

**JOB NO:** 3513

**ADDRESS:** FMR SITE OF FOOT ANSTEY SARGENT, DERRY'S CROSS, PLYMOUTH PL1 2SW

**PROJECT:** CONTINUED USE OF WESTERN ZONE AS TEMPORARY PAY & DISPLAY CAR PARK (FOR A DURATION OF 2 YEARS) TOGETHER WITH THE RETENTION OF BOUNDARY HOARDINGS

**DOCUMENT:** PLANNING STATEMENT

**ISSUE:** 07/12/2023

## 1.0 INTRODUCTION

- 1.1 The proposal is for the continued use as a car park of a site at Derry's Cross, Plymouth. The site has been cleared of buildings following the granting of planning permission in March 2010 for the present application site and adjoining land for the demolition of buildings and re-development to include a 31 storey tower, for a mixed use development comprising retail and food and drink uses (Use Classes A1, A3 and A4), 109 residential apartments, 142 student units, hotel and leisure facilities (Use Classes C1 and D2), highway improvements and associated landscaping and 170 car parking spaces (LPA ref. 09/00053).
- 1.2 More recently, Outline Planning Permission was granted on 23/12/2020 for a mixed-use development comprising of 150 bedroom hotel, 90 residential units, multi-storey car park for 300 cars, and two commercial units for use classes A1/A2/A3/D1 (LPA Ref: 20/00493/OUT)
- 1.3 Whilst the demolition has occurred there are no signs that the permitted development will proceed for some time and therefore the proposal is to use the application site for car parking for a further temporary period of two years. The temporary use will ensure that the application site is kept secure, clean and tidy.

## 2.0 SITE DESCRIPTION

- 2.1 The overall site is split into a western zone and an eastern zone. The western zone has been granted Planning Permission a number of times as a car park, most recently on 13/01/2022 (LPA ref: 21/02172/FUL) for continued use to a temporary 'pay and display' car park (for a duration of 2 years), together with retention of boundary hoardings. This current application is to continue the use for a further 2-year period.
- 2.2 The eastern zone has also been granted Planning Permission a number of times, most recently on 26/08/2022 (LPA ref: 22/01248/FUL) for continued use to a temporary 'pay and display' car park (for a duration of 2 years), together with retention of boundary hoardings.

## 3.0 DETAILED PROPOSALS

- 3.1 This application seeks to maintain the status quo for a further two years; that being the provision of car parking spaces for a total of 35no car parking spaces, including 4no spaces for wheelchair users. The existing car park surface will remain unaltered. To their credit, the applicants have kept a clean, tidy and well managed site during their occupation of this and the adjoining site. Taking into account the previous vehicular parking for 102 vehicles associated with the former use and the wider benefits of clearing and hoarding the site and adjoining site, on balance the proposed temporary use of the site for car parking for 35 vehicles was considered to be acceptable by the LPA.

- 3.2 The Planning Officers' report on previous planning applications acknowledged that the transport issue was not the only consideration in the determination of the proposal and that *neighbouring uses* and *visual amenity* were also important. In respect of these other considerations the Applicants have already cleared the site and provided suitable hoardings as screening as previously agreed with the LPA. Signage has been erected as shown on the enclosed information sheet and drawing **3513 – 41 Rev F**. There is no reference to wheel clamping on any signage.
- 3.3 In respect of on-site maintenance and management, as before, the site will be patrolled every day and the staff are required to fill in car park inspection logs noting any problems with signage, P&D machines, fencing, etc. The applicant has its own dedicated maintenance team who then action repairs if these cannot be undertaken firsthand by the attendants and supervisors.
- 3.4 The former use of the whole site by Foot Anstey Sargent included car parking for some 102 vehicles. The current permission for the western zone allows for some 35 vehicles. It is clear that the total number of vehicles that will be using both zones of the site is less than the former use by Foot Anstey Sargent. (The Title Plan and a drawing indicating the historic layout is reproduced in the appendix to this statement).

#### 4.0 RELEVANT POLICY CONTEXT

- 4.1 Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).
- 4.2 Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application:
- Plymouth and South West Devon SPD (July 2020).

