment uses, including offices retail, leisure, recreation and tourism. Policy ATM7.3 proposes an hotel.
- 1.2. In the LPFD, Proposal 39 provides for a mixed use development, i.e. residential with offices, workshops, other employment uses, leisure, marine, entertainment, tourism, limited retail, community and an hotel. The Proposal states that development should make provision for (among other things) "Appropriate on- or off-site parking and access facilities and transport arrangements, within the context of a transport and solution for the entire site." Also included in the Proposal, in the list of provisions to be brought forward with development proposals, are extensive public areas and uses which enhance the facilities within the site for the benefit of the wider community, public access to the waterfront including to Devil's Point, and links to a potential water transport service, including landing facilities as necessary. Land contamination is required to be appropriately dealt with. These provisions are required to "Respect the architectural and historic character of the Yard" (There

are also references to public realm improvements, public art and lifetime homes, but these are not considered to be directly relevant to the consideration of the car park proposal).

- 1.3 The concept of providing a car park within the RWY features within policies in the LPFA and the LPFD, and is therefore well established in development plan terms. The matters "also to be provided for" and referred to in Proposal 39 of the LPFD (described above) are addressed in their respective topic areas within this "observations" part of the report.
- 1.4 The key issues in the consideration of this application are:-
- Urban conservation, design and regeneration
 - Residential amenity
 - Transport policy, and detailed considerations
 - Nature conservation and tree protection
 - Contamination
 - Flood risk

2. Urban Conservation, design and regeneration

- 2.1. The planning background details described above demonstrate that the RWY has been the subject of very careful consideration in the past. A balance has had to be struck between the need to conserve the historic environment, while ensuring that there is sufficient flexibility to introduce new uses to the old buildings. Car parking has always been a difficult problem to deal with. Off site solutions have been put forward in the past, but for various reasons these possible options have not found favour. The current proposal is an ingenious idea to construct a multi storey structure, partially underground, in a part of the RWY which already has a large grassed mound standing on it. It is intended to excavate the mound and replace it with the upper levels of the car park - all of which will be disguised as a new grassed mound. Some of the existing archways will be slightly altered and used as access/egress point to the car park. Local Plan First Alteration (LPFA) policies AEV14, AEV20, and AEV23 and Local Plan First Deposit (LPFD) policies 74 and 75 seek to ensure that developments within conservation areas and affecting the setting of listed buildings have due regard to their surroundings. Since the RWY has an abundance of highly graded listed buildings, and is within the Durnford St conservation area, it has been necessary to scrutinise the proposals very carefully from this perspective. English Heritage officers, and your own conservation officers have been involved in the design from its early stages. They have indicated support for the planning application. Final details of the design have been the subject of recent discussions with English Heritage officers; at the time of drafting this report their response to this has not been received. An addendum report may need to address this matter, and indeed it may be necessary to call in further details, required by English Heritage, by planning conditions. A planning condition is also recommended to require the submission and approval of details of the proposed traffic lights at the main gate; this is to ensure that the impact of these structures on the listed gate and surrounding environment is kept to a minimum. Subject to English Heritage response, the proposal may be taken to comply with the urban conservation policies of the LPFA and the LPFD.

- 2.2. Urban conservation policies have ensured that the proposal's impact on the townscape of the area has been carefully considered, and addressed. LPFA policy AEV31, and LPFD policy require this to be a material consideration. The originally proposed new road (described in more detail below) with its opening in the south eastern part of the RWY boundary wall would have had repercussions on the townscape of the south end of Durnford Street. Negotiations have secured the removal of this part of the scheme, and therefore the visual qualities of this locality have been safeguarded.

