



**Democratic Support**

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#plymplanning

## PLANNING COMMITTEE

Thursday 4 August 2016  
2.00 pm  
Council House, Plymouth

**Members:**

Councillor Wigen, Chair

Councillor Mrs Bridgeman, Vice Chair

Councillors Cook, Sam Davey, Fletcher, Kelly, Martin Leaves, Morris, Mrs Pengelly, Sparling, Stevens, Jon Taylor and Tuohy.

Members are invited to attend the above meeting to consider the items of business overleaf.

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**Tracey Lee**

Chief Executive

# PLANNING COMMITTEE

## AGENDA

### PART I – PUBLIC MEETING

#### 1. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

#### 2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

#### 3. MINUTES

(Pages 1 - 6)

The Committee will be asked to confirm the minutes of the meeting held on 7 July 2016.

#### 4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

#### 5. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chair will receive and respond to questions from members of the public submitted in accordance with the Council's procedures. Questions shall not normally exceed 50 words in length and the total length of time allowed for public questions shall not exceed 10 minutes. Any question not answered within the total time allowed shall be the subject of a written response.

#### 6. PLANNING APPLICATIONS FOR CONSIDERATION

The Assistant Director for Strategic Planning and Infrastructure will submit a schedule asking Members to consider Applications, Development proposals by Local Authorities and statutory consultations under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conversation Areas) Act 1990.

##### 6.1. PEIRSON HOUSE, MULGRAVE STREET, PLYMOUTH (Pages 7 - 38) - 16/00154/FUL

Applicant:	Devcor (Plymouth) Ltd
Ward:	St Peter & The Waterfront
Recommendation:	Grant Conditionally Subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director of Strategic Planning & Infrastructure to refuse if not met

**6.2. LAND AT FORMER UNIT J, ST MODWEN ROAD, (Pages 39 - 90)  
MARSH MILLS, PLYMOUTH - 15/01831/FUL**

Applicant: Duke Properties (Marsh Mills) Limited and Next Plc  
Ward: Moor View  
Recommendation: Refuse

**7. PLANNING APPLICATION DECISIONS ISSUED (Pages 91 - 128)**

The Assistant Director for Strategic Planning and Infrastructure, acting under powers delegated to him by the Council, will submit a schedule outlining all decisions issued from 27 June 2016 to 27 July 2016, including –

- 1) Committee decisions;
- 2) Delegated decisions, subject to conditions where so indicated;
- 3) Applications withdrawn;
- 4) Applications returned as invalid.

Please note that these Delegated Planning Applications are available to view online at:  
<http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>

**8. APPEAL DECISIONS (Pages 129 - 130)**

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council will be submitted. Please note that these Delegated Planning Applications are available to view online at:  
<http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>

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## Planning Committee

Thursday 7 July 2016

### PRESENT:

Councillor Wigen, in the Chair.

Councillor Mrs Bridgeman, Vice Chair.

Councillors Cook, Sam Davey, Fletcher, Kelly, Martin Leaves, Morris (substitute for Councillor Kate Taylor), Mrs Pengelly, Sparling, Jon Taylor and Tuohy.

Apologies for absence: Councillors Stevens and Kate Taylor.

Also in attendance: Peter Ford (Head of Development Management), Mark Lawrence (Lawyer) and Lynn Young (Democratic Support Officer).

The meeting started at 2.00 pm and finished at 6.02 pm.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 19. Declarations of Interest

Name	Minute No and Item	Reason	Interest
Mark Lawrence	6.1 – 90 Hyde Park Road, Plymouth – 16/00533/FUL	Applicant is known to him	Personal
Councillor Jon Taylor	6.2 – Land at redwood Drive and Poplar Close – 16/00150/FUL	Employee of NEW Devon CCG (consultee on application)	Personal
Planning Officers	6.4 – 76 West Hill Road, Plymouth – 16/00568/FUL	One of the speakers is a former employee and known to the Planning Department	Personal
Councillor Wigen	6.6 – Belgrave Snooker Club, 2 Belgrave Road – 15/02137/FUL	Owner of a property in Belgrave Road	Personal

### 20. Minutes

Members reviewed the minutes and voting schedule of the meeting held on 9 June 2016. It was highlighted that the minutes should reflect that Councillor Wigen was not present for agenda items 7.9 and 7.10 and that Councillor Mrs Bridgeman took

the Chair for these items. The voting schedule should also reflect that Councillor Wiggins was absent for these applications.

Agreed that subject to the minutes and voting schedule being amended as above, the minutes of the meeting held on 9 June 2016 are confirmed as a correct record.

21. **Chair's Urgent Business**

There were no items of Chair's urgent business.

22. **Questions from members of the public**

There were no questions from members of the public.

23. **Planning applications for consideration**

The Committee considered the following applications, development proposals by local authorities and statutory consultations submitted under the Town and Country Planning Act, 1990.

24. **90 Hyde Park Road, Plymouth - I6/00533/FUL**

Miss Natalie Robertson

Decision:

Application **GRANTED** conditionally.

25. **Land at Redwood Drive and Poplar Close, Plymouth - I6/00150/FUL**

Barratt David Wilson Homes (Exeter) Ltd

Decision:

Application **GRANTED** conditionally subject to a S106 obligation, delegated to Assistant Director for Strategic Planning & Infrastructure to refuse if S106 is not signed by target date or other date agree through an extension of time.

(The Committee heard from Councillors Jordan and Sam Leaves, ward councillors, speaking against the application)

(The Committee heard representations against the application)

(The Committee heard from the applicant's agent)

(A Committee site visit was held on Wednesday 6 July 2016 in respect of this application)

26. **Land to the north of Clittaford Road, Southway, Plymouth - I6/00644/FUL**

Westward Housing Group Limited

Decision:

Application **GRANTED** conditionally subject to a S106 obligation, delegated to Assistant Director for Strategic Planning & Infrastructure to refuse if not signed by the target date or other date agreed through an extension of time.

27. **76 West Hill Road, Plymouth - I6/00568/FUL**

Blue Sea Partnership LLP

Decision:

Application **GRANTED** conditionally subject to the Management Plan Condition 4 being agreed in consultation with the local residents and the Chair and Vice Chair of Planning Committee.

(The Committee heard representations against the application)

(The Committee heard from the applicant's agent)

Councillor Morris' proposal to grant conditionally subject to the Management Plan Condition 4 being agreed in consultation with the local residents and the Chair and Vice Chair of Planning Committee, having been seconded by Councillor Jon Taylor, was put to the vote and declared carried)

28. **36 Burleigh Park Road, Plymouth - I6/01019/FUL**

Miss Suzanne Dilorenzo

Decision:

Application **REFUSED** on the grounds that it will result in an increase in parking demand that cannot be accommodated within the site, and lies within an area where there is already a very high demand for parking due to the layout of terraced houses in the surrounding streets. It is therefore contrary to Core Strategy Policy CS28, sub paragraph 4.

(The Committee heard from Councillors Dr Mahony and Carson, ward councillors, speaking against the application)

(The Committee heard representations against the application)

(Councillor Sam Davey's proposal to refuse the application on the grounds that it is contrary to Policy CS28, sub paragraph 4, having been seconded by Councillor Martin Leaves, was put to the vote and declared carried)

Councillor Jon Taylor left the meeting after this agenda item)

29. **Belgrave Snooker Club, 2 Belgrave Road, Plymouth - I5/02137/FUL**

JMP Integrations Ltd

Decision:

Application **GRANTED** subject to a S106 obligation, delegated to Assistant Director for strategic Planning & Infrastructure to refuse if S106 is not signed by the target date or other date agreed through an extension of time.

(The Committee heard from the applicant's agent)

30. **The Former China Clay Dryer Works, Coypool Road, Plymouth - I6/00664/FUL**

Marshmills Limited

Decision:

Application **REFUSED**.

(The Committee heard from Councillor Nicholson, ward councillor, speaking in support of the application)

(The Committee heard representations against the application)

(A Committee site visit was held on Wednesday 6 July 2016 in respect of this application)

31. **Planning application decisions issued**

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued for the period 27 May 2016 to 27 June 2016.

32. **Appeal decisions**

The Committee noted the schedule of appeal decisions made by the Planning Inspectorate.

Peter Ford (Head of Development Management) highlighted to members that the appeal in respect of 47A North Road East had been upheld by the Planning Inspectorate and full costs were awarded against the Council. This appeal related to the first application that had been considered to Committee. He has been advised that the applicant is also likely to be submitting an appeal in respect of the second application.



## PLANNING COMMITTEE – 7 July 2016

## SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.1	90 Hyde Park Road, Plymouth – 16/00533/FUL	Unanimous				
6.2	Land at Redwood Drive and Poplar Close, Plymouth – 16/00150/FUL	Councillors Mrs Bridgeman, Sam Davey, Fletcher, Kelly, Sparling, Jon Taylor, Tuohy and Wiggins	Councillors Cook, Morris and Mrs Pengelly	Councillor Martin Leaves		
6.3	Land to the north of Clittaford Road, Southway, Plymouth – 16/00644/FUL	Unanimous				
6.4	76 West Hill Road, Plymouth – 16/00568/FUL  Amended recommendation- Grant conditionally subject to the Management Plan Condition 4 being agreed in consultation with the local residents and the Chair and Vice Chair of Planning Committee	Councillors Mrs Bridgeman, Cook, Sam Davey, Morris, Mrs Pengelly, Sparling, Jon Taylor, Tuohy and Wiggins	Councillors Fletcher, Kelly and Martin Leaves			
6.5	36 Burleigh Park Road, Plymouth – 16/01019/FUL  Amended recommendation to refuse	Councillors Mrs Bridgeman, Cook, Sam Davey, Fletcher, Kelly, Martin Leaves, Mrs Pengelly, Jon Taylor and Tuohy	Councillors Morris and Sparling	Councillor Wiggins		
6.6	Belgrave Snooker Club, 2 Belgrave Road, Plymouth – 16/00664/FUL	Unanimous				Councillor Jon Taylor
6.7	The Former China Clay Dryer Works, Plymouth – 16/00664/FUL	Unanimous				Councillor Jon Taylor

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# PLANNING APPLICATION REPORT



**Application Number** 16/00154/FUL

**Date Valid** 01/02/2016

**Item** 01

**Ward** St Peter & The Waterfront

<b>Site Address</b>	PEIRSON HOUSE, MULGRAVE STREET, PLYMOUTH		
<b>Proposal</b>	Demolition of care home and construction of 7 storey building containing 76 apartments with undercroft parking, & associated landscaping & infrastructure		
<b>Applicant</b>	Devcor (Plymouth) Ltd		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>16/08/2016</b>	<b>Committee Date</b>	<b>Planning Committee: 04 August 2016</b>
<b>Decision Category</b>	Major - more than 5 Letters of Representation received		
<b>Case Officer</b>	Simon Osborne		
<b>Recommendation</b>	Grant Conditionally Subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director of Strategic Planning & Infrastructure to refuse if not met		

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## 1. Description of site

Peirson House is a 3 storey flat roofed building located between Mulgrave Street and Notte Street. The building was previously used as a residential home but has been vacant since 2012. The site contains a rear garden area.

The site is located on the boundary but within the Hoe Conservation Area and lies adjacent to a number of listed buildings including Lockyer Court immediately to the east, the terrace of dwellings on Alfred Street to the south, and the majority of the terrace along Athenaeum Street to the west. The grade II\* No 1 The Crescent also lies a short distance further to the west.

## 2. Proposal description

Demolition of care home and construction of 7 storey building containing 76 apartments with undercroft parking, & associated landscaping & infrastructure

The proposed building would be 7 storeys and would contain 26 one bed and 50 two bed apartments. The building would have a recessed, lightweight and heavily glazed top storey.

The building would be clad in white and grey cladding with aluminium edges to the balconies and render to the infill external walls. The ground floor front elevation would be natural Plymouth limestone.

The proposal includes an extensive use of balconies to the north and south elevations have been proposed to offer amenity space to most apartments.

37 parking spaces would be provided.

## 3. Pre-application enquiry

A post refusal meeting was held with the applicant following refusal of the previous application.

The Design and Access statement states that some limited public consultation has taken place. A selected group of local residents were invited to a presentation and invited to submit comments.

## 4. Relevant planning history

There is some planning history for the existing building however none is considered relevant to this application.

15/00095/FUL - Redevelop site to provide 9 storey building containing 92 apartments, with undercroft parking and associated landscaping (demolition of existing building) refused for the following reasons:

### *IMPACT ON THE HOE CONSERVATION AREA AND SETTING OF LISTED BUILDINGS*

*(1)The Local Planning Authority considers that due to its height, scale and massing the proposal would have a substantial adverse impact on the Hoe Conservation Area and nearby listed buildings particularly the adjacent Lockyer Court. The proposal is therefore contrary to policies CS02, CS03, and CS34 of the Plymouth Local Development Framework Core-Strategy 2007, policies 31 and 32 of the emerging Plymouth Plan, and paragraphs 58, 60 129,131, 133 and 137 of the NPPF.*

### IMPACT ON NEIGHBOURING PROPERTIES (TO THE EAST)

*(2) The Local Planning Authority consider that the proposed height of 9 storeys, which would be at least 6 storeys above the adjacent buildings to the east would result in an unreasonable loss of outlook and appear unreasonably overbearing when viewed from these properties contrary to policy CS34 of the Plymouth Local Development Framework 2007, policy 33 of the emerging Plymouth Plan and the NPPF.*

### STANDARD OF ACCOMODATION

*(3) The Local Planning Authority considers that due to the obscure glazing proposed to the first, second and 3rd floors of the east elevation (affecting 6 units) the bedrooms which they serve would have limited and unacceptable outlook contrary to policy CS34 of the Plymouth Local Development Framework, policy 32 of the emerging Plymouth Plan and the NPPF*

### IMPACT ON INFRASTRUCTURE AND LACK OF AFFORDABLE HOUSING

*(4) The Local Planning Authority do not agree with the viability conclusions of the submitted viability appraisal and do not consider that the contributions suggested in the submitted appraisal are acceptable to adequately mitigate, or help to mitigate, the impacts of the proposal on local and strategic infrastructure. The Local Planning Authority also considers that the limited commuted sum available to offset the lack of onsite affordable housing provision is not adequate to offset the requirement for affordable housing and therefore is contrary to policies CS15 and CS33 of the Local Development Framework 2007, policy 50 of the emerging Plymouth Plan and paragraphs 50 and 203 of the NPPF*

It should be noted that during its development the previously refused scheme was presented to an independent 'Devon Design Review Panel (DDRP) prior to submitting the application. Generally the DDRP was supportive of the scheme and felt that the height and mass of the proposal as presented to the panel was appropriate for the site in principle however there was some concern regarding the impact on Lockyer Court. In the main it welcomed the design particularly the use of balconies.

## 5. Consultation responses

Historic England– object.

Historic Environment Officer – object – Less than substantial harm.

Local Highway Authority– No objections subject to conditions.

Environment Agency – No objections subject to conditions.

Police Architectural Liaison Officer – No objections.

Public Protection Service – No objections subject to conditions.

Economic Development Department – No objections but recommend an employment and skills strategy condition relating to local employment during construction.

Lead Local Flood Authority – No objections – requires further information.

Southwest Water – require further information.

Office of Nuclear Regulation – No objections.

## 6. Representations

101 letters of objection and 2 letters of observation have been received regarding this application.

The points raised are as follows:

### Impact on character and historical assets

1. Poor design, bland, characterless, no respect to context of area.
2. Out of scale and massing.
3. Impact on the conservation area and listed buildings.
4. Still more storeys than Historic England suggested in their previous response.
5. 4 storeys higher than Athenaeum Street and two storeys higher than Lockyer Street – This would break a 50 year precedent by being higher than neighbouring buildings.
6. The proposal doubles the height and depth of the existing building.
7. Whilst there is support for the acquisition of the Quality Hotel to develop that site sympathetically, this proposal is not sympathetic to this site.
8. Fully supportive of development of site with an alternative development which reflects the Conservation Area.
9. No attempt to move the building towards the street.
10. Too modern.
11. The Hoe is Plymouth's No 1 tourist attraction, let's not create an eyesore.
12. Overshadows Georgian and Victorian heritage.

### Highways

13. Parking problems.
14. Highway safety due to increased movements.
15. Lanes are narrow and refuse lorries cannot negotiate adequately.
16. The ramped access is constrained by parking spaces opposite.
17. Suggestion of better access from Notte Street.
18. Access issues along Mulgrave Street particularly the west access route.
19. Fire safety and emergency vehicle access.

### Neighbour amenity

20. Loss of sunlight and privacy due to proximity of existing buildings.
21. Impact on the business at the Walrus Public House from noise complaints.
22. Impact on outlook of properties on Athenaeum Street.
23. Noise, pollution and safety during construction.
24. Only ten metres from rear tenement.
25. The development is 7 metres away from property instead of 15 metres.
26. Noise from gated access and movement of refuse bins.

27. Overlooking from balconies.
28. No soft landscaping at rear for existing residents.

## Standard of accommodation

29. Internal layout is poor for future residents.

## Greenspace

30. Threatens valuable greenspace and natural environs/wildlife.
31. Loss of greenspace will mean that some locations are not within 400m of a greenspace.
32. The site has been nominated as a greenspace.
33. The ecology surveys are out of date.