The Plymouth and South West Devon Supplementary Planning Document (SPD) has been prepared by Plymouth City Council (PCC), South Hams District Council (SHDC) and West Devon Borough Council (WDBC) to amplify and give guidance on the implementation of the policies of the Plymouth and South West Devon Joint Local Plan (JLP). The SPD was formally adopted by all three councils in July 2020.

#### 5.0 MATERIAL CONSIDERATIONS

- 5.1 This application should be considered in the context of the development plan, the JLP, the Framework and other material policy documents as set out above.

The application turns upon policies PLY14 (Land at 19 The Crescent, Derry's Cross, City Centre), DEV1 (Protecting health and amenity), DEV20 (Place shaping and the quality of the built environment), DEV29 (Specific provisions relating to transport) and DEV35 (Managing flood risk and water quality impacts) of the JLP and the National Planning Policy Framework (NPPF) 2019.

The primary planning considerations in this case are the principle of development, the impact on the character and appearance of the area, the impact on neighbour amenity and the impact on the highway network.

- 5.2 PRINCIPLE OF DEVELOPMENT

- 5.2.1 The previous office buildings were demolished several years ago as part of a major student housing led mixed-use scheme (09/00053/FUL). Work has not commenced on this development and the site has been in use as a car park, under temporary permissions, since 2012. A new outline proposal to redevelop the site, 20/00493/OUT, was approved on 23/12/2020.

The car park use would not be acceptable in the long term. The site has been identified in Policy PLY14 of the JLP as a site for high-quality mixed-use development and being in a Zone of Opportunity for Tall Buildings. However, given the slow pace of progress to fully develop the site, the proposal for another 2-year temporary consent would not be in conflict with Policy PLY14 of the JLP.

### 5.3 DESIGN

- 5.3.1 The appearance is considered acceptable for a temporary use consent. The proposal is considered to comply with Policy DEV20 of the JLP and the NPPF.

### 5.4 NEIGHBOUR AMENITY

- 5.4.1 There are residential properties opposite the car park in Ocean Crescent. The application is supported by a Noise which confirms that there is no lighting and little use of the car park late at night, and it is separated from the flats by a 2-3m high wall. It also confirms that there is a permanent public carpark also close by. There have been no objections regarding noise from local residents to the previously approved applications. The location in the city centre would be expected to generate a level of noise greater than would be expected in a suburban setting. On balance the proposal is considered to comply with policies DEV1 and DEV2 of the JLP.

### 5.5 DRAINAGE

- 5.5.1 The Eastern Zone car park recently received consent to continue its use as a car park for a further 2 years (22/01248/FUL) with a management and maintenance of drainage condition. The proposal is considered to comply with policy DEV35 of the JLP and the NPPF.

### 5.6 HIGHWAYS

- 5.6.1 The Local Highway Authority has previously stated that the continuation of the temporary use of the site as a car park would not give rise to any highway concern. Highway related conditions were attached to the previous consent. The proposal is considered to comply with policy DEV29 of the JLP.

## 6.0 CONCLUSION

- 6.1 In summary, the application is to maintain the status quo. The continued use of the application site for car parking for a further 2 years will ensure that the site is kept secure, and in a clean and tidy condition to the benefit of the appearance of the area and neighbouring uses. It will directly help offset the loss of 794no spaces due to the demolition and redevelopment of Mayflower West car park and the loss of spaces due to redevelopment of nearby Colin Campbell Court.
- 6.2 The impacts of the proposed development are not likely to be significantly adverse, so the positive and negative effects should be considered alongside all other material considerations to determine the outcome of this application.
- 6.3 It is reasonable to conclude therefore, that balancing the overall benefits of the development proposal as identified above, the proposed car park can be considered to be a compatible use for the site and will provide parking facilities in this sustainable City Centre location.
- 6.4 This will help strengthen the attractiveness of the area to shoppers and maximise the potential for people of all ages to access the cultural opportunities and restaurants, pubs and shops which are in close proximity to the site.
- 6.5 The proposals concur with the aims and objectives of national and local policy guidance. As such, the application should be approved without delay.