3. Residential amenity

- 3.1. Policy AEV49 of the LPFA states that permission should not be granted for proposals which give rise to harmfully polluting effects on health, the natural environment and on residential amenity, and Policy AHR27 of the same plan states that permission should not be given for development which involves the unacceptable loss of amenity to surrounding residents. Policy 26 (para. 4) and Policy 87 of the LPFD refers also to the need to avoid disturbance, pollution and visual intrusion. The road would have been positioned close to existing properties, would have caused the occupiers harm in these respects, and therefore would have conflicted with these policies in a significant way. This was identified by members of the public, in numerous objection letters and petitions, and your officers were not convinced that the road was necessary or justified. Consequently, the applicants agreed to withdraw that part of the scheme, and to utilise the RWY main gate as the only means of access/egress. Some residents of Mount Stone Road still have reservations about the impact of the proposed traffic lights at the main gate on their amenities, but it is an inevitable consequence of the RWY being put back into full use that traffic will increase through the gate. The impact has been minimised through negotiation, but the residual impact cannot be avoided. The regeneration benefits of providing the car park outweigh the disadvantages, your officers conclude.
- 3.2. The proposal has been designed to have only minimal impact on the amenities of the residents of Admiralty Cottages, to the south. Representations from these residents are minimal. By the time that construction starts on the car park there will be new residents living in some of the major buildings within the RWY; their amenities will therefore also need to be protected. Clearly, also the amenities of residents outside RWY will need to be protected, particularly during the construction period. Conditions regarding a construction code of conduct and the submission and approval of details of air extraction plant and car park lighting are recommended. The RWY Development Focus Group request that a specific condition be imposed limiting noise from the construction process to a pre-identified limit. Your Environmental Services officers do not support this request. They advise that inevitable there are some elements of any construction process which cause noise. They consider that it is preferable to limit the construction hours of operation, and to require certain details of the construction process (eg blasting and piling) to be subject of more detailed scrutiny - through the submission and approval of details. Final confirmation of this advice was awaited at the time of drafting this report.

4. Transport Policy and detailed considerations

- 4.1. One of the key objectives of Planning Policy Guidance Note no 13 (PPG13) "Transport" is to promote sustainable transport choices for people. The note recognises however that the availability of car parking has a major influence on the means of transport people choose for their journeys. The provision of a large car park in RWY will critically affect the pattern of movement in the locality for years to come. (This point is also further examined in para 4.2 below) Your transport officers have had to examine the predicted demand for car parking for the uses likely to be located within RWY, compare them with the maximum standards in PPG13, and with car parking provision for existing similar developments elsewhere in the Country. In this way they have tested the proposed size of the car park, seeking to ensure that it does not bring forward an excessive supply of spaces. Balanced against this exercise has been the need to ensure that the existing and future land uses in RWY have an adequate supply of car parking spaces, to make its future viable, and to ensure that it will be able to actually function as a mixed use site. Given that the structure will be built largely underground, it will not be possible to add car parking spaces if calculations are proved wrong in the future! Your officers are satisfied that the proposed number of spaces are appropriate having regard to the advice in PPG 13 and the recommended maximum car parking standards of LPFD Policy 44.
- 4.2. For reasons described above, the car park has to be examined as part of an overall transport strategy for RWY. To this end the applicants have submitted a RWY Transport Strategy. In line with national and local transport policies, it seeks to reduce the need to travel, manage the overall level of car parking, and to maximise the role of alternative more sustainable modes of transport. It is intended that the Strategy will provide a reference document for future planning applications for development in RWY, and that some of the proposals within the strategy will be made a requirement of a recommended S106 Agreement, to be linked to the recommended grant of planning permission for the scheme. At the time of drafting this report the fine details of the strategy to be linked with this application were still under negotiation, but the basic framework is as follows:-
- a. applicant to fund the increased frequency and quality of the local bus service for a period of 5 years (S106 requirement)
 - b. applicant to provide taxi stand and contact phone (S106 requirement)
 - c. applicant to provide berthing pontoon for water bus and taxi use (S106 requirement)
 - d. Applicant to provide accessible travel information in site visitor centre.(S106 requirement)
 - e. applicant to submit, have approved, and to always adhere to an agreed car park management and charging regime ((S106 requirement)
 - f. preferential parking to car sharers, promotion of the council car club, the imposition of travel plans on future occupiers, the annual review and monitoring of the Strategy (issues to be incorporated into the agreed overall RWY Transport Strategy)

Members will receive an update on the negotiations regarding these issues in an addendum report, to be presented at the Committee meeting. It will be noted from the details of the representations received that the RWY Development Focus

Group recommended that the car parking spaces provided should only be made available in phases, in response to the completion of building conversions and the introduction of the new buildings' uses. Your officers recommend that instead of placing a strict embargo preventing some spaces in the car park being used (until the equivalent buildings are occupied on a pro rata basis), the level of use is regulated by the charging and management. This matter was under detailed negotiation at the time of drafting this report. Your officers wish to ensure that the car park is run in such a way that the City wide car parking strategy is not undermined. Parking spaces will need to be allocated to specific land uses, in accordance to their respective approved staff travel plans. Beyond that, charging for other staff and for public use will at least need to be comparable with the charging in public car parks in the City Centre. A part of the recommended S106 Agreement (sub para (e) above), requires the applicant to manage and impose charges in the car park always to an agreed regime.