## Other issues

34. A number of family houses would be a better solution.
35. Plymouth Hoe is legendary
36. There is already market housing being provided at the Rivage development.
37. The application should be heard at planning committee.
38. No scale bars on drawings.
39. Poor and limited public consultation which has not been documented correctly.
40. Simply the shaving off of two storeys and minor changes to windows – price and profit is the driving force not what would be most appropriate for the site.
41. Plans not to correct scale.
42. The destruction has already started by the West Hoe Park development.
43. Likely to attract students instead of families.
44. Seems to disregard planning guidelines.
45. Existing apartments in the area are unoccupied.
46. Need affordable housing in area.
47. The health report only looks at air quality and no other health impacts.
48. Dark areas around the building will lead to crime.
49. The Plymouth Plan indicates that there are already a large number of small households in the area – larger family housing is needed.
50. This would set a poor precedent.
51. Not in tall building zone.
52. Contrary to policies, 15 28 29 30 29 31 32(items 1 and 3), and 43 of the Plymouth Plan.  
Contrary to CS02 CS03 and CS34 of the Core Strategy.
53. Does not deliver a corridor from the city centre to the water front contrary to Area Vision 4.
54. Contrary to NPPF 126

55. Contrary to the Conservation Area Appraisal and Management Plan.
56. No improvement on the previous plan.
57. Lack of surface water drainage information.
58. No tall building statement.
59. Impact on hotel businesses.
60. Impact on Education Infrastructure.
61. Does not protect long distance views.
62. There is a public right of way across the site.
63. No community space.

### Non Material Issues

64. Not confident that money from the government for new dwellings does not influence the decision.
65. Impact on house prices.
66. Immoral.
67. The Hoe Conservation Area Residents association are working on alternative scheme.
68. No mention of compensation for residents for inconvenience during construction.
69. Why don't the Council fund development of their own sites?

It should be noted that the plans are currently being re-advertised following some slight amendments from what was originally submitted. This includes materials and the recessing of the top storey from the side elevations. Whilst officers consider the minor nature of these amendments did not require re-advertisement for the purposes of the legislation, given the public interest officers considered it would be appropriate to do so in this case. Any additional comments from the public or consultees will be addressed in an addendum.

## **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One: Consultation Draft was approved by Cabinet for consultation purposes on 9 December 2014. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken



into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at an early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The draft policies of the Plymouth Plan are currently subject to consultation, although the general direction taken by the plan and key issues and options relating to it have been subject to consultation.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Sustainable Design Supplementary Planning Document.
- Development Guidelines Supplementary Planning Document (first review).
- Planning Obligations & Affordable Housing 2<sup>nd</sup> Review Supplementary Planning Document.
- Hoe Conservation Area Appraisal and Management Plan.
- City Centre and University Area Action Plan.

## 8. Analysis

1. This application has been considered in the context of the development plan, the emerging Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The application turns upon policies CS02 (Design), CS03 (Historic Environment) CS05 (Development of Existing Sites), CS15 (Overall Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk) CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime) CS33 (Community Benefits / Planning Obligations), Area Vision 4 (The Hoe), and CS34 (Planning Application Considerations).

3. The policies of most relevance from the emerging Plymouth Plan are Policy 12 (Delivering strong and safe communities and good quality neighbourhoods), Policy 15 (Meeting local housing needs), Policy 20 (Delivering sufficient land for new homes to meet Plymouth's housing need), Policy 28 (Promoting Plymouth's Heritage) Policy 29 (Place shaping and the quality of the built environment), Policy 30 (Safeguarding environmental quality, function and amenity).
4. The main considerations are housing provision, design and historic environment, neighbouring amenity, living standards and highway issues.

### **Principle of Residential Redevelopment**

5. The previous use was a residential home which was vacated in 2012 and the building has stood empty since. The principle of redevelopment of this site would be in accordance with the NPPF and Core Strategy Policy CS34, both of which encourage the efficient use of previously developed land (as outlined in paragraph 17 of the NPPF).
6. The City Centre and University Area Action Plan Policy Proposal CC18 which the site is not within but is adjacent to, identifies that future development should strengthen the character of the area and could include residential. The Hoe area is largely residential in nature and therefore officers consider that a residential use is appropriate for this site.
7. The building itself has been labelled in the Hoe Conservation Area Appraisal and Management Plan as having a negative impact on the Conservation Area and therefore its replacement with an appropriately designed building is supported.

### **Housing Provision**

8. When determining applications for residential development it is important to give consideration to housing supply.
9. Paragraph 47 of the NPPF stipulates that "to boost significantly the supply of housing, local planning authorities should...identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land"
10. Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."
11. For the reasons set out in the Authority's Annual Monitoring Report (January 2016) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2016-21 against the housing requirement set out in the Core Strategy which was set prior to the economic

downturn. Plymouth can however identify a net supply of some 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

12. The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:
  - a. Available to develop now
  - b. Suitable for residential development in terms of its location and sustainability; and
  - c. Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.
  
13. Paragraph 14 of the NPPF states “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking...”
  
14. For decision-taking this means:
  - a. approving development proposals that accord with the development plan without delay; and
  - b. where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:
    - i. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
    - ii. specific policies in this Framework indicate development should be restricted”
  
15. As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as determined by the requirements of the NPPF, the city’s housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications.
  
16. Due to the need to accelerate housing delivery a 2 year consent rather than a 3 year consent has been secured by condition. This is in accordance with Strategic Objective 10(8) (Delivering Adequate Housing Supply) and paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy 46 of the Plymouth Plan.

### **Historic Environment and Design.**

17. The site is situated on the edge of the Hoe Conservation Area, and is immediately adjacent to the Grade II listed buildings on the corner of Lockyer Street (No 14 and No 15 Lockyer Court), which was previously an orphanage and later a hospital. A short distance along the road on the same side is The Crescent, an elegant terrace of Grade II\* and Grade II listed buildings. The site is therefore very prominent and visible, and in close proximity to important listed buildings.

18. Most of the buildings in the immediate area and throughout the Hoe Conservation Area are of a relatively uniform scale and mass, and this extends to the building currently on the site, despite it being a much later addition on the site of a terrace of houses that were bombed. Lockyer Court is three-storeys plus an attic and a basement, and this scale continues down the road and is retained throughout the surrounding area until it is terminated by the elegant terrace of The Crescent. However there are existing taller buildings in the Conservation Area particularly along Notte Street including the nearby Opel Villas and the more recent Hoe Centre. Other taller buildings have recently gained approval in the local area including on the opposite side of the road however these do not fall within the boundary of the Conservation Area.
19. Notte Street forms the boundary of both the Conservation Area and the area zoned as appropriate for tall buildings in Plymouth City Council's Sustainable Design SPD. It effectively and purposely separates the more modern mixed used city centre where taller buildings may be acceptable from the more historic residential character of the Hoe. The site lies to the south of Notte Street and therefore within the Conservation Area and outside of the tall building zone.
20. Following this previous refusal the scheme has been amended in an attempt to address this issue by reducing the height of the building from 9 to 7 storeys. The design now incorporates an expressed horizontal band across the front of the proposed development which would reference the height of the balustraded parapet of Lockyer Court's boundary wall in an attempt to provide some visual continuity between the old and new along the re-established street. In response to Historic England's initial comments the top storey has been setback from the side elevations and interest has been added through the careful use of materials. The predominant materials in the conservation area are render and stone and Plymouth Limestone has been proposed on the groundfloor of the front elevation to respect this. A white modern cladding has been proposed on the side elevations which is considered to reference render while avoiding the problems of staining unfortunately seen on some taller rendered buildings in the city and is seen as an appropriate approach on a contemporary building such as this.
21. Historic England has been re-consulted and welcome that the proposed development will re-establish the historic course of Mulgrave Street and note the inclusion of the horizontal band. However they still consider that the proposal, due in the main to its height and massing will cause harm to the character and appearance of the Hoe Conservation Area, through a design which - though improved since the previous refused proposals - fails to make a positive contribution to local character and distinctiveness.
22. The Hoe Conservation Area Appraisal and Management Plan states that proposals to redevelop sites will be required to preserve or enhance the character of the conservation area and contribute to the wider generation of the city. The position scale and massing and materials will be expected to respect the existing character. New development will be expected to be of highest quality design and high quality contemporary design will be encouraged.

23. CS03 of the Core Strategy requires the Council to safeguard and where possible enhance historic environment interests and the character and setting of areas of acknowledged importance including listed buildings and conservation areas. CS02 requires development to respect the character, identity, context of Plymouths historic townscape and contribute positively to an area's identity and heritage in terms of scale, density, layout and access. CS34 requires development to be compatible with its surroundings in terms of style, siting, layout, orientation, visual impact, local context and views, scale, massing, height, density and materials.
  
24. Paragraph 58 of the NPPF notes that planning decisions should ensure that developments respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 60 goes on to note how it is proper to reinforce local distinctiveness and Paragraph 137 is also of relevance to this scheme, stating "local planning authorities should look for opportunities for new development within conservation areas...to enhance or better reveal their significance". Paragraph 129 states that a local planning authority should take into account the particular significance of a heritage asset when considering the impact of a proposal on it. In the case of this development, it is the effect upon the setting of the listed buildings around the subject site and the character and appearance of the Hoe Conservation Area. Paragraph 131 of the NPPF sets out the basic framework for determining applications that affect the historic environment, requiring local planning authorities to have regard to the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 133 of the NPPF states that where a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 also states that when the harm is less than substantial it should be weighed against the public benefits of the proposal.
  
25. Section 66 and Section 72 of the Town Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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. These are not a policies but a requirement of the act itself meaning that when considering these proposals, great weight must be given to the impact of the proposals on the character and appearance of the Hoe Conservation Area.
  
26. While the comments of Historic England are noted the proposal has been reduced by two storeys and the design amended to provide some reference to the surrounding building. Although on the edge of the conservation area the building would front on to Notte Street a busy thoroughfare which contains a number of existing taller buildings and planning permissions for taller buildings on both the southern and northern sides of the street. Although these existing buildings are not all of great quality and should not strictly be used as a positive precedent they do form part of the character of the street particularly when travelling from the east. The recently approved Crescent Point development which would lie on the north side of Notte Street would range from 7 to 13 storeys. This development is

under construction and will form part of the streetscene in the near future. The proposed building would be 6 storeys with a light setback 7<sup>th</sup> floor. Given this context officers consider that the scale and massing would be appropriate and not look significantly out of place in this on the edge of the conservation area.

27. On the previously refused scheme Historic England considered the proposal would cause substantial harm to the historic assets. Although Historic England considers the proposal would cause harm they have indicated this would be less than substantial as has the Council's Historic Environment Officer.
28. Officers have considered the development against the guidance of the NPPF and in particular paragraph 134, which states that when the harm is less than substantial it should be weighed against the public benefits of the proposal.
29. The public benefits of the proposal include market and affordable housing (through an offsite contribution) which would help to address the city's housing shortfall and also increase the vibrancy and vitality of the area. The site is well located in terms of access and the redevelopment would contribute towards a sustainable and linked community. On balance therefore officers consider that the proposal complies with policies CS03 and the NPPF in respect of the impact on heritage assets.

### **Greenspace and Landscaping**

30. The existing garden is a private garden which is not prominent when viewed from public vantage points. It is not identified in the Greenspace Assessment s or 2008-2023 Greenspace Strategy and officers consider it has no strategic function. The garden is not considered greenspace for the purpose of policy and its loss is therefore not considered to conflict with policy CS18. Given its position at the rear of the building it is not considered that the loss of the garden would be unreasonably detrimental to the character of the area.
31. It should be noted that the NPPF created the opportunity for local communities to nominate areas for protection akin to greenbelt through the Local Green Space designation. The site has been nominated by members of the public for Local Green Space designation as part of the consultation for the Plymouth Plan Part 2 which closed on 8th January 2016. This is not policy and is subject to consultation and therefore has very little weight.
32. The landscaping proposal has been formulated on the principles of opening up the space in front of the building (towards Notte Street) and allowing a series of spaces to be used by pedestrians as a resting place, and also a private area for residents of Peirson House to use. Using a series of stone faced retaining walls, the stepped gardens will also perform the visual function of reducing the impact of the limestone clad ground floor plinth level. The planting would include trees which are welcomed in this area. The details and management of the landscaping would be controlled by condition.

## **Neighbouring Amenity**

### Properties located on Alfred Street

33. The building ( not including the outdoor terrace) would be located approximately 7 metres (5.3 metres when measured from the projections) from the rear boundary of the site and would be a further 6.5 metres away from the rear boundaries of the dwellings located on Alfred Street. All dwellings except the end dwelling on the Alfred Street terrace have garages or hard standings ensuring that the garden area of the dwellings is some way away from the rear boundary. The building itself would be between 26 and 28 metres away from the closest rear tenement found on the Alfred Street Terrace. The development guidelines SPD advises that facing windows should be 28 metres apart however the guidance also recognises that in more historical dense built up areas it is not unreasonable to assume that privacy might be less than in lower density neighbourhoods. The building and associated balconies are considered to be an adequate distance away from the properties in Alfred Street to ensure that privacy will not be unreasonably affected by the proposal.
34. The garden terrace would stretch to the boundary of the site and would be slightly above ground level. Appropriate screening can be controlled by condition.
35. The submitted Design and Access Statement includes shadow analysis. This shows that due to the building being located almost due north of the dwellings on Alfred Street that shadowing is unlikely to be significant.

### The properties on Athenaeum Street.

36. The building would be approximately 21 metres away from the main 3 storey tenements, it is recognised that there are some lower extensions closer than this but in the main these do not contain windows in the end elevations. The proposed scheme only has high-level windows in the side elevations which prevents direct window to window relationships. The distance therefore exceeds the 15m guidance in the SPD and is considered acceptable.
37. The shadowing diagram shows that the building would cause additional shadow to the northern end of the terrace in the morning during summer. For the majority of the day and the evening the proposal would cause little if any additional shadowing. Although it is recognised there will be some impact this is not considered significant enough to warrant refusal of the application.

### Properties along Lockyer Street and the Eastern part of Mulgrave Street

38. The proposed building would be approximately 7 metres away from the western elevation of Lockyer Court and the adjacent buildings. It should be noted that the current building is also located on the boundary albeit at a lower level. In order to avoid loss of privacy the applicant has proposed high-level glazing on the side elevations. It is therefore considered that there would be little impact in terms of loss of privacy.

The guidance suggests that in order to protect outlook and for a building not to appear unreasonably overbearing the minimum distance between a main habitable window and a blank elevation for buildings over 3 storeys should be at least 15 metres. The distance between habitable windows in properties to the east and the proposal would be 7 metres.

However it is noted that this 7 metre relationship already exists between these properties and the existing 3 storey building to be demolished. The reduction in height from the previous scheme would lessen this impact and it is considered that given its location in a higher density area the proposal would be acceptable.

39. With regard to shadowing, the shadow exercise shows that the building would cause additional shadowing in the summer particularly in the evening however this is not considered so significant as to warrant refusal of the application.

### **Standard of Accommodation**

40. The accommodation would comprise of 26 one bed and 50 two bed apartments. The LPA is no longer permitted to refer specifically to the internal size standards for dwellings as prescribe in the Development Guidelines SPD however for reference, all apartments would meet or exceed the size standards found in the SPD. Outdoor amenity space would be provided in the form of balconies for the majority of units with a communal terrace to the rear. Although the balconies on the north side of the building would mostly be in shadow it is considered that due to the sites proximity to the Hoe, the provision of outdoor amenity space is acceptable.
41. The deepest apartments would be served by full length glazed doors and therefore officers consider that although fairly deep the apartments would have adequate light and outlook.

### **Highways**

42. The development would include 42 cycle storage spaces (slightly more than the 50% requirement) to encourage cycling as a sustainable means of travel, and 37 car parking along with refuse bin storage, provided within the under-croft of the building.
43. The Highway Authority did not raise any objections in principle to the previously refused application. In the interim a number of concerns and points have been raised by local residents and their representatives, in respect of transport and highway issues.
44. Peirson House is situated in a sustainable location, on the south side of Notte Street between the Hoe and the City Centre, and within convenient walking distance of both. The main pedestrian entrance would front onto Notte Street, with vehicle access and egress to the under-croft parking area on the west side of the building in Mulgrave Street (west).
45. Mulgrave Street and Alfred Street Lane runs around the perimeter of the building along its east, west, and south side, that forms an east/west link between Lockyer Street and Athenaeum Street; and there are also two service lane spurs that link Mulgrave Street with Alfred Street to the south. The development would provide two stepped pedestrian links, one each side of the building (east and west) between the fronting Notte Street, and Mulgrave Street.