- 4.3. Policies ATR5 of the LPFA and 48 of the LPFD require developments not to prejudice the function of the local road network. The road system in the area was improved by the Development Corporation, to facilitate the increased flow of traffic to and from the site. Your officers are satisfied that the road system will be able to cope with the demands of the proposed car park.
- 4.4 Other highway safety and car parking issues are recommended to be dealt with by planning condition. These include:-cycle/motor cycle parking, safety improvements for cycle/motor cycle use in Durnford Street and Cremyll Street, and safe routes for schools.

5. Nature Conservation and Tree Protection

- 5.1. RWY has features within it and immediately adjacent to it which have nature conservation significance. These are highlighted in the submitted environmental statement. There is a site of special scientific interest at Western Kings. There are protected rare species within the RWY, such as bats, and there is special marine conservation interest in the Sound and related estuaries. These features have been the subject of detailed negotiation, involving officers from English Nature, and your nature conservation officer. The relevant nature conservation policies are AEV6 and 7 of the LPFA, and Policy 71 of the LPFD. Subject to the recommended planning conditions, it is concluded the proposed car park will not conflict with these policies, and will have regard to the Wildlife and Countryside Act. Tree protection is an important requirement, and in some historic conservation sites trees are an integral part of the preserved environment. The proposed development involves extensive ground excavations and the installation of a large engineering structure. Inevitably some existing trees will be lost. The application is accompanied by an extensive landscaping scheme, but it is not clear which existing trees will be removed, and why. To ensure that the development does not cause the unnecessary loss of trees, to comply with LPFA policy AEV4 and LPLFD policy 72, a planning condition is recommended to require the submission of further details and the protection of those trees which are to remain.

6. Contamination

- 6.1 Preliminary samples indicated that there was a significant risk from mercury contamination in the ground. Further tests revealed that the risk is not significant to the water environment around the site, but that further assessment is required to inform how water from the excavations during construction should be managed. A method statement is recommended by the EA to ensure that mercury and any other possible contaminant is properly dealt with during the construction process. The EA also recommend that steps are taken to prevent tidal water entering the car park drainage system and flushing out oil and other car park pollutants to the estuary. Planning conditions are recommended to address these issues. The recommended measures are fully in accordance with your own Environmental officers recommendation, comply with policy AEV50 of the LPFA, and policy 88 of the LPFD, and go some way towards meeting the the request of the RWY Development Focus Group regarding what they consider to be an appropriate planning condition.

7. Flood Risk

- 7.1 PPG 25 Development and Flood Risk, and LPFD policy 89 seek to protect development and people from flood risk. This issue was raised by the EA when the planning applications for the Clarence and Brewhouse buildings were being considered. Planning conditions were imposed requiring the construction of flood prevention works. The EA has advised, late in the life of this car park application, that new flood plain mapping has been produced, which places the site in a category now with some flood risk. The applicant's consulting engineer has given the advice some consideration, and is satisfied that he can assess the risk and put forward measures to deal with it if it is demonstrated that any are necessary. A planning condition can appropriately deal with this issue.

8. Local Plan Status

- 8.1 The City of Plymouth First Deposit Local Plan (1995-2011) (FDLP) was published for consultation in December 2001, and was placed on formal deposit in January 2002. On 18 March 2003, in anticipation of the Government's proposed reform of the development planning system nationally, the Council's Executive Committee resolved not to proceed to Revised Deposit stage, but instead to move towards producing a Local Development Framework (LDF) for Plymouth. Production of the LDF is in its early stages.
- 8.2 However, it is important to recognise that the Council has not abandoned the FDLP. For that reason, both the Adopted City of Plymouth Local Plan 1996, and the 'emerging' FDLP continue to comprise 'material considerations' in decision making. Paragraph 48 of PPG1 states that the weight to be given to the FDLP policies and proposals will increase as successive stages of its progress towards adoption are reached, in this case as it undergoes the process of being embodied into the LDF.

Conclusions

The proposed car park is a very important facility in the strategy of regenerating the RWY. It has been carefully designed to respect the historic and architectural qualities of the site. The applicants have been receptive to representations from the public and to negotiations with your officer, and have revised the scheme to remove the proposed new road link. The car park must be introduced in conjunction with a transport strategy for the whole site. This is recommended to be the subject of a S106 Agreement. Residential amenity must be protected; planning conditions are recommended to address this issue and other material considerations. With the safeguards recommended in a combination of planning conditions and the S106 agreement, and subject to final confirmation from EH, and your transport and environmental services officers, that all issues have been satisfactorily addressed, the scheme is considered to be satisfactory.

(Members are requested to note that at the time of drafting, the planning conditions set out at the beginning of this report were the subject of discussions with the applicant. Some adjustments to the wording may be recommended as a result. These will be detailed in an addendum report.)