46. The application site is located within the City Centre area, where there are convenient sustainable travel options available, therefore off-street car parking is not necessarily a requirement to support the proposed new flats at what is considered to be a highly sustainable location. In this case there are 37 spaces equating to 50% car parking provision, which would also help to reduce the number of associated vehicle movements and traffic. There are a number of public car parks close by, including the 612 space Theatre Royal car park situated approximately 70 metres away, and there is on-street Pay & Display car parking also available in some of the surrounding local streets, including the nearby Lockyer Street.
47. The local streets are all subject to some form of parking restrictions, including a Permit Parking Zone, 'H', which the proposal has apparently taken into account to ensure the proposed development would not interfere with the exiting availability of on-street permit parking spaces in Mulgrave Street, which is restricted at all times to permit holders only. The proposal would be ineligible and excluded for the issue of all types of on-street parking permits and tickets. This exclusion would safeguard the on-street car parking availability for existing parking permit holders.
48. Further information has been submitted indicating the development would provide safe and practical vehicle ramped entry/exit to serve the under-croft car park. It should be noted that notwithstanding any application details a footway crossing and kerb-line would need to be maintained across the ramped vehicle entrance/exit to the under-croft parking area which would be secured by condition.
49. Commercial refuse bins would be stored within the under-croft of the building, and a recent amendment would allow direct storage and access to the street via a pair of louvered double doors, introduced and situated close to the vehicle ramp on the west side, to allow ease of storage and emptying on refuse collection day.
50. In terms of access for lorries, a Tracking Diagram showing a refuse vehicle negotiating Mulgrave Street has been provided and it is noted that the previous Peirson House use would have been served by refuse collection, as would the new development, which would have no more impact on the local streets than the previous arrangements.
51. It is considered that the same would apply to access for a fire tender, similar to the existing building, although the proposed new building would be higher. Suggesting the proposed development would not pose any more onerous conditions to the fire service than the current situation. The applicant is happy to engage with the fire service which ordinarily occurs at Building Regulations stage.
52. Local residents have expressed concerns over increased vehicle movements generated by the development. Vehicle traffic generated by 38 parking spaces would be relatively modest (in the order of about 23 cars in the peak hour averaging about 1 car every two and a half minutes). This compares to the flows on Notte Street of 1700 cars up and down Notte Street during the peak morning and evening rush hours. The increase in traffic movements from the development represents an increase of about 1.4% on road network flows. In reality this would be even less once the previous use as a Care Home (with its associated

traffic movements 19 parking spaces and turn over in parking demand) are taken into account and deducted. Therefore, overall the vehicle traffic impact of the proposed development is considered comparatively insignificant.

53. However, the applicant has agreed to accept planning conditions to explore any associated highway safety improvements. Concerns have been raised regarding the lack of safe opportunity for a car to emerge from Mulgrave Street onto Athenaeum Street, due to poor visibility to the south and north (left & Right respectively). The lack of visibility to the south is caused by formal on-street car parking close to the road junction, which is something that is outside of the applicant's control. This could therefore only be resolved by the loss of on-street parking spaces following a Traffic Regulation Order (TRO). However it is considered that this would be unlikely to gain public support.
54. The visibility to the north (right) could be helped by realigning the vehicle wheel track on the corner of Athenaeum Street and Notte Street, by introducing a hatched white-line margin in the carriageway to encourage a tighter wheel track turning movement for cars. This would help reduce the speed particularly of light vehicles cars and vans turning from Notte Street into Athenaeum Street.
55. Although evidence suggests vehicle speeds are very low in the surrounding local streets concerns have been raised by local residents that increased vehicle flows generated by the proposed apartments could result in vehicle collisions. In response to this perceived problem a partial one-way system could be considered in Mulgrave Street east and Alfred Street Lane via an associated TRO, perhaps from Lockyer Street through to the west face of the apartment building or thereabouts in a westerly direction. This could be explored as a mitigation measure following any grant of planning permission, although should planning permission be granted any TRO would be subject of further consultation and ultimately may not be realised. The estimated cost of the TRO would likely be between £3,500 & £5,500, with additional cost for signage should it be realised.

### **Affordable Housing and accessible homes**

56. Affordable housing is one of the top priorities for Plymouth City Council. The policy context is set out in paras.10.17-10.24 of the Core Strategy, which supports policy CS15. Policy CS15 states that on developments of 15 or more units, at least 30% of the total number of dwellings should be affordable, with a presumption that these should be provided on site. However, policy CS15 and paragraph 50 of the National Planning Policy Framework (NPPF) allow for commuted sums for off-site provision in lieu of on-site affordable housing where it is robustly justified and contributes to the creation of balanced, mixed and sustainable communities.
57. Policy CS15 states that affordable housing must be "*indistinguishable from other development on the site*" whilst the Planning Obligations and Affordable Housing SPD reiterates that housing should be tenure blind. The Housing Delivery Team has concerns over how the affordable housing units could be incorporated within the development and how service charges could be maintained at affordable levels alongside open market dwellings.
58. After three months of viability negotiations, the Council's Development Viability Officer has advised that a policy compliant 30% affordable housing scheme (23 units) with other section

106 requirements and Community Infrastructure Levy would result in a near zero land value, which would not be acceptable to the landowner and would not comply with the NPPF viability guidance. Therefore after careful consideration officers consider a commuted sum of £500,000 towards off-site affordable housing delivery. This is equivalent to 10-14% on-site affordable housing.

59. Commuted sums have been put to good use to bridge viability gaps and unlock stalled and brownfield sites such as Stonehouse Arena (56 affordable homes) and Hoegate House (30 affordable homes). These sites often have high abnormal costs associated with former uses, thus commuted sums can be used to good effect. It is envisaged that a contribution of £500,000 would deliver more affordable housing units off-site.
60. In addition, there is an abundance of affordable and supported housing in proximity of the development site and in the wider PL1 postcode area, therefore the delivery of open-market units would help to create a balanced, mixed and sustainable local community. The application proposes to deliver one- and two- bedroom apartments whereas a commuted sum of £500,000 could help to deliver family housing elsewhere in the city, where the need for affordable housing is greater.
61. With regard to Lifetime homes, policy CS15 requires 20% of new homes to be built to lifetime homes standards. The application proposes 20% (16 units) lifetime homes which meets the policy requirement. A condition has been added securing compliance with Part M4 (2) (Accessible and Adaptable Dwellings) which has effectively replaced Lifetime Homes.

### **Public Protection Issues**

#### **Noise**

62. The findings of the Noise Impact Assessment submitted with the application show that the noise from the adjacent Notte Street are the most significant noise source. There is still a requirement for protection of future residents and as such the noise levels internally should be conditioned. The report argues that the external amenity areas should be allowed to exceed the recommend level according to the relevant standard. Whilst Public Protection do not necessarily agree with this viewpoint they do accept that altering the design to improve the mitigation is not straightforward – also it is pointed out that some parts of the areas are acceptable. As such they do not wish to object to this approach subject to noise conditions including verification.
63. A Construction Management Plan condition has been added to minimise the impact of the construction on existing residents.

#### **Contaminated Land**

64. A preliminary risk assessment report been submitted in support of the application. The report has not picked up presence of historic underground fuel storage 90m East of site and also has not taken account of long term hospital land use from 1914 - 1974 adjacent to the site. The report is accepted, but will require updating to take full account of the above prior to the intrusive ground investigation that is recommended to ensure that the scope of this

investigation is adequate. A condition has been added requiring the necessary further site characterisation work, plus any other remediation and verification work that may subsequently be required.

### **Biodiversity**

65. Appropriate ecology reports have been submitted with the application. Habitats on the site are considered to have no or little intrinsic ecological value and therefore the ecological impacts of the development are not considered to be significant. No adverse impacts on protected species are predicted. The applicant has submitted a Preliminary Ecological and an Ecological Mitigation and Enhancement Strategy. The ecological enhancements proposed including landscaping, bird boxes and bat boxes are considered to achieve net biodiversity gain comply with policy CS18.

### **Drainage**

1. The applicant has submitted a drainage plan to demonstrate drainage of the site. The Environment Agency is satisfied that this is acceptable subject to a further details condition. The Lead Local Flood authority has requested further information. However given that there has been no material change since the previously approved application where the scheme was deemed acceptable subject to a condition, officers consider it is appropriate to secure these details by condition.

### **Energy savings**

2. The application proposes to find 15% carbon savings through the use of photovoltaic cells. This is considered acceptable and complies with CS20 requirements and will be secured through condition.

### **Other Issues**

3. In response to comments from the Police Architectural Liaison officer the proposal includes electronic access gates to the undercroft parking which will be secured through a condition.
4. Some letters of representation have suggested the plans are inaccurate. Any plans that were slightly inaccurate have been amended and have been available on the Council's website.
5. Given the nature of the site the Council's Natural Infrastructure Team are satisfied with the age of the ecology reports and surveys.
6. Tall building reports are a local validation requirement for buildings which are significantly taller than surrounding buildings. They are required at the Council's discretion. Officers consider that given the nature of the development, level of information within the Design and Access Statement and Heritage Statement that a report was not required in this case.
7. The existence of a public right of way across the front of the property has been highlighted by some residents. The Council's Public Rights of Way officer has confirmed there are no recorded public rights of way on the site.

8. With regard to the impact on education provision, the Local Education Authority has not objected to the application and has not requested any mitigation as there is spare capacity in the area.
9. The development would create a number of construction jobs. A condition has been added requiring the submission of an Employment and Skills Plan to demonstrate how local people will benefit in terms of job opportunities, training and apprenticeships.

### 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 provisional Community Infrastructure Levy liability (CIL) for this development is £263,668.53 (index-linking applied, but subject to change before final liability confirmed).

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and will be index-linked.

### 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.

Planning obligations have been sought in respect of the following matters:

£130,000 towards the construction of the Charles Cross Roundabout scheme

£500,000 towards offsite affordable housing provision.

These contributions have been secured following the submission of viability information and officers are confident that this level of mitigation is the maximum that could be achieved on this site without affecting delivery.

## 12. Equalities and Diversities

Lifetime homes has been addressed above and there are no further issues.

## 13. Conclusions

Officers consider, taking in to account the lack of a 5-year housing land supply, that the proposal will provide much needed market and affordable housing for the City (through a commuted sum). The proposal will replace a building which has been identified as having a negative impact on the Hoe Conservation Area. Careful consideration has been given to the potential impacts of the development including the impact on historical assets, existing properties, and highways issues.

Officers have taken account of the NPPF and S38 (6) of the Planning and Compulsory Purchase Act 2004 and concluded that on balance the proposal accords policy and national guidance. The application is therefore recommended to grant conditionally subject to a S106 obligation.

## 14. Recommendation

In respect of the application dated **01/02/2016** and the submitted drawings 2147/100

2147/101

2147/105

2147/106

2147/107

2147/110/C

2147/111/B

2147/112/B

2147/113/C

2147/114

2147/116

2147/120

2147/121

2147/125/C

2147/126/C

2147/130

2147-170

2147/190 to 192 - Images

Preliminary Ecological Appraisal November 2014

Ecological Mitigation and Enhancement Strategy December 2014

Phase I Environmental Desktop Report 6th November 2014

Noise Impact Assessment 90751R0 10th December 2014

Landscape Management Plan 2147/170

Heritage Statement 2147/160

Energy Statement 22-11-2014

Air Quality Assessment 34181RI December 2014.,it is recommended to: **Grant Conditionally Subject to a S106 Obligation**

## 15. Conditions

### CONDITION: DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

(1) The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

### CONDITION: APPROVED PLANS

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

2147/100

2147/101

2147/105

2147/106

2147/107

2147/110/C

2147/111/B

2147/112/B

2147/113/C

2147/114

2147/116

2147/120

2147/121

2147/125/C

2147/126/C

2147/130

2147-170

2147/190 to 192 - Images

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

### **Pre-commencement Conditions**

#### **PRE-COMMENCEMENT: SURFACING MATERIALS**

(3) No development shall take place until further details and samples of all materials to be used to surface external areas have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the materials shall be in accordance with those shown on the approved elevation drawing which includes high performing silicone based render. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

Pre commencement justification: To ensure all materials are acceptable prior to work commencing.

#### **PRE-COMMENCEMENT: DRAINAGE**

(4) Prior to the commencement of development, a detailed scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- details of the drainage during the construction phase;
- details of the final scheme, including how the scheme can provide a connection into a future strategic surface drainage system (in order to remove surface water flows from the combined sewer) as well as the provision for exceedance pathways and overland flow routes;
- a construction quality control procedure;
- a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation, or a timetable to be agreed, the scheme shall have been completed in accordance with the approved details. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

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



Justification: To ensure that the drainage scheme required for the development is deliverable prior to any work commencing.

### PRE-COMMENCEMENT: CONTAMINATED LAND

(5) 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 take place until sections 1 to 3 of this condition 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:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological 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 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 must include all works to be undertaken, proposed remediation objectives and 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 Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### Section 4. 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 shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, 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 must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

### PRE-COMMENCEMENT: CODE OF PRACTICE DURING CONSTRUCTION

(6) Prior to the commencement of the development hereby approved a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The 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. The

development shall be constructed in accordance with the management plan.

#### Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 -123 of the National Planning Policy Framework 2012 .

Justification: To ensure that the construction phase does not unduly impact amenity of the area.

## PRE-COMMENCEMENT: EMPLOYMENT AND SKILLS PLAN (ESP)

(7) 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. Quarterly monitoring reports will be submitted to the Local Planning Authority, recording actual achievements against the targets outlined in the ESP. The first report shall be submitted three months after construction starts on site.

Reason:

To ensure employment and skills development in accordance with Strategic Objective 6 and Policy CS04 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and in accordance with Policy 19 of the Plymouth Plan Part One (2011-2031).

Justification: To ensure that the employment and skills plan is adhered to throughout the demolition and construction of the development.

## Pre-DPC Conditions

### PRE DPC LEVEL: LANDSCAPE DESIGN PROPOSALS

(8) No development shall take place above DPC level until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; planting plans including the location of all proposed plants their species, numbers, densities, type (i.e. bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection].

All hard and soft 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 or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012 .

LN03

**PRE-DPC LEVEL: FURTHER DETAILS**

(9) No development shall take place above DPC level until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: details of cill, window/door reveals, balconies, screens, electronic gate, rainwater goods, all at a minimum scale of 1:5.

The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66, 109, 110 and 123 of the National Planning Policy Framework 2012

**Pre-occupation Conditions**

**PRE OCCUPATION: REAR BOUNDARY SCREEN**

(10) Prior to occupation of the development hereby approved a rear boundary screen shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The screen shall thereafter be retained.

Reason:

To protect the amenity of neighbouring residents in accordance with CS34 of the Plymouth Local Development Framework Core Strategy.

**PRE OCCUPATION: BUILDING MAINTENANCE**

(11) Prior to occupation of the building hereby approved a programme and management plan for maintenance of the external elevations of the building hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The building shall thereafter be maintained in accordance with the approved details.

Reason:

To ensure the external surfaces of the building are maintained so as to protect the visual amenity of the Conservation Area in accordance with policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy.

**PRE OCCUPATION: ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)**

(12) The use hereby permitted shall not commence until the process to explore and implement as agreed appropriate proposed access improvements to the existing highway has begun in accordance with the further details to be submitted and approved in writing by the Local Planning Authority comprising of an area of carriageway hatching at the junction of Notte Street & Athenaeum Street and a potential one-way Traffic Regulation Order for Mulgrave Street & Alfred Street Lane (north).

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**PRE OCCUPATION: CYCLE PROVISION**

(13) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for 42 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**PRE OCCUPATION: DESIGNING OUT CRIME**

(14) Prior to occupation an electronic access gate shall be fitted to the entrance to the under-croft car parking area and thereafter retained.

Reason;

To ensure that satisfactory measures are put in place to design out crime in accordance with policy of the Local Development Framework Core Strategy 2007.

**PRE OCCUPATION: PROVISION OF PARKING AREA**

(15) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

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 Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### PRE OCCUPATION: SUSTAINABILITY

(16) The development hereby approved shall be carried out in accordance with the approved Energy Statement 22-11-2014 or a subsequently approved Energy Statement, and the on-site renewable energy methods installed prior to occupation of the dwellings.

#### Reason:

To deliver on-site renewable energy in accordance with policy CS20 of the Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF

### Other Conditions

#### CONDITION: NOISE HABITABLE ROOMS

(17) All dwellings shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The levels as described in Table 4 of the guidance shall be applied, meaning there must be no more than 35 Db Laeq for living rooms and bedrooms (0700 to 2300 daytime) and 30 Db Laeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 Db Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

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 ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007

#### CONDITION: BIODIVERSITY

(18) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy (dated December 2014) for the site.

#### Reason:

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

#### CONDITION: TREE REPLACEMENT

(19) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012, and are subsequently properly maintained, if necessary by replacement.

#### PRESERVATION OF SIGHT LINES

(20) No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CONDITON: DRIVEWAY GRADIENT/RAMP TO CAR PARK

(21) The driveway ramp to the under-croft car park hereby permitted shall not be steeper than 1 in 10 at any point.

Reason: To ensure that safe and usable off street parking facilities are provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

#### CONDITION: UNDERCROFT GATE TYPE (ADJACENT TO HIGHWAY)

(22) The electronic gate to the undercroft parking hereby permitted shall be of a type that does not project beyond the face of the garage when open or being opened.

Reason:

To ensure that the door does not project over the adjacent highway at any time in the interest of public safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

#### CONDITION: PART M ( ACCESSIBLE AND ADAPTABLE DWELLINGS)

(23) Unless otherwise agreed in writing 20% of the dwellings hereby approved shall be Part M4(2) compliant in accordance with details previously submitted and approved in writing by the Local Planning Authority.

Reason:

To ensure that 20% of the dwellings on site are built to the equivalent of Lifetime Homes standards to comply with policy CS15 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and Government advice contained in the NPPF

### **Informatives**

#### **INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

(1) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at [www.plymouth.gov.uk/CIL](http://www.plymouth.gov.uk/CIL). You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

#### **INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)**

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

#### **INFORMATIVE: KERB LOWERING**

(3) Before the access hereby approved are first brought into use it will be necessary to secure dropped kerbs [and footway crossings] with the consent of the Local Highway Authority. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority.

#### **INFORMATIVE: PUBLIC HIGHWAY APPROVAL**

(4) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

#### **INFORMATIVE: IMPACT ON HIGHWAY STRUCTURE**

(5) The proposed development work would have a direct impact on the structure of the Highway Maintainable at Public Expense and the applicant would need to contact the managers of the highway network prior to any works starting.

#### **INFORMATIVE: PUBLIC HIGHWAY**

(6) All new ground levels and thresholds would need to be designed to meet and tie into the existing ground levels of the public highway where required. The disposal of all surface water including roof water must be accommodated within the confines of the application site; no private apparatus of any kind including drainage lines/pipes, or inspection chambers would be permitted within the public highway.



INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

(7) 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.

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# PLANNING APPLICATION REPORT



**Application Number** 15/01831/FUL

**Date Valid** 16/10/2015

**Item** 02

**Ward** Moor View

**Site Address**

LAND AT FORMER UNIT J, ST MODWEN ROAD, MARSH MILLS  
PLYMOUTH

**Proposal**

Erection of retail unit, associated car parking, landscaping and access

**Applicant**

Duke Properties (Marsh Mills) Limited and Next Plc

**Application Type**

Full Application

**Target Date**

**18/03/2016**

**Committee Date**

**Planning Committee: 04  
August 2016**

**Decision Category**

Major - more than 5 Letters of Representation received

**Case Officer**

Ali Wagstaff

**Recommendation**

Refuse

**Click for documents**

[www.plymouth.gov.uk](http://www.plymouth.gov.uk)



## 1. Description of site

The Site is 1.12 hectares in size and is a brown field site. It is located within, but on the edge of the Parkway Industrial Estate, and adjacent but beyond the Marsh Mills Retail Park which is located across Longbridge Road. The Roundabout on Longbridge road which sits at the south west corner of the site provides the entrance to the retail park; which faces on to the A38 with the back and side of units facing on to Longbridge Road. The site is bordered by St. Modwen Road to the east which leads into Parkway Estate which expands to north and west of the site. Longbridge road is to the south with Marsh Mills beyond and Leigham Manor Drive to the west. To the west running along Longbridge Road is a small run of residential properties, the corner plot on Leigham Manor Drive is currently a surface level car park but has consent for a dwelling. Across Leigham Manor Drive to the north of the dwellings is a small wooded area known as May's Marsh with the River Plym situated beyond.

The site previously contained a large industrial Unit which has been demolished and the site cleared with the exception of a small building and some remaining piles of demolished material. The perimeter of the site is enclosed by blue hording. The site while clear still retains a number of trees including a large pine.

The site rises gently to the north with a slight plateau in the central area. There is a small electric substation on the South-East corner of the site.

## 2. Proposal description

The Proposal is for the construction of an AI Retail Unit, with the proposed occupier identified as Next, providing a Next Home and Fashion Store. The Store has a gross internal floor area of 7,158 sqm, of this, 4,792 sqm will comprise net retail sales area. This will be made up of 2042 sqm of Fashion goods, 2,378 sqm of Next Home/ Bulky Goods products, a 372 sqm Garden centre and a café of 201 sqm. The floor plate is L shaped with the store being 53.4 metres in width and a maximum of 68 meter in depth on the east elevation, the store is 48 metres in depth on west elevation with a further garden centre and the mechanical plant area beyond. The floor plate of the store is approximately 2981 sqm metres, if the garden centre is included alongside the HV/AC area this increase to approximately 3439 sqm

The store is proposed to be sited to the North-Eastern edge of the site and is 3 storeys in height with a maximum height of 13.725 metres. The store is L shaped with the principle elevation facing on to Longbridge Road with the principal element of car parking in front of the store. Additional parking, including the disabled parking is wrapped around the western side of the store fronting on to St Modwen Road. The vehicular access into the site will remain in the existing location on St Modwen Road. The servicing area for the store will be located at the rear of the store accessed through the car parking facing St Modwen Road, staff parking is also provided in this area.

Internally the store contains 3 storeys, the ground floor will be used for retail sales, the first for retail and an area of storage and the upper story will be for stock room and staff area. The first floor is slightly set back from the store entrance with the second floor further set back covering only 2/3 of the store footprint which will provide a vaulted atrium and the front of the store. To the rear of the store on the ground floor a covered garden centre will be provided and a goods receipt area.

A detailed landscaping strategy has been produced for the site, which retains significant amount of existing trees and vegetation surrounding the East, South and West sides of the site. This will be strengthened with additional planting and landscaping, additional tree planting will be provided in the parking area.

## 3. Pre-application enquiry

A formal Pre-application enquiry 15/00626/MAJ was submitted for the site on the 9<sup>th</sup> April 2015. A written response was provided in June 2015 which concluded the Pre-application. The pre-application advised that the proposal was considered to be contrary to the NPPF Paragraphs 23 to 27; Core Strategy Strategic Objective 7, Policies CS06, CS08, and CS05, and Area Visions 3 and 9; the City Centre and University AAP Strategic Objective 1; and Plymouth Plan Part one (Consultation Draft Strategic Objective 3, Policy 4, Policy 21, Policy 24, Policy 44 and Policy 45. It would lead to a significant adverse impact on the City Centre and upon the planned investment in the new Derriford District Centre, and would lead to the loss of an employment site suitable for B8 uses. Officers would therefore be unable to support an application.

## 4. Relevant planning history

- 10/00764/FUL            Redevelopment of site by erection of industrial unit (use classes B1/B8) and a non-food bulky goods retail unit with associated access and car parking area (extension to the time limit for planning implementation of the existing planning permission reference 07/00179)- Application Withdrawn
- 10/00920/EXD            Certificate of lawful development for the commencement of development of planning permission 07/00179/FUL for the redevelopment of the site by the erection of an industrial unit and non-food bulky goods retail unit; the works comprising a material operation by the initial works on the construction of the southern vehicular access to the development site- Certificate issued
- 09/00336/ADV            Agents sign board –Grant Conditionally
- 07/00179/FUL            Redevelopment of site by erection of industrial unit (Use Classes B1/B8) and a non-food bulky goods retail unit with associated access and car parking areas - Grant Subject to S106
- 06/00951/FUL            Redevelopment of site by erection of industrial unit (Use Classes B1/B8) and a non-food bulky goods retail unit with associated access and car parking areas - Application Withdrawn
- 04/00368/OUT            Outline application for 4,183 sqm of non food retail space and associated parking and servicing - Application Withdrawn
- 01/00281/FUL            Change of use, conversion and partial demolition of premises to form 7 units for use within Classes B1/B2/B8 and B8 with ancillary trade sales, with external works including revised access and parking- Grant Conditionally
- 91/01585/FUL            Erection of building for steam cleaning canisters. Granted conditionally
- 85/03473/FUL            Block J parkway industrial estates St. Modwen road Plymouth marsh mills formation of access way Andre - alignment of highway together with raising floor level of block j2 warehouse - Granted conditionally

## 5. Consultation responses

### Police Architectural Liaison Officer

The Devon and Cornwall Police are not opposed to the granting of planning permission for this application.

### Economic Development Department

Economic Development has strong concerns over application and objects for following reasons;

**Impact on the City centre** - out of town retail will have severe and detrimental impact on vitality and viability of city centre and other centres and Derriford District Centre proposal, it is highly likely

that development will alter the attraction of Marsh Mills and result in further trade draw away from City centre.

Retail habits are changing and Plymouth is facing this revolution in a proactive manner, with construction to start on £40m Drakes leisure in Aug 2016, there is a real potential for the city to capitalise on this momentum. The Council are progressing City Centre & Waterfront Master plans which are identifying key areas for intervention which will generate strategic development opportunities in the city centre. In parallel with identifying, and supporting investment the Council needs to protect the city centre from inappropriate out of town development. A store of this scale and nature would draw shoppers away from the city centre, particularly given its strategic position on the eastern approach to the city and free car parking. This would adversely affect the vitality of the city centre and needs to be resisted.

Clarification is required on how trade diversion is calculated, it does not seem representative given range of goods to be sold e.g fashion which is not sold from Marsh Mills but is in City Centre. Require further cumulative modelling.

Applicant has not considered sequential test in sufficient detail including vacant store and site from emerging master plan.

Development is not in Marsh Mills and will set precedent for further out-of-town application impacting city centre.

**Impact on current, planned and future investment** - Strong concern development will have severe and detrimental impact on the planned future investment climate of the city centre and have a detrimental impact on the planned public sector lead development Economic Development Department are seeking to bring forward through the city centre master plan and the likelihood of attracting private sector retail development and future investment in city centre

**Sequential Sites Availability of alternative opportunities** - The following opportunities are either available or are being brought forward by the Council for redevelopment and could accommodate the Next requirement either in its entirety or majority excluding bulky goods/garden element.

Colin Campbell Court is a key gateway to the west end of the city centre. A scheme is being progressed and the Council is actively working with partners to bring forward development. A number of strategic acquisitions have been made by the Council to assemble the different property interests. Mixed use residential led development is proposed, however the masterplan could be revised to accommodate the Next requirement.

Cornwall Street East is identified as a strategic development opportunity in the Masterplan for retail led mixed use redevelopment which could accommodate the Next requirement. Cornwall Street East offers substantial retail redevelopment totalling 15,877 sq m with flexibility for a range of larger footprint retail space and redevelopment of the Council owned multi storey car park.

88 Royal Parade, the former Derrys Department Store provides 12,928 sq m gross retail floorspace over five floors the majority of which is vacant and available. Whilst the two planning applications submitted by the current long leaseholder do not include the level of retail proposed by Next, the building is suitable for all save the external garden centre aspects.

**Loss of Employment Land** - The proposal will result in loss of over 2,200 sqm of B1/B8 employment land, which the PCC employment land review (2015) identifies an under supply of

deliverable B8 land and such the site should be safeguarded. There is an increased demand across city for employment land.

It is acknowledge application provides some economic impact highlighting investment of £11m on construction, 72 construction jobs and 128 full time equivalent jobs from local area, these do not however outweigh detrimental impacts on city centre or current and future investment

**Lack of Marketing** - Evidence of marketing provided is weak and would expect to see further detail.

If the LPA find the application acceptable the Economic Development Department would suggest the following;

Planning condition recommended employment and skills plan

Planning obligations for Loss of employment land £72,667

Planning obligation to mitigate impact on city centre.

### **Additional responses from Economic Development Department to Applicants additional information**

- I. To respond to assertion that refusal on the basis of loss of employment land is not appropriate Vickery Holman (active local property agents) were engaged by Economic Development Department to advise on the market for employment land in Plymouth and this site specifically.

The key element of this application is whether the site is a viable employment site and therefore whether its loss would be contrary to Policy CS05. With this in mind following point are identified:

- Whether the site in an appropriate location for employment uses - consider that the site is in an excellent location for employment uses, being within a mature and popular industrial park with strong transport links both in to the city and out to the wider road network
- Whether there is likely demand for employment use on this site. - refer to the report by Vickery Holman which demonstrate active requirements for industrial property registered in a 15 week period of 533,000 sqft or 341,450 sqft of purely B class uses. In addition it show a take-up of property over the same period of 409,000 sqft. Considering the total supply in the Plymouth market is 507,000 sqft this shows a healthy and active demand.
- Whether developing employment use on this site is viable- Vickery Holman have prepared a viability appraisal. It demonstrate that a scheme targeting the smaller industrial requirement, would be viable and could achieve a 20% profit.
- Whether there is evidence of sufficient marketing of the site for employment uses that demonstrates its non-viability. Vickery Holman provides a list of the level and type of activity that they would undertake in order to market the site. There is no evidence from the applicant that marketing for employment uses has taken place, it is considered that should the site have been properly marketed it is reasonable to assume that serious interest would have been generated.

In conclusion, Economic Development Department consider this is a viable employment site and that the proposed scheme in 15/01831/FUL would result in the loss of a viable employment site and maintain objection to the application on the basis that it is contrary to Core Strategy policy CS05 (development of existing sites) and policy 21 (delivering sufficient land for new jobs) of the emerging Plymouth Plan.

### 2. Economic Development have reviewed further information dated 18<sup>th</sup> May 2016

They consider the evidence for build cost of c£70 per sq ft used by Vickery Holman is robust and is similar to the Royal Chartered Institute of Surveyor's Building Cost Information Service mean value of £67 per sq ft to be a more robust estimate than JLL's unnamed Quantity Surveyor's opinion of £100 per sq ft. On this basis the updated appraisal by the applicant of 13,068 per sq ft as indicated by JLL would still be profitable and therefore viable.

As such it is not considered to be evidence that would change consideration of the subject site, if properly marketed, whether totally or partially developed, would have a reasonable prospect of being occupied for employment purposes.

#### Highways Authority

The Highway Authority consultation considered in detail the transport assessment which accompanies the application and the scheme proposal. A number of questions are raised in relation to information contained in the Transport Assessment, however it concludes that on balance that the Highway Authority would not wish to raise any objections in principal to planning permission being granted, subject to appropriate planning conditions being included in the granting of planning permission.

#### Natural Infrastructure Team

Consultation identifies that the key issues relate to biodiversity, landscape and trees. An Ecology Assessment Report which includes an Ecological Mitigation and Enhancement Strategy has been submitted and subject to additional mitigation relating to reptiles and additional information on tree replanting being included, this can be conditioned. It concludes that sufficient information has been submitted and it accords with planning policy requirements subject to detailed conditions.

Following updated information and an updated Ecological Mitigation and Enhancement Strategy the Natural Infrastructure Team considers the application accords with planning policy requirement subject to conditions.

#### Low Carbon Team

The Low Carbon Team has reviewed the submitted Energy Statement and can confirm the suggested approach is acceptable. A condition is recommended to require provision of energy and carbon reduction measures.

#### Highways England

Highways England's formal recommendation is that they offer no objection. The response gives consideration to Transport Assessment submitted and identifies concern in relation to how some data has been applied and the Highways England has undertaken their own assessment which identifies more trips generated by the store in the Saturday peak, and that the trips would pass through Forder Valley Junction which the Transport Assessment has not assessed the impact. However Highways England conclude that while this would result in 55 vehicle using this junction in the peak hour the impacts on the individual approaches is smaller and the increase in trips is not considered to be severe. Highways England is content that the impact of the development on the operation of the A38 would not be severe and therefore does not object to the proposal.

#### Environment Agency



Following submission updated Flood Risk Assessment revision D, subject to the planning authorities view on flooding sequential test, the proposal will be acceptable if planning permission includes conditions to secure appropriate ground and floor levels and preparation and approval of flood management plan.

It recommends that the application is not determined until Plymouth City Council have determined whether the proposal can satisfy the sequential test.

Recommended conditions- Ground and Floor Levels, flood management plan and surface water drainage system.

### Lead Flood Risk Authority (LFRA)

Following submission of additional information the LFRA has confirmed that:

- Given South West Water have confirmed that a discharge to the surface water sewer has been addressed, the revised Flood risk assessment will be limited to a rate equivalent to 1/10 year greenfield rates, which is acceptable.
- Further detail will be required of the onsite drainage system and storage system; while the approach set out is acceptable for the car parking area it will need to be revised if additional area is drained to this area of the site.
- An assessment of exceedance flows should be undertaken and provided to ensure that surface water run off does not impact upon Third Party Land or property.
- The requirement for a construction environmental management plan (CEMP) remains.

LFRA have confirmed that these additional matters can be dealt with by Condition should the application be approved.

### Public Protection Service

Overall recommendation approval subject to conditions and informatives recommended in relation to Noise, Opening Hours, delivery hours, lighting, limiting cooking operation (Café) and land contamination.

Further consultation confirmed flexibility on delivery hours condition, but requirements for restricted store opening to preserve residential amenity.

Additional land contamination response - on condition wording to overcome applicants issues.

### City Centre Company

Summary key points;

Significant concern with the range of goods to be sold in the proposal with large amount fashion goods, which will have direct impact on and dilute trade from City Centre and which will damage future prospect for inward investment.

PCC has engaged LDA consultants to produce a City Centre Master Plan, a blue print for re-vitalised City Centre. While the foot print of retail area is likely to be smaller, the amount of floor space will grow, which will allow other area in the City Centre to diversify, increasing vibrancy of the Centre. To execute the Master Plan significant inward investment will be required and confidence provided to investors of the primacy of the City Centre.

The Application will undermine the ability to secure investment from retailers and significant investment is required to provide more units of size and shape for modern retailers needs.

The site is adjacent to Marsh Mills retail park which has bulky goods conditions, the Novotel Site development also has such conditions. Weakening this position will lead to applications for fashion goods to be sold, reducing the attractiveness of City Centre and investment in redevelopment.

There is no commitment for Next to retain current Drake Circus Store, the lack of commitment illustrates Next anticipated uplift in attractiveness to attract more trade. This alteration will draw trade from City Centre which is well represented by department stores for BHS, House of Fraser, Debenhams and M&S and major indoor centre.

The site is isolated from Marsh Mills and Novotel site and will function separately with visitor not being able to shop without moving their cars.

Unconvinced that a full review of City centre sites has been undertaken. Applicants should work with owners and the Council to assemble a site for Next's needs which would provide a catalyst for future development in City Centre. Instead an easy option has been taken which will damage the fragile City Centre.

The site will lose 2,200 sqm B1/B8 employment space. An assessment should be carried out to safe guard employment use on site which can accommodate unit of 10,000sqft.

Should the application be approved the following should be considered, a financial contribution toward City Centre mitigation measures, commitment to retain City Centre store for 25 years; restriction on tradability of lease; restriction on floor area and component parts; no convenience good sales; Staff cars not to be parked on site; and no unit subdivision or further floors.

The Plymouth Plan expects investment to be directed to City Centre, it places the City Centre as the primary location for comparison goods. This application will put potential for a re-vitalised, regenerated and vibrant city centre seriously at risk. It will draw trade from City Centre, reduce availability of B1/B8 employment land, increase car movements and the City Centre Company asks for the application to be refused.

### Local Planning Team

In relation to loss of employment land the key consideration is the evidence base which underpins Plymouth Plan. specifically the Employment Land Review (ELR). It identifies a strong demand for B8 use class floorspace, which is important to economy. The ELR identifies that sites available for immediate development are very limited. The application site is in a highly accessible location to the strategic road network on an establish employment area. There are no allocations in the Plympton or A38 East Corridor therefore the loss of a site would be particularly harmful to the supply of employment land. Market signals indicate Plymouth will provide a role as a centre for distribution and logistics for the far South West and the largest proportion of demand identified within the ELR is for accessible locations in the A38 corridor and Plympton areas. The evidence therefore supports the view of the economic development department that this development which will result in the loss of employment land will be harmful to the future development of the City.

## **6. Representations**

A total of 531 representations were received, 376 were in support, 19 were objections and 123 were general observations. A number of correspondents who have used the Council's on-line comments form have indicated support, object or general observation but have covered a number different topics in their representation. It is equally the case that some who identified support provided comments which were opposed to the store likewise some who selected object have in their comments indicated support for the scheme.

The letters of Support make the following points;

- The city needs more out-of-town retail and larger stores of this type to compete and to improve Plymouth's retail offer
- The store would become a distinct retail destination and attract shoppers from other areas and tourists
- The store will create 120 new jobs and redevelop a vacant site and benefit the local economy and people
- The store will improve consumer choice and offer a wider range of products in one location
- High quality design will improve the appearance of the area
- Improve current appearance of vacant site, bring new life to site.
- Out-of-town stores offer free parking
- Out-of-town stores are better for disabled people and families with young children
- The existing city centre store is too small
- This would complement existing city centre store, the city centre store needs to be retained
- Convenient and accessible location close to Marsh Mills for people from in and outside the city
- Good location for collecting goods including catalogue and internet orders
- This will increase custom to nearby stores
- This will encourage other large stores into the area
- Parking charges bus access and traffic congestion in the city centre reduce the appeal of the city centre.

The letters of Objection make the following points;

- Need to improve the city centre rather than disperse activity in different locations
- Opening hours are excessive and should be reduced to normal working hours to protect residential amenity
- Noise from the store and associated deliveries is a concern, deliveries to existing stores already create issues
- Dedicated staff parking area should be provided
- Wildlife study does not consider bats in the area, bat boxes should be provided
- Construction hours should be restricted to 07.30 – 16.00.
- There is an existing Next stores in city, site should be for another retailer
- There are problems with the capacity of the road network, nearby residents can't access their homes at peak times
- How would the planning authority enforce conditions when those on existing stores are not enforced
- Parks area should be used for such purposes to reduce demand on the highway for parking to preserve public safety and free flow of traffic
- Double yellow and single yellow lines should be provided on Longbridge Road to allow clear view of the proposed crossings.

Correspondents who marked their forms as Object also made the following comments

- The Next store is needed to improve Plymouth's shopping offer, the city is behind the times.

The letters of Observation make the following points;

- More and better retail parks are needed on the outskirts of the city
- Much needed larger store will improve consumer choice and the city's retail offer
- The city centre can be busy for a limited shopping visit

- Need to encourage people back into town centres
- Vacant city centre Derry's site would be a good opportunity for Next
- Will attract other retailers and investment and strengthen city as a retail destination
- Will improve visual appearance of the area
- Will reduce traffic and pollution in the city centre
- Development would create employment opportunities
- Land won't be used for anything other than retail
- Site is more accessible for disabled people
- Development would alleviate traffic into the city centre
- This opportunity should not be lost
- Traffic in the area is already an issue, particularly if there is an accident
- Staff parking for existing and future users' needs to be considered
- Site is an area of beauty, kingfishers and salmon have been seen in the area
- Investment is needed in the road network.

Non-material planning issues mentioned by correspondents were;

- Instead of building the store and coffee shop the money should be spent renovating the Pannier Market and West End shops
- Next is my favourite store
- This will reduce the need to use Next on-line shopping service
- Plymouth needs more big stores like John Lewis and Ikea
- The store should have a dedicated collection area.
- Next is a good company with good products
- Would want to be sure that Next trades ethically

The applicants have undertaken direct marketing of the application providing presentation material regarding the proposal. They have also had a Facebook advertisement campaign to make people aware of the proposals and the provided comments. This marketing provided a direct link to the Councils electronic representations facility to make representations on the application.

### **Letter from Joint Applicant**

A letter from Next has been submitted on 21<sup>st</sup> June (who are one of the joint applicants in the planning application)it identifies the follow broad points:

- Next is committed to drive its expansion of stores, both in Town centres and its a few new key large dual format stores.
- Application is for a complementary store which is significantly different to that of the City Centre Store, with 50% of the proposed store for homewares
- There is large home content of the store and City Centre sites are not suitable for the type of store being proposed.
- Online purchase are already capable of collection at existing Marsh Mills store, it is logical (subject to restricted floor space) that customers can buy all items under one roof.
- Plymouth is a top location for Next for dual format store, it will provide £11 million of investment in its construction and create 148 jobs.
- Next is prepared to enter into a commitment to retaining City Centre Store open for 10 years and invest £500,000 in refitting its store in Drake Circus.

- The proposal has received overwhelming public support the statement of community involvement received 313 forms with 96.5% identifying they would like to see new store at Marsh Mills. 2,746 'Likes on the Next4Plymouth Facebook page, 467 supporting representations with only 11 objection submitted on the planning application.
- A new random telephone poll has been undertaken of 1000 Plymouth residents 94.7% were supportive of new store at Marsh Mills.
- Believe planning permission should be granted, there is overwhelming support and the Government places high premium on 'localism'

### 7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007) and a suite of other adopted action plans. In the case of this application, the City Centre & University Area Action Plan is relevant.

The development plan is currently being reviewed as part of the Plymouth Plan, which it is now intended will form part of a joint local plan covering Plymouth, South Hams and West Devon (excluding Dartmoor National Park). The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation, although significantly Part One of the plan (which sets an overarching strategy) has been subject to consultation and received unanimous approval at a meeting of Full Council. (the Local Plan is intended to be submitted for examination in January 2017)
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the

development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document
- Planning Obligations & Affordable Housing 2<sup>nd</sup> Review Supplementary Planning Document

### Environmental Impact Assessment

The development proposed falls within Schedule 2 section 10 b of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The threshold for this section is exceeded and therefore a screening assessment has been undertaken following the receipt of the application. This concluded having considered the requirements set out in Schedule 3 of the regulations that the development will not result in likely significant effects on the environment. Therefore an Environmental Statement will not be required. This is quite a separate judgement in accordance with the above Regulations from that taken below which requires the application to be determined in accordance with quite different legislative requirements and policy in the Framework.

## 8. Analysis

### Executive summary

- ES1 The Proposal is for the construction of an A1 Retail Unit, with the proposed occupier identified as Next, providing a Next Home and Fashion Store. The Store has a gross internal floor area of 7,158 sqm, of this, 4,792 sqm will comprise net retail sales area. This will be made up of 2042 sqm of Fashion goods, 2,378 sqm of Next Home/ Bulky Goods products, a 372 sqm Garden centre and a café of 201 sqm. The store is 3 storeys in height and L shaped, it faces on to Longbridge Road with parking to the front and side of the store with deliveries area to the rear.
- ES2 The application site is 1.12 hectares and is brownfield it is located within, but on the edge of the Parkway Industrial Estate, and adjacent to the Marsh Mills Retail Park. The site has a previous planning approval 07/00179/FUL for the redevelopment of site by erection of industrial unit (Use Classes B1/B8) and a non-food bulky goods retail unit. This is preserved by certificate of lawfulness I0/00920/EXD which confirms the application was commenced and as such it is capable of implementation. Although this provides a fallback position which is a material planning consideration, it is considered that the fall back position should be given only limited weight in the overall planning judgement of the application.
- ES3 This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. In considering the proposal the following policies are considered relevant: SO4, CS02, CS05, CS06, CS08, SO7, SO11, CS19, CS20, CS21, CS22, CS28, CS34 And Area Vision 3 of

the Adopted Core Strategy, CC08, CC10, CC11 of the City Centre and University Area Action Plan and policies SO5, 1, 13, 18, 21, 24, 25, 29, 30 and 41 of the Plymouth Plan and the guidance contained in NPPF and NPPG.

- ES4 In considering the proposal the key matters are considered to be retail matters, employment considerations, consideration of the flood risk management, highways and transportation considerations, the design and landscaping of the store. As well as consideration of the ecology and biodiversity matters, the sustainable use of resources, impact of the store on residential amenity, and land contamination. Of these areas of consideration there are a number of these which are when considered against the relevant material planning considerations including the Local Policies of the Councils Core Strategy and Emerging Plymouth Plan acceptable and able subjected to detailed conditions to be supported by Officers as set out in section 8 analysis of the main report,
- ES5 There are a number of core matters which raise substantial concern to Officers and are considered so significant that they warrant the refusal of the application, these relate to consideration of the Retail and Economic impacts of the proposal and the compliance with the Sequential approach to sites at Risk of Flooding. Provided below is a summary of these key consideration.

## Retail consideration

- ES6 The application proposes a A1 retail store with a gross internal floor area of 7,158 sqm, of this 4,792 sqm will comprise net retail sales area. The applicant specifies the store is for a Next Home and Fashion Store and Next are joint applicant. The proposed application site is not located in any of the defined 'town centres' in the retail hierarchy and indeed, given the distance between the site and the nearest defined centres, the application site is 'out of centre' in status. In considering the retail matters associated with the application there are 3 separate but interrelated policy considerations; these are the Retail Strategy for Plymouth, the Sequential Test and the Impact Assessment.
- ES7 As part of Considering the retail elements of the scheme the Council has engaged GVA Grimley (GVA) to provided expert advice on this matter to help inform Officers in the consideration of the application.

## Retail Strategy

- ES8 The Council's Core Strategy and emerging Plymouth Plan set out a clear retail strategy for the City, this is focused on maintaining and enhancing the City Centre's role as a major shopping destination and protecting the primary retailing role of the City Centre. Significant importance is placed on the comparison goods sector in under pinning the strategy.
- ES9 The proposal raises significant concerns in relation to the Council's strategy, it promotes a significant quantum of comparison floor space of which a substantial element is not bulky goods in an out of centre location, which is identified to be occupied by one of the most prominent high street retailers. The level and type of retail floor space raises a real concern over its impact on the City Centre in terms of the impact to its vitality and viability and the impact on investment in the Centre, both the Council's Economic Development Department and the City Centre Company have raised concern over this matter in their consultation

responses to the application. Given the detailed consideration in Paragraphs 5-18 of the main report, The proposal is considered to runs contrary to the Council's approach to the Marsh Mills area as a location for Bulky Goods provision and the overarching retail strategy for the City which direct comparison floor space of this nature to the City Centre and then other Town Centre Locations set out in both the Core Strategy and The Plymouth Plan Part One.

### Sequential test

ES10 Paragraph 24 of the NPPF and Policy CS08 of the Core Strategy and Policy 41 of the draft Plymouth Plan require the application of the sequential test to retail development proposals which are not located in an existing centre. The general approach undertaken by the applicants to considering sequential sites is not considered by Officers as advised by GVA to be robust or to have demonstrated sufficient flexibility in terms of the scale and format of the store required by paragraph 24 of the NPPF. Of the sites considered by the applicants, officers consider that the former Derry's Department Store, and Colin Campbell Court are suitable and available. Officers also consider that the Applicants have not properly considered the potential of other site including the Cornwall Street area allocated in policy CS11 of the City Centre Area Action Plan, or the proposed new District Centre at Derriford which should be considered before an out of centre site application site. Given the detailed consideration in Paragraphs 19-49 of the main report, it is the view of your officers the applicants have failed to demonstrate compliance with the sequential test.

### Retail Impact

ES11 Paragraph 26 of the NPPF, Core Strategy policy CS08 and Policy 41 of the Plymouth Plan require applicant to demonstrate that the proposal will not have an adverse impact on the City Centre or other town centre locations. The applicants consider that the proposal will not have an adverse impact on the City Centre. Officers have concerns over the evidence provided by the applicants and in advising the authority on the impact of the scheme, GVA have provided their assessment of the likely impact of the scheme, the overall conclusion is that the proposal will have a significant adverse impact upon the health of the City Centre. This position also accords with the consideration of the City Centre Company, Economic Development Department in their consultation responses to the application. It is also considered the proposal is likely to have a significant adverse impact on the public and also private sector investment in the City Centre which are again raised in the consultation response from the City Centre company, Economic Development Department.

ES12 Given the detailed consideration in Paragraphs 50-73 of the main report officers have concluded that the proposal is likely to have a significant adverse impact on the vitality and viability of the City Centre and the public and also private sector investment in the City Centre contrary to the requirements of Paragraph 26 of the NPPF, Policy 41 of the draft Plymouth Plan and Policy CS08 of the Core Strategy.

### Retail matters conclusion

ES13 Having considered all the relevant matters relevant to the retail consideration of the application, it is concluded that the proposed scheme will have a significant adverse impact on the health of and investment in the City Centre and that insufficient flexibility and lack of evidence has been provided in the sequential test and that there are sequential preferable sites. The proposal will also undermine the Council's retail strategy contrary to the requirement of Strategic Objective 7, Area Vision 3 and Policies CS06 and CS08 of the Core



Strategy and Policies 1, 21 and 41 of the emerging Plymouth Plan and the requirements of para 24-27 of the NPPF.

### Economic Considerations

ES14 The application site forms part of Parkway Industrial Site, an established employment location which is in close proximity to the A38. As an existing employment location Policy CS05 of the Core Strategy and Policy 18 of the Plymouth Plan sets out the considerations for the development of existing employment sites. Having considered the applicant's submitted information and the advice provided by the Council's Economic Development Department, supported by Vickery Holman, who have advised them on detailed Economic Matters, it is considered that contrary to the position set out by the applicants, that the site represents a significant opportunity to meet the economic needs of the City and its economy and is a viable employment site and as such as set out in paragraphs 94 - 114 of the main report the development is contrary to the requirements of Policy CS05 of the Core Strategy and Policy 18 of the Plymouth Plan. While there are economic benefits including creation of 148 jobs as well as construction jobs these matters do not outweigh the lack of compliance with the overriding requirement of policies CS05 of the Core Strategy and Policy 18 of the Plymouth Plan.

### Flood Risk and Water Management

ES15 In considering the flood risk implications of the scheme it is important to consider whether the proposal has complied with the sequential test directing development away from areas that are at highest risk of flooding as set out in Policy 26 of the Plymouth Plan, Policy 21 of the Core Strategy and chapter 10 of the NPPF. The application site is located within Flood Zone 2 with part of the site being located in Flood Zone 3. It is therefore important to consider whether there are any sites available in lower risk areas from flooding. The sites considered in the retail sequential test discussed above and in paragraphs 119-149 and 116- 129 of the main report in the City Centre and Derriford are all in Flood Risk Zone 1 and as such are considered in flood risk terms to be sequentially preferable to the application site. Given that the conclusion reached in the retail sequential test is that the Derry's Department Store and Colin Campbell Court site are considered to be available and suitable, it is considered that these are sequential sites in flood risk terms as they are in a lower flood risk zone.

ES16 In addition to their being sequentially preferable sites, it was not considered that suitable flexibility had been given in terms of scale and format of the store in the retail sequential assessment. As such in relation to the flood risk sequential assessment it is the case that there is insufficient information in order to ascertain if other sites in lower flood risk zone could accommodate the proposed development. Given the detailed consideration in paragraphs 116- 129 of the main report officers have concluded that there are sites at lower risks of flooding that there are reasonably available sites for the proposed development. It is also the case that in relation to other sites which may also be in sequential preferable location that there is insufficient information to conclude that they are not reasonably available.

## Planning Balance and conclusion

- ES17 There are a range of matters which officers consider are suitable and meet the requirement of both the local policies set out in the Core Strategy, and emerging Development Plan the Plymouth Plan as well as the requirement of the NPPF, which weigh in favour of the application. The scheme will also bring a vacant site back into active use and provided a range of employment benefits, the fall-back position equally gives weight to the scheme. However these acceptable elements in the planning balance are not considered to provided sufficient justification to outweigh
- The significant adverse impact on Plymouth City Centre in terms of the impact on the vitality and viability of the Centre and the impact on public and private sector investment in the City Centre,
  - That insufficient flexibility has been shown when approaching the sequential preferable sites and the Council consider that there are available and suitable sites,
  - That the proposal is contrary to the Council's retail spatial strategy.
  - The scheme will result in the loss of viable employment land
  - That there is insufficient information in order to concluded that the proposal cannot be located on sites which are located in a lower Flood Risk Zone and also there are sites located in a lower flood risk zone (Flood Risk Zone 1) which are reasonably available and appropriate for the proposed development.
- ES18 The overall conclusion of officers is that the development is contrary to the development plan and emerging development plan and that there are no material considerations which indicate that development should nonetheless be granted. In terms of the NPPF, this is not a case where the development plan is absent, silent or where relevant development plan policies are out of date. In terms of the NPPF this is a case where policy in the NNPF indicates that permission should not be granted because of the failure to comply with the flood risk sequential approach in paragraphs 101 and 102of the NPPF and retail policies set out in paragraphs 24-27 of the NPPF. The presumption in favour of sustainable development does not therefore apply.
- ES19 Given the significance of these three areas of policy conflict it is considered that the application cannot be supported by officers and the acceptability of elements of the scheme do not outweigh the significance of these policy conflicts.
- ES20 The scheme therefore cannot be supported by Officers and is as such recommended for refusal for the reason set out in the main report.

## **Main Report**

### Introduction

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. In considering the proposal the following policies are considered relevant: SO4, CS02, CS05, CS06, CS08, SO7, SO11, CS19, CS20, CS21, CS22, CS28, CS34 And Area Vision 3 of the Adopted Core Strategy, CC08, CC10, CC11 of the City Centre and University Area Action Plan and policies SO5, 1, 13, 18, 21, 24, 25, 29, 30, 41 and 42 of the Plymouth Plan and the guidance contained in NPPF and NPPG.

## Fall Back position

2. The site currently has a live consent for a 2350 sqm gross unit for bulky goods retail and 2226 sqm gross unit for B1/B8 Use from 2007 which is preserved through a certificate of lawfulness demonstrating implementation of the consent in May 2010 shortly before the planning permission expired on 5<sup>th</sup> June 2010. Whilst the possibility of this fall back position being implemented is a material planning consideration, the weight to be given to it as a material consideration is a matter for the local planning authority to determine in considering the application.
3. There are a number of matters to take into account in considering the weight to be afforded to the fall back position, these include the following considerations;
  - The site has been marketed principally for retail uses with display board identifying the site as to let for retail warehouse development units (it does not advertise B1/B8 element). Given the length of time (8 years) the site has been available to the retail market it seems clear that there has been a lack of market interest to implement the consented development.
  - The retail floor space is controlled via a bulky goods condition on the retail unit. This condition limits the goods which can be sold from the unit to DIY hardware and garden centre products, kitchen and furniture, carpets and floor coverings, electrical goods, cycles, motor and cycle accessories, pet food and pet products and office equipment only. Of the goods which the applicant wishes to sell in this application only the furniture and garden centre products are able to be sold from the unit.
  - The bulky goods/retail floor space conferred in the fall back is 2350 sqm gross, under a third of the size of the store proposed.
  - Evidence provided by Peter Brett Associates in support of the application (supported by JLL report) identifies that in relation to employment element that 'The extant permission does not suit market requirements and represents a substantial over development of the site.'
4. It is clear that, there has been limited retailer interest in relation to the fall back scheme despite marketing for that purpose and the applicants own evidence identifies that for the B1/B8 element it does not suit the market requirements. There is also limited cross over of product sales with the proposals and the floor space is significantly less. Given the above circumstances, it is considered that the fall back position should be given only limited weight in the overall planning judgement of the matters set out below because there seems little prospect of this being completed since the permission underlying it is some nearly 10 years old.

## Retail Considerations- The impact of the development upon the Plymouth's retail hierarchy (City Centre, District and Local Centres):

5. The application proposes an A1 retail store. The store has a gross internal floor area of 7,158 sqm, of this 4,792 sqm will comprise net retail sales area. The application specifies the store is for a Next Home and Fashion Store and Next are joint applicants with Duke Properties. The proposed application site is not located in any of the defined 'town centres' in the retail hierarchy and indeed, given the distance between the site and the nearest defined centres, the application site is 'out of centre' in status, As such in considering the retail matters associated with the application there are 3 separate but interrelated policy considerations; these are the Retail Strategy for Plymouth, the Sequential Test and the Impact Assessment. Paragraphs 24-26 of the NPPF sets out the requirement for a sequential approach for main town centre uses and the requirement for the assessment of Impact. Paragraph 27 confirms that 'Where an application

*fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.'*

6. It is important to note that while the sequential test and impact assessment are the principle national policies for consideration it is also important to consider the spatial retail strategy for the city, set out in the Adopted Core Strategy and the Plymouth Plan Part One, which has the status of Draft Development Plan. These set the local policy context for the determination of the retail aspects of the application.

### *Retail Strategy Policy position*

7. The Core Strategy (2007) forms a key part of the Statutory Development Plan for the city, setting an overarching retail strategy in the context of the wider growth strategy for Plymouth. Strategic Objective 7 (Delivering Adequate Shopping Provision) sets out that the City Council will promote new shopping development which contributes to the delivery of the City's vision for sustainable high quality growth. Points 2 and 3 of Strategic Objective 7 seek to maintain and enhance the City Centre's role as a major shopping destination and protecting the primary retailing role of the City Centre. Point 4 identifies the requirement to strengthen the network of District and Local Centres encouraging a range of facilities and service in them. This sets out a clear commitment of the Council to safeguard and enhance the City Centre's primary shopping role and need to strengthen network of centres.
8. Area Vision 3 of the Core Strategy further expands what is planned in the strategy seeking '*To reinforce the City Centre's role as a vibrant and thriving regional destination, providing high quality shopping, recreation, cultural, civic, education and commercial facilities, well connected to surrounding neighbourhoods, as well as being a safe place of quality in which to live*'.
9. Policy CS06 builds upon the strategy identifying that '*The Council will support the development of the City Centre's role as the primary comparison shopping retail destination of the sub region*'. This provides a clear and explicit position for where comparison retail development should seek to be delivered. It also identifies the importance which is placed on the comparison goods sector in under pinning the strategy and future for the City Centre. Policy CS07 identifies where new centres are to be created, identify two proposed district centres and three new local centres. The policy identifies new District Centres at Derriford and Weston Mill. Policy CS07 is part of the proactive strategy seeking to direct retail development in accordance with the retail strategy aiming to address gaps in convenience retail provision.
10. Policy CS08 Retail Development Considerations seeks to amplify this requirement in terms of development management considerations. This is supportive of new retail development which contributes to the delivery of the spatial planning vision and strategy; complies with the sequential approach which prioritises development in existing centres; and will not have an unacceptable adverse impact on the City Centre, district and local centres. It is therefore clear that the Core Strategy has a clear and positive approach to retail development which takes a centres-first approach, establishing in particular the primacy of the City Centre.
11. The strategy in the emerging Plymouth Plan which sets the planning framework for the City to 2031, reinforces the adopted policy set out in the Core Strategy and takes an even more focused approach to the role of the City Centre for the future plan period. It is based on up-to-date evidence base, reflects current national policy and sets out a clear aspiration of the Council to promote new retail development in the City Centre. Policy I of the Plan sets out '*Plymouth City Centre will be seen as the primary location for major comparison goods shopping development, commercial leisure and office development within the city in order to maintain and strengthen its status as a regional shopping destination, as well as a strategic location for higher / further education services.*

*The LPA will therefore use its planning powers to promote forms of development that enhance the City Centre in order to reinforce its regional shopping role, whilst resisting developments in other parts of the city and the sub-region which would be prejudicial to this role.'*

12. Policy 21 'Provision for shops and services' identifies the requirement for future floorspace provision for the plan period 2011-2031. It further amplifies the position in Policy 1 stating "The allocation of sites and the consideration of proposals to meet provision will give primacy to the regional shopping role of the City Centre and support the City's shopping hierarchy set out in the spatial strategy of this Plan". While Policy 41 further amplifies the retail strategy requiring development to have full regard to the hierarchy of centres with Plymouth city centre as the major destination for retail and main town centre uses, point 4 of the policy goes on to expressly deal with bulky goods provision identifying the allowance of a limited amount of out of centre floor space to meet the needs of bulky goods retail warehouse provision with the primary location of the retail parks in Marsh Mills area where it relates to a format of store which practically or economically cannot be located in the City Centre.
13. As part of the development of the Plymouth Plan and the Council's retail strategy, the authority is taking a pro-active approach to delivering its strategy for the City Centre. The Council has engaged LDA Design to lead project team of consultants to develop a strategic master plan and site allocations strategy for Plymouth city centre which will inform the content of Plymouth Plan Part Two. The work will lead to the publication of an updated delivery-orientated Plan for the City Centre. This new masterplan will seek to support and underpin the work of the authority to bring forward strategic and site specific actions to develop the city centre, including the Council's own land ownership to deliver the enhancement of the city centre and the council's retail strategy.

### *Impact of Proposal on Retail Strategy*

14. The Plymouth Plan clearly retains and amplifies the retail strategy set out in the Core Strategy. The proposal raises significant concerns in relation to the Council's strategy. It promotes a significant quantum of comparison floor space with a 4,792 sqm net retail sales area in an out of centre location, which is identified to be occupied by one of the most prominent high street retailers in the City Centre. While an element of the store may be used to display and sell bulky goods, a significant proportion of the store provides goods which clearly are not. This includes a large amount of children's, men's and women's fashion clothing, other fashion goods (2,042 sq meters) which are not bulky goods. While some of the homeware range is bulky goods this also includes non bulky goods. It is the case that the majority of the goods proposed to be sold in the store are sold from store in the City Centre and that there are other stores including Marks and Spencer, Debenhams and House of Fraser which cover a similar product range from their respective city centre locations. This level and type of retail floor space raises a real concern over its impact on the City Centre in terms of the impact to its vitality and viability and the impact on investment in the Centre (covered in detail below) given the development's location in an out of centre location next to an existing bulky goods location. The provision of a store selling such a large amount and broad range of comparison goods including fashion sold by main high street retailer in this location, with ample adjacent car parking has the potential to derail the Council's retail strategy which is underpinned by the primacy of the City Centre as a focus for investment and the provision of comparison goods floor space.
15. The Council's Economic Development Department and the City Centre Company have also voiced this concern in their consultation responses to the application. They identify that it is not just that the floor space which is proposed which raises concern, but also the precedent it could set, should it be approved, to continue providing comparison goods in locations other than the City Centre which would be detrimental to the health of the City Centre having a severe and

detrimental impact on the vitality and viability of the City Centre and undermine the retail strategy. It goes on to identify that the Council is currently in an advance state of preparing a Master Plan for the City Centre and the Council's Economic Development Department is working to bring forward City Centre development opportunities to enhance the City Centre. The proposal has significant potential to undermine the strategy for the City Centre and undermine current progress to deliver this strategy.

16. This application promotes principally unrestricted comparison goods development at the application site, which would significantly alter the function of the Marsh Mills area (focused on the Marsh Mills Retail Park) away from a location for bulky goods uses. This is a position the Council has sought to strongly maintain Mars Mills as a location for bulky goods to ensure that the primacy of the City Centre for comparison goods is retained. The Council has sought to do this in relation to a proposal for new retail development in this area by controlling the range of goods capable of being sold, to Bulky Goods which have a have particular market and locational requirements. The granting of Planning Application 12/02320/FUL for an additional 7,900 square meters of A1 floor space on the former Legacy hotel was only considered acceptable and to comply with the policies of the Core Strategy where the range of goods proposed was heavily restricted through condition to a limited range of bulky goods which presented a location requirement to justify its location. In comparison the scheme proposed in this application includes high street fashion goods and other retail products which the Council's retail strategy and national policy seeks to direct to 'in centre' and particularly City Centre locations.
17. The applicant's Planning and Retail Statement suggests a number of conditions to control the proposed scope of the retail floorspace which include: restricting the retail sales area to 4,972 sq m net, removing the ability to sell of convenience goods; limiting the clothing and fashion element to no more than 2,042 sq m net sales; and limiting the proposed floorspace to one single unit (and no sub-divisions). The applicant have also identified that the Homeware section of the store could be conditioned such that 2,750sqm would be for the sale of 'home furnishings, furniture, kitchen and bathroom, fittings, lighting, DIY and decorating products, electrical items, garden goods and ancillary goods.' These proposed restrictions do not restrict the retail offer to bulky goods, which have, in some circumstances, particular market and locational requirements which mean that they may only be accommodated in specific locations (such as retail parks in out of centre locations with adjacent surface car parking) and would not impact on the wider retail strategy set out in the Core Strategy and Plymouth Plan. The applicants have also identified that the restrictions they propose make the application, in effect, a personal consent for Next. This view is not shared by officers or the advice received from the Council's retail consultants GVA who are providing expert retail guidance to the authority on retail matters. The proposal, even with the proposed restrictions in place, would enable the sales of a wide and varied product offer and would allow Next or many other town centre retailers to occupy the site. As Planning permissions are attached to the land not to the applicant. This proposal which in fact lies outside the established Marsh Mills retail park is therefore considered to run contrary to the Council's retail strategy and its approach to the Retail Parks in the Marsh Mills area as a location for Bulky Goods provision. In addition it is wholly contrary to the overarching retail strategy for the City which directs comparison floor space of this nature to the City Centre where comparison retailers compete with each other and then other Town Centre Locations set out in both the Core Strategy and The Plymouth Plan part one.
18. Given the above consideration the proposal which seeks to provide a significant quantum of relatively unrestricted comparison floorspace in an out of centre location is considered contrary to the retail strategy of the Core Strategy and Plymouth Plan which direct such floor space to the City Centre as the primary location for comparison goods. Furthermore the proposal is not located on a retail park and is not for bulky good warehouse provision, as such the proposal is

considered contrary to strategic objective SO7, and policies CS06, CS07 and CS08 of the Core Strategy and policies 1, 21 and 41 of the Plymouth Plan.

### Sequential Test

19. Paragraph 24 of the NPPF sets out the requirement for a sequential approach for proposals for main town centre uses. It notes "*Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.*"
20. Policy CS08 of the Core Strategy and Policy 41 of the draft Plymouth Plan also requires the application of the sequential test to retail development proposals which are not located in an existing centre. This requires an assessment of whether there are sequentially preferable sites which could accommodate the development.
21. Of particular importance is the final part of paragraph 24 of NPPF which requires applicants and local authorities to demonstrate flexibility on issues such as format and scale. The NPPG also notes that certain main town centre uses may have particular market and locational requirements which mean that they may only be accommodated in specific locations.
22. The applicant's initial sequential site assessment was considered, by officers and with guidance from GVA who have been instructed to provide expert guidance to the Council in considering the retail matters, it was not considered to be robust and the following concerns identified:
  - A failure to consider all potential sequentially preferable sites;
  - An assessment which relies upon historic data and not an up-to-date assessment; and
  - Concern over the lack of a flexible approach, as required by the NPPF, to the consideration of alternative sites.
23. Officers requested further information in relation to these matters and identified which sites in the city centre are considered to represent potentially sequentially preferable sites (including those where the Council owns the freehold interest and those being considered by the City Centre Masterplan). Contact details of the relevant officers responsible for the Council's land ownership and the city centre masterplan work were provided, in order that the applicants can consider and investigate these locations as part of their updated sequential site assessment. The applicants were also advised during the pre-application process of the development of the city centre masterplan and, in addition, during the course of the application officers have brought to the applicant's attention the developing work of the masterplan. In addition, the consultation responses from the City Centre Company and Economic Development Department have also identified the current work on the City Centre Masterplan. However, the applicants have not engaged with this process. The applicants in their final submission to the application state that they were not invited to engage in the masterplan, however the Council has brought the work to the applicants' attention numerous times and provided the contact details for the officer leading the process. The lack of engagement with this process or the engagement with Council officers in relation to sites within the Council's ownership is a significant concern and does not demonstrate that a proper investigation of all sequential sites has been undertaken.

### *Locational requirements and flexibility*

24. In demonstrating compliance with the sequential test, it is important to consider whether there are any locational requirements which affect the ability to locate the proposed development in a sequentially preferable location. Paragraph: 011 Reference ID: 2b-011-20140306 of the NPPG which is entitled: How should locational requirements be considered in the sequential test? - identifies that *“Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case, and land ownership does not provide such a justification”*.
25. The applicant’s position on these matters is set out in section 3.2 and 6.3 of its Planning and Retail Statement along with its supplementary information, which have sought to demonstrate why the proposed development can not be located on more central sites. This body of information and analysis has been considered by officers and in the supporting advice provided by GVA. The views of officers and GVA are provided below, although as an initial observation, the locational requirements identified by the applicant appear to mostly relate to the relatively small bulky goods element of the proposed development rather than the whole of the proposed development. Within the total net sales area of the proposed store, 2,378 sqm net will be used for the sale of homeware goods. Whilst a further breakdown of this product range has not been provided by the applicant, it is important to note that homeware includes both bulky and non-bulky items, many of which are sold from town centre locations.
26. A number of requirements that Next have identified do not set this operator apart from other retailers. For example, the requirement for storage and staff accommodation is not unique to Next Home and fashion model, as the majority of high street retailers require staff area and back office space and storage.
27. The applicants also state a requirement to locate near other bulky goods stores as bulky goods retailers prefer to locate close to similar stores since this promotes linked trips and that there are a concentration of homeware retailers at Marsh Mills. However, officers do not consider this to be a sufficiently robust specific locational requirement and one which is not in fact reflected in the suggested conditions which do not limit even the sales of the homeware section to bulky goods. Moreover, whilst the concept (and benefits) of co-location is understood, the same does easily apply to city centre locations in respect of the goods proposed to be sold particularly the comparison goods.
28. It is acknowledged that specific bulky goods stores do benefit from being served by adjacent surface level parking. In the applicant’s Planning and Retail Statement (paragraph 6.3.3) an appeal decision (PINS reference: APP/J4423/A/13/2189893) in Sheffield is referenced to demonstrate this requirement for Next. However the Sheffield appeal relates to a materially different format of store in Next portfolio: a Next Home and Garden (H&G) store. Paragraph 8 of the appeal decision confirms that the proposed Next H&G store would sell home-ware and garden products, but would not sell general clothing, footwear or fashion goods. This cannot be seen to provide justification for this currently proposed store which is made up of a number of elements including over 2,000 sqm net of fashion/clothing. In addition, the Sheffield appeal was also based on the local circumstances and evidence and is not considered to have a significant bearing on the circumstances relevant here. It is also important to note that other operators who have similar retail offer to the store proposed such as Debenhams, House of Fraser, Marks and Spencer’s, and John Lewis, are all able to provide this offer successfully for town/city centre locations. It is also important to note that the bulky goods sold within Next stores are generally not available for collect from the store, and instead they are home delivery items. This further limits the requirement for adjacent car parking for the easy transit of large goods from the store. It is therefore considered that the applicant’s imposition of specific out-of-centre locational



requirements associated with this element is not reasonable nor a robust approach to assessing sequential sites for the proposed floor space.

29. In addition to considering locational specific requirements, it is also important that flexibility is demonstrated in the consideration of the sequential test. Paragraph 010 Reference ID: 2b-010-20140306 of the NPPG expands on the issue of flexibility stating that *“is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal”*.
30. The general approach undertaken by the applicants to flexibility is not considered robust by the Council or GVA. The applicants have, during the course of the application, sought to demonstrate that their approach is reasonable by demonstrating that the assessment should be based Next’s Home and Fashion operational model. The applicant’s assessment focuses on this requirement alone and the consolidation of Next’s full retail under one roof. The applicants also state that the Next business model relies upon the full range of Next products to be available for the proposal to be viable, and that the format is clearly distinguishable from all other Next Stores.
31. In considering alternative sites in the sequential search, the applicants have considered a reduction in size of the proposed store (70% of the proposed stores gross internal floor area). The applicants state that using this figure filters out sites that are plainly too small to accommodate the business model and secondly that business model relies on a certain scale and format of development.
32. The approach taken is not considered to demonstrate sufficient flexibility in terms of the scale and format of the store required by paragraph 24 of the NPPF. GVA who have assisted the authority in considering the retail elements of the scheme have raised substantial concern with the approach taken by the applicants. In relation to the general approach taken, GVA are concerned that the applicants’ assessment relies on the self-imposed requirements of Next and just one of their retail formats. Whilst Next are one of the applicants, it is important to remember that any planning permission issued by the Council would run with the land (i.e could be occupied by other retail operators). It is therefore considered by GVA that the sequential test lacks the necessary robustness and GVA also go on to advise that Next have also not considered flexibility in its proper sense and have raised concern with the decision to consider the sites on their ability to accommodate 70% of the proposed store.
33. GVA have highlighted the following considerations in this regard:
  - Consideration needs to be given to the existing Next stores in Plymouth which are already available to shopping population of Plymouth and sell a wide range of Next’s products. As such, and with regards to the need for flexibility, there appears to be no strong justification as to why Next need a very large store, of a self imposed new format, to sell same product range as already available, when there is no suggestion of any problems with the existing stores.
  - The self imposed constraints surrounding the proposed business model appear to relate to the Home and furniture element of the business.
  - GVA disagree with applicants that the customer/trading profile of in-centre and out-of-centre Next stores is materially different to justify a new large out-of-centre store.

- There is evidence of Next Fashion and Home stores being smaller than the 70% minimum flexibility imposed for this sequential site search and therefore GVA question why the 70% minimum is reasonable and appropriate.

34. It is therefore considered by officers, informed by the advice of GVA, that the overall approach taken by the applicants in relation to flexibility is not sufficiently robust.

### *Assessment of Alternative Sequential Sites*

35. Notwithstanding the concerns regarding the demonstration of flexibility, it is important to consider the potentially suitable and available sequentially preferable sites as part of the determination of the application. During the course of considering this application, officers have identified further sites for the applicant to consider and set out below is a summary of the assessments provided by the applicant and the conclusions reached by GVA and officers.

36. From the outset, it should be noted that, in undertaking its sequential assessment, the applicants have in part relied on historic data and assessments (for the City Centre Area Action Plan), from the Plymouth retail and centres study 2012 and the consideration of a previous application for retail development at the former Legacy Hotel (13/00942) site at Marsh Mills. However, it is important to note that some time has now passed since the publication of the evidence they rely on and significant progress has been made with the Master Plan for the city being prepared and that the Council's Economic Development Department are actively seeking to bring forward redevelopment potentials including purchasing sites. There has also not been provided by the applicant any evidence that they have contacted landowners, site promoters or lease holder to establish the current position on the sites being considered.

### *Vacant units*

37. The applicants' initial assessment concluded that there were no available vacant units in the City Centre capable of accommodating the whole proposal. The applicants have also noted that Next already operate a store from the City Centre and that another store would not be viable for the business. The applicant's supplementary assessment considered a wider range of vacant sites and this included the former Derrys department store and former Sports Direct Store on Armada Way. The former Sports Direct unit has, during the determination of the application, been re-occupied and therefore can be discounted from the analysis. Leaving aside the Derrys unit, the applicants' assessment has concluded that there are no suitable vacant units and officers agree with this conclusion.

38. In relation to the former Derrys store, the applicants had initially acknowledged that it is available although their updated analysis suggested that this is now not the case in light of recent resolution of the Council to grant two planning permissions for mixed use redevelopment. In relation to the issue of suitability, the applicants acknowledge that the site is of sufficient size, but that the site does not meet the operational requirements of Next's own business model, given the lack of accessible surface level car parking and lack of ability to provide a garden centre. Next also identify a lack of footfall in the area around the unit and that they do not require two city centre stores.

39. It is clearly the case that the Derry's unit is large enough (gross internal area 22,018 sqm) to be occupied by the proposed store (4,792 sqm gross internal area). It is also the case that two planning permissions have recently been approved (subject to signing a S106 agreement) for the site, however according to the marketing sign outside the store is available for a department store opportunity. The applicants do not appear to have contacted the site owners to confirm

it is not available for continued retail use. Officers therefore consider that evidence has not been provided that the unit is not available and the applicants' analysis contains short-comings in the assessment not least that the site owner has not been contacted to confirm the availability of the unit. Therefore as a vacant retail unit on the market the site is considered to be available.

40. The justification from the applicants for the premises not being suitable relates principally to the lack of adjacent surface level car parking and ability to provide the garden centre element. The garden centre element is not a feature of all Next Home/Fashion stores and the need for adjacent surface level car parking is not a requirement of all products sold by the operator and given that the bulky goods can not be taken away from the store this reduces the need for such provision. It is also noted that Argos are located in the unit and do successfully sell a range of goods including bulky goods some which can be collected from the store and a loading bay within the unit is available. In addition, there are other department-style stores in the City Centre, selling a range of non-bulky and bulky goods, which are able to trade without an adjacent surface level car parking area as Derrys did from this site. As a consequence, officers do not consider that the applicants' analysis regarding the issue of 'suitability' should be accepted and that given that the proposal is for relatively unrestricted A1 floor space the site is considered suitable for this use.

### *Cornwall Street*

41. Significant parts of Cornwall Street (on both sides of Armada Way) are allocated for retail development in the City Centre AAP. Therefore, the Cornwall Street sites, particularly to the east of Armada Way, are a particular focus for the sequential site assessment for this application.
42. The applicants' assessment relies principally on the findings of the City Council's 2012 Retail Study which considered that a retail-led redevelopment scheme on Cornwall Street would not be brought forward till 2026. This leads the applicants to conclude that Cornwall Street cannot be considered to be available for the proposed development. The applicants have also suggested at para 6.4.9 of their Planning and Retail Statement that also a retail warehouse style scheme within a scheme identified for a department store would be unviable. The applicants, when considering the suitability of the Cornwall Street area, have also referred to the conclusions of the City Council in relation to the historic retail warehouse proposals at the former Legacy hotel at Marsh Mills, which concluded that the Cornwall Street area was not suitable for bulky goods scheme.
43. As stated above, the offer of the proposed retail store, in terms of its product range, is very similar to a department store all be it smaller in scale and as such the assessment made by the applicants is not accepted. Equally the proposed store is not considered by officers to be similar to the form of retail development considered in the Legacy Hotel application (which was for a bulky goods retail park which was controlled by a pure bulky goods condition). The applicant has also identified that there are no single vacant units in the area capable of locating the unit and that comprehensive redevelopment of the site is not being progressed. In this regard it is important to note that the site is allocated in City Centre AAP, which forms part of the Council's development plan. It is also as identified in the consultation response from Economic Development Department as being, in part, in the Council ownership and identified in the emerging City Centre Masterplan for retail lead mix use redevelopment (including the potential to provide for large foot print retail space). In addition, the applicants have made no contact with the Council or provided evidence of having approached landowner to properly consider the site in its current context including the developing Masterplan.

### *Colin Campbell Court*

44. Colin Campbell Court is also allocated in the City Centre AAP for redevelopment and has long been considered a key regeneration project for Plymouth City Centre. The applicants' analysis has identified that the Council has had plans to redevelop the site for 14 years and the site remains in fragmented ownership since the rejection of a CPO proposal. The applicants also refer to the promotion of the site by Trathen Properties and the contents of the officer's report for the former Legacy Hotel site retail proposal. The applicants suggest that Colin Campbell Court cannot be considered to be a suitable alternative as it would not be suitable for large retail warehouse development. The applicants' analysis goes on to refer to the Plymouth City Centre Development study which identifies the site a suitable for a range of use, highlighting that it is unlikely to be able to provide large scale high street retailing.
45. Officers disagree with the applicants' assessment of the Colin Campbell Court area and are particularly concerned that it does not represent an up-to-date assessment of the site. The Economic Development Department have identified in their consultation response that the site is identified in in the emerging City Centre Masterplan as a key gateway to the West End of the City Centre and is suitable for mix use residential led regeneration and that feasibility work for the site has been undertaken. It also importantly confirms that the scheme for the site is being progressed for the redevelopment of the site and that the Council has made strategic acquisitions with support from the Homes and Community Agency, which will enable phased redevelopment. Finally the consultation response identifies that while the Master Plan currently focuses on residential led redevelopment it could be revised to accommodate Next's requirements. The final response from the applicant point to the fact that the master plan does not have a focus on large format store, to justify its assessment of the site, however clear guidance has been provided by the Council's Economic Development Department that this could be amended to take in to account the requirements of Next. As a consequence of these matters, officers consider that the Colin Campbell Court area should not be discounted from the sequential site assessment and that the Site is suitable for A1 retail store of a similar scale to that proposed and can be made available.

### *Other City Centre Sites*

46. The applicants have also included an assessment of other sites in the City Centre, including: Bretonside Bus Station, the Civic Centre, the heart of the Independent quarter (block of units adjoining the market) and parts of Royal Parade. In relation to Bretonside Bus station, this site is currently being progressed for Drakes Leisure scheme and is therefore not available. In relation to the other sites, whilst officers and GVA have concerns with the applicants assessment of these sites, it is considered that none are likely to represent suitable and available alternatives for the proposed development.

### *Derriford District Centre*

47. The applicants have also been asked to consider the development plan allocation of a new district centre in Derriford. The applicants suggest that delivery of the new centre is unclear and therefore the new centre should not be considered an available alternative. The applicants also suggest that the proposed centre is not suitable for the proposed development as the format and function of the proposal for a retail warehouse would be incompatible with the vision for a sustainable mixed use urban centre given the store requirement for surface level car parking and modern servicing requirements. It does however also identify that the proposed store at Marsh Mills would not impact upon Next's consideration for a store in the centre in the future.

48. In principle, the role of Derriford as a new district centre does not make it unsuitable for the principally unrestricted retail development. It is a sequentially preferable location and, if the City Centre cannot produce a suitable and available site for the proposed development (which officers do not accept has been demonstrated), then Derriford would be next in the sequence of locations for consideration. Officers do not consider that the applicants' assessment is robust enough in relation to the new centre and considers that, if Next would potentially occupy space with the centre, then this (in-centre) opportunity, where it would also support wider regeneration, should be considered before the out-of-centre application site at Marsh Mills.

### *Sequential Test Conclusion*

49. In relation to the sequential test required by Paragraph 24 and 27 of the NPPF, Policy 41 of the Plymouth Plan and Policy CS08 of the Core Strategy, officers do not consider that the applicants have shown sufficient flexibility in terms of form and scale when approaching the assessment of alternative sites and premises. Furthermore, officers have concluded that the applicants' assessment of alternative sites is not based upon an up-to-date position bearing in mind the current work of the Council and the emerging Master Plan. As a consequence, it is the view of your officers the applicants have failed to demonstrate compliance with the sequential test and therefore it is not possible to conclude that there are not suitable and available sequential sites and Officers consider that Derry's Store and Colin Campbell Court are both potentially suitable and available sites for A1 retail Store.

### *Retail Impact*

50. In addition to the Council's retail strategy and consideration of the sequential test, the other key consideration of retail planning policy is the impact of the proposed development on Town Centres in the City. Given the scale of the proposed floorspace and range of comparison goods which can be sold from the store, consideration of the impact is largely focused upon the City Centre.
51. The over-arching national planning policy guidance on impact is set out in the NPPF which divides impact in to two specific but interlinked areas. Paragraph 26 of the NPPF states that:

*“When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:*

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made”.*

52. The Core Strategy policy CS08 identifies that the Council will enable the enhancement of consumer choice, with criteria 6 of this policy notes that development should not have an

unacceptable adverse impact, including cumulative impact, on the vitality and viability of the City Centre and surrounding district and local centres.

53. The draft Plymouth Plan builds upon the Core Strategy position, with proposed Policy 41 stating:

*The provision of new retail floorspace and other main town centre uses will be positively planned for in accordance with the following principles and spatial priorities:*

*3. A limited amount of out of centre retail floorspace to meet the need for bulky goods retail warehouse provision will be provided for. The primary location for this floorspace will be at the existing out of centre retail parks at Marsh Mills, where it relates to a format of store which practically or economically cannot be located in the City Centre or another centre in the retail hierarchy. This floorspace will be closely controlled in terms of size of units, overall amount of floorspace and type of occupier, and will only be permitted if it is shown through a retail impact assessment that there is no significant adverse impact on any other centre in the city, existing or proposed.*

*5. All proposals for new edge of centre and out of centre retail development with a floorspace greater than 500 square metres (net) must be accompanied by a retail impact assessment, including proposals for extensions and mezzanines which would take the total floorspace over 500 square metres (net). Any proposal which would have a significant adverse impact on the vitality and viability of an existing centre or prejudice the deliverability, vitality and viability of a proposed centre will not be permitted.*

54. The assessment of impact submitted by the applicants sets out their case that the proposed development will not have a significantly adverse impact on the health of the City Centre. The applicants consider that the proposed retail store will have only a modest amount of trade diversion from the City Centre and that this will be significantly outstripped by the forecast growth in the comparison spending in the City Centre over the period 2014-2018.

55. The applicants' retail impact assessment has been, in part, based on the survey of household shopping patterns commissioned for the City Council's 2012 Plymouth Retail and Centres Study. The turnover of the store is based on net sales area of 4,792 sqm, using two different sales densities, £4,500 per sqm net for fashion goods and £2,500 per sqm for the homewares section of the store. The applicants' assessment predicts the proposed store to have a turnover in 2018 of £16.1m. It considers that £5.81m (34% of the store's turnover) will be diverted from the City Centre, which will result in an impact of 1% (which they note is less than 10% of the anticipated expenditure growth to the City Centre between 2014 and 2018). When the cumulative impact with other schemes is factored in, this diversion from the City Centre increased to £6.53 m and results in a 1.1% impact on the City Centre's comparison goods turnover.

56. The applicants also identify that even if the whole turnover of the clothing/fashion element of the proposed store were to be diverted from the City Centre, then the City Centre's comparison goods turnover would only be impacted by 1.5%. The conclusion of the applicants' assessment is that the proposed store's impact on the City Centre will not be significantly adverse.
57. Following a review of the applicants' impact assessment, officers have concerns over the evidence provided by the applicants. In advising the authority on the impact of the scheme, GVA have provided their assessment of the likely impact of the scheme, and identified the following concerns regarding the applicants' assessment:
- The forecast pattern of trade draw to the proposed store (i.e. the source of residents' expenditure within the store);
  - The robustness of the base data used in the applicants' assessment (i.e. the household survey data);
  - The suitability of a range of assumptions used in the applicants' assessment.
58. As a consequence of these concerns, GVA have undertaken their own impact assessment to help inform the authority. It is based upon a more recent survey of household shopping patterns (undertaken in 2015). It also takes a different approach in relation to the likely pattern of trade draw to the proposed store, which GVA consider is more realistic in light of current shopping patterns and the retail offer of the proposed store. GVA's assessment identifies that the proposed store will, at 2021, will divert £10.5m of trade from the City Centre, (nearly double that forecast by the applicants) which will result in an impact of 1.4% of the City Centre's comparison goods turnover. Within this total level of diversion, £8.2m will be clothing/fashion expenditure and £2.3m will be furniture/home furnishing turnovers expenditure. When this forecasted impact is considered alongside the impacts of existing retail commitments elsewhere in the city (£29.4m) the total cumulative impact on the City Centre's comparison goods turnover will be 5.3%. This figure is five times higher than the impact identified by the applicants and raises substantial concern with regards to the vitality and viability of the City Centre.
59. GVA advise that, when judging the overall impact of the proposed on the vitality and viability on the City Centre, it is important to not just consider the financial impact figure alone but to consider the trading overlaps between the proposal and wider function of the centre. In this regard GVA note that spending on clothing and fashion items makes a significant contribution to the overall comparison goods turnover of the City Centre. This accounts for 40% of the total comparison goods turnover of the centre and GVA advise that visits for clothing and fashion goods are a key reason in attracting shoppers to the City Centre. Given this consideration GVA advise that the provision of a 7,200 sqm gross store with a net sales area of 4,800sqm which is larger than the existing Next store in Drake Circus (and in relation to other city centre stores is only rivalled in size by Marks & Spencer, Debenhams and House of Fraser) is likely to pose significant competition to the City Centre, selling a range of goods which will directly compete with the city centre retailers.
60. GVA's overall conclusion is that the proposal will have a significant adverse impact upon the health of the City Centre. This position also accords with the consideration of the City Centre Company, Economic Development Department in their consultation responses to the application. The responses from Economic Development Department consider that out of town retailing of the nature proposed in this application will have a severe and detrimental impact on the vitality and viability of the City Centre. The Strategic Development response also identifies that a store of the scale proposed will draw significant number of shoppers away from the City Centre particularly given its strategic position on the eastern approach to the city and provision

free car parking. The City Centre Company also identify that they have a significant concern with the range of goods that are proposed to be sold from the proposed retail unit, particularly the high concentration of floor space for fashion goods which will diluting trading from the City Centre.

61. It is clear that there are two different positions regarding the impact of the proposal presented by the applicants and key consultees (including the Council's adviser GVA). Officers having fully considered the proposal and evidence provided and share the concerns of consultees and the position set out by GVA. It is considered that the risks identified are very real and the proposal, given the large overlap of goods being sold within the City Centre, particularly the clothing and fashion goods, is likely to have significant adverse impact on the health of the City Centre.
62. Such a position is contrary to the requirements of paragraph 26 of the NPPF, Policy 4I of the draft Plymouth Plan and Policy CS08 of the Core Strategy. In drawing this conclusion, it is not just the level of trade diverted away from the City Centre but also the potential for the proposed store to provide a rival shopping destination for the City Centre. This has the potential to affect levels of vitality in the City Centre, as the intended occupier Next are one of the key anchor retailers in the City Centre.

### *Impact on Investment*

63. In addition to the effects upon the health of the City Centre, the potential impact on existing, planned and committed investment in the City Centre is also a key consideration for this application.
64. In considering the potential impact on city centre investment, it is important to take into account the Council's spatial retail strategy. The spatial strategy is based upon the City Centre as the focus for retail development and investment and is a central theme to the Core Strategy and the emerging approach of the Plymouth Plan.
65. The long term sustainability, health and growth of the City Centre is crucial to the future of the City. Therefore, it is important that a positive investment climate is provided and that the authority takes a proactive stance to preserve the City Centre. This provides existing business with the confidence to re-invest and grow their businesses. It also provides new businesses, looking to invest in the City Centre, with the confidence that it is a viable location. This is crucially important as city centre redevelopment schemes can be more difficult to deliver. Therefore, to make such investment happen, a positive city centre first approach must be taken. The proposal is considered to conflict with such a positive approach by promoting a large amount of relatively unrestricted Class A1 floor space in an out of centre location, and which will have significant potential to impact on the investment climate in the City.
66. The Core Strategy and City Centre and University Area Action Plan set out a positive planning framework for the City, allocating sites for future development. However, given the recession, the development in the City Centre, has been limited. The City Council has sought to meet this challenging position post-recession to drive forward new investment and improvements in the overall economy are helping this come to fruition. The development of Drakes Leisure on the former Bretonside Bus station is a key example of this, with the Council working positively and pro-actively with developers. There is a key opportunity as identified by the consultation response from Economic Development Department to capitalise on this a drive forward future growth.



67. The development of the City Centre Master Plan is also key to future investment with the Council, supported by the City Centre Company, taking a positive approach to delivering regeneration and enhancement in the City Centre. The Council is investing in the delivery of city centre opportunities, to bring in private sector investment associated with the sites identified in the master plan. The Economic Development Department have identified that they consider the proposal will have a detrimental impact on the planned future investment climate in the city and that the prospect of investment by one of the main high street retailers in an out-of-centre location would be hugely detrimental to the investment climate.
68. The Economic Development Department go on to identify two opportunities which are available or being brought forward by the Council for redevelopment. It identifies current work on Colin Campbell Court where feasibility work has been undertaken and the Council is actively working with partners to bring forward redevelopment including making strategic acquisitions with the support from the Homes and Communities Agency. It also identifies Cornwall Street East, which is identified as a strategic development opportunity in the emerging Master Plan and where there is developer interest. Given this position the proposal for a substantial quantum of A1 retail floor space in an out of centre location has the potential to undermine the public and private sector investment in the City Centre they identify.
69. The response of the City Centre Company also raises substantial concern, indicating that the proposed development will reduce the attractiveness of the City Centre and that undermine confidence for investment in the City Centre. Likewise, the Council's Economic Development department have raised concern that the proposal will have a severe and detrimental impact on current, planned and future investment in the City Centre.
70. Therefore, it is clear that the proposal generates a substantial concern to the investment climate in the City Centre, at an important point in time for the centre.
71. Unfortunately, the assessments provided by the applicants in relation to the 'impact on investment' test is limited in detail and appears to be based on historic information rather than any attempt to properly investigate the current investment opportunities in the City Centre. Opportunity to gain this understanding has been given to the applicants with notification of the emerging masterplan work given at both the pre-application and the application determination stages by officers. The applicant identifies that they have not been invited to part take in the master plan however this is not the case, with officers identifying the work and providing contact details for the officer leading the project. The applicants also note that no letter of representation have been submitted by retailer or investor identifying that this demonstrates their case regarding lack of impact. While this is the case the lack of representation can be for a range of reason both commercial and other and it is important to note that the City Centre Company do raise substantial concern who represent the operators in the City Centre.
72. The GVA advice also identifies that the type and scale of development proposed (relatively unrestricted comparison floor space) has the potential to affect investment in the City Centre. This is an important consideration, as occupiers such as Next are potential occupiers for new redevelopment schemes and the proposal if approved would show a lack of focus of the authority to similar occupiers limiting the potential for their future investment in the City Centre. GVA also identify this concern, identifying that the decision of the council to support an out of centre location for a city centre trader has the potential to set a precedent for a future direction of travel for the Council's attitude to such development which could effect the attitudes of potential new and existing investors and how they view the robustness in the City Centre. They also identify the potential of the scheme to impact on investment by existing occupiers in the City Centre. This is an important consideration as while future investment is important to improve the City there is also a strong need for existing occupiers and landlords to

invest in their existing stock to maintain and improve the appearance and appeal of the City Centre.

73. Given the above considerations, officers have concluded that the proposal is likely to have a significant adverse impact on the public and also private sector investment in the City Centre at a key point in time in the future development of the centre. The proposal is therefore considered contrary to the requirements of Paragraph 26 of the NPPF, Policy 41 of the draft Plymouth Plan and Policy CS08 of the Core Strategy

### *Other Retail Considerations*

74. While there are clearly substantial concerns with the proposal and the evidence submitted in relation to the sequential test, the impact of the scheme and its compliance with the Council's retail strategy it is important to consider whether there are any other matters which need to be considered in the balance of considerations of the retail merits of the scheme.
75. There is in this regard the need to consider that there is a fall back position on the site which conferred by Certificate of Lawful Development for the redevelopment of the site by the erection of an industrial unit and non-food bulky goods retail unit. This allows the construction of 2350 sqm of bulky goods store which needs to be given due weight. In considering it weight it is important to acknowledge that it would allow retail development on the site. This is however of a substantively reduced quantum to the scheme proposed which have a GIA of 7,158 with a net retail area of 4792 sqm. It is also for bulky goods (restricted by condition). Of the product ranges allowed by the condition only the garden centre element and the furniture sales of the proposed unit could be sold from the unit. It is important in this regard to note that it is only furniture and not ancillary or associated goods which is allowed, such as furnishings. As stated above the element of the Next Store identified as being for Home ware only a proportion of this is for actually bulky goods such as furniture. It is therefore considered that the existing live consent adds only a limited amount of weight to the consideration. This is further reduced given that the applicants have identified that the extant scheme in relation to the employment element does not suit market requirements and represents a substantial over development of the site and also that the site has not been, despite marketing for a number of year been attractive to the market. It is therefore concluded that the limited weight afforded to the fall back position does not out way the negatives identified.
76. It is also the case that there is a significant degree of public support for the proposal demonstrated by the letters of representations of which a number support the scheme and an increase in out of centre stores and the accessibility of the site. The representations also identify the constraint of the City Centre and access to it as supporting factors. It is clear that the proposal does have an element of public support particularly given the proposed occupier, there are however some representation with do not support the proposal which site for example the need to improve the City Centre. It is also important to acknowledge the responses from consultees with particular relevance to that of the City Centre Company who represents the traders of the City Centre and the economic development and Economic Development Department who all have substantial concern over the impacts of the scheme. It is not therefore considered that the support for the scheme is not of such compelling magnitude to lead officers to consider that it would out way the negative retail impacts of the scheme.

### *Retail Conclusions*

77. Having considered all the relevant matters relevant to the retail consideration of the application, it is concluded that the proposed scheme will have a significant adverse impact on the health of and investment in the City Centre and that insufficient flexibility and lack of

evidence has been provided in the sequential test and that there are sequential preferable sites. The proposal will also undermine the Councils retail strategy contrary to the requirement of Strategic Objective 7, Area Vision 3 and Policies CS06 and CS08 of the Core Strategy and Policies 1, 21 and 41 of the emerging Plymouth Plan and the requirements of para 24-27 of the NPPF. The clear advice in the NPPF para 27 is that an application that fails to satisfy the sequential test or is likely to have significant adverse impact should be refused.

### Highways and transportation considerations

78. In considering the highways and transport impacts of the scheme the key policies relevant are CS28 of Core Strategy which set out the Council's existing strategy for high quality and sustainable transport System for the City and the emerging Plymouth Plan policy 13 which seeks deliver a safe, accessible, and sustainable transport system.
79. The proposed store would be served by 180 car parking spaces including 12 disabled spaces and 10 Spaces reserved for staff use. 24 Cycle spaces and 2 motorcycle spaces would also be provided. The site access will be provided through the enhancement of the existing access from St Modwen road. The servicing of the site will be provided through the same access with a rear gated service yard which provides suitable turning space for HGV in a secure area, A Travel Plan has also be submitted for the Store.
80. The scheme includes two pedestrian zebra crossings on Longbridge Road, one either side of the roundabout and an additional section of footway along the front of the site facing on to Longbridge road.
81. The level of car parking spaces is considered by the Local Highways Authority sufficient to meet the needs of the store and able to be contained within the dedicated car parking provided. Concern over the increased car parking demand and impact on street parking is identified in a number of the letters of representation, as is the impact of the traffic and servicing of the store. While the proposal will generate and additional demand in these areas it is considered that the car parking provided is adequate for the store and the inclusion of a travel plan will help ensure more sustainable transport options are promoted. The Site while out of centre is in close proximity to a number of local bus services, enabling the staff and visitors to access the store by mean other than private vehicle. It is also a positive aspect of the scheme that off site mitigation in the form of enhanced crossing facilities and expansion of pavement is provided which enables an improved environment for pedestrians. Concern has also been expressed in relation to the impact of the servicing on the surrounding area. The proposal has located the servicing area and means of access away from the surrounding residential area, this is considered an appropriate approach and will limit the potential impact that service vehicle may generate. Given the location of the proposal in a predominantly commercial and retail area the additional impact it creates is not considered to generate a detrimental impact on the surrounding area and as such is considered appropriated subject to appropriate condition to preserve the amenity of the neighbouring residential uses.
82. The store is located in an accessible location, it is accessible from the Local Cycle network and is in a reasonable proximity to bus stops which serve the area, it is also accessible for vehicle movements. It is in close proximity to the A38 and the Forder Valley Junction which provides access to the local highway network. While the location is an advantage to the accessibility of the scheme to vehicular traffic it is a key consideration to consider the impact the scheme will have on the wider highway network in accordance with Policy CS28 of the Core Strategy and Policy 13 of the Plymouth Plan. A detailed transport statement has been submitted in support of the proposal following pre-application engagement with the authority. Both the Highways Authority and Highways England have considered this in detail, both organisations have raised

concerns in relation to the detailed assessment and some of the assumptions made which have a bearing on the level of trips likely to be generated. Highways England have undertaken their own amended assessment. While both organisations consider that more trips will be generated by the scheme they have both concluded that they do not consider that the impacts of the scheme will be severe and would not wish to object to the application. It is therefore acknowledged that the store will generate more movements than the transport assessment acknowledges, however the additional movement and their peak times is not considered to overburden the local highway network or the strategic highway network to result in a significant adverse impact or result in a reduction in the free flow of traffic.

83. Given the factors above it is concluded that the scheme is in a relatively accessible location and that subject to adequate conditions securing the travel plan, off site mitigation, sight lines, highways engineering details, loading details, cycling provision and car parking provision that it is acceptable in relation to highways and transportation considerations.

### Design

84. Section 7 of the NPPF sets out the National approach to ensuring good design in development, identifying good design as a key aspect of sustainable development.
85. Strategic Objective 4 Delivering the Quality City of the Adopted Core Strategy seeks to Promoting attractive buildings that enrich the qualities of existing places and enhance the quality of new places; with Policy CS02 setting out detail requirements to Design with point 3 of the policy seeking development to 'Contribute positively to an area's identity and heritage in terms of scale, density, layout and access.' Policy CS34 also set out detailed consideration to be taken into consideration in determining planning applications. The emerging policy in the Plymouth Plan again places significant weight on achieving good design with Policy 29 'Place Shaping and the Quality of the Built environment' requiring Development proposals to meet good standards of design and protect and improve the quality of the City's built Environment.
86. The proposed store sits on the edge of the Parkway Industrial Estate and adjacent to the Marsh Mills Retail Park, this provides the back drop and principle setting to the proposed store. The development is set to the back of the site facing on to Longbridge with car parking provided to the front and North West side of the store. The principle elevation provides a high quality, principally glazed frontage facing on to Longbridge Road. The active frontage wraps around the North West Elevation, fronting St Modwen Road with sections of full height glazing and an element of active frontage along the majority of the elevation. There are also elements of active frontage on the South East fronting on to Leigham Manor Drive. This design approach provides a strong relationship of the building to the streets it fronts on to and the facing of the principle elevation towards the roundabout provides a good response to the setting of the site.
87. The scale of the building takes guidance from the surrounding buildings and their industrial/ retail character and massing. It is set back from the edge of the site with landscaping providing a building which sits within its context of the site. The landscaping strategy provided greens the frontages of the building on the principle frontages and provides an enhanced setting to the store proposed.
88. In conclusion the design of the store is considered to provide a good quality response to its setting and an appropriate addition to the area in terms of the built form and landscaped setting in conformity with the requirements of the NPPF and Local Policy.

### Landscaping

89. The Landscaping of any proposal plays an important role in how the development proposed fits in to the wider setting and also the contribution it can make to the wider ecological value of the area. Policy CS34 of the Core Strategy requires development to positively contribute to the townscape, landscape and biodiversity of the local environment, with the emerging policies of the Plymouth Plan, retaining this importance of Landscaping in Policy 29 'Place shaping and the quality Built Environment'.
90. The proposal has been submitted with a detailed Landscaping Strategy for the site. The proposal provides a strong treatment of the perimeter of the site with significant tree planting within boarder area of the site. While the proposal does include the loss of three lower order trees, the extensive replanting with a range of species is considered to substantially mitigate this loss. The ground planting on site is split in two distinct typology area, to the eastern perimeter it consists of a ground cover of native shrub block to reinforce the existing planting on this side of the site; providing a complimentary link to the wooded area across Leigham Manor Drive. The Western Perimeter of the site provides a lower ground cover with wildflower meadow planting with bulbs and also the trans-located orchards from other areas within the site. This provides a strong landscaped perimeter of the sites, which is in keeping with the established pattern along Longbridge Road on the perimeter of the Marsh Mills Retail Park.
91. The central car parking area to the front of the store also includes further tree planting with 16 further trees which break up the expanse of surface leave parking. The proposed landscaping strategy for the site is in conclusion considered to present a suitable strategy which is appropriate in its wider context and will positively enhance the wider area. In conclusion the proposed landscaping strategy is considered to present a quality scheme which will support the proposal subject to conditions to secure its provision, implementation and management.

### Ecology and bio-diversity

92. The impact of development proposal on the surrounding ecological features and biodiversity is an important consideration in determining the suitability of the application. The Site while located on an industrial area lies directly across Leigham Manor Drive from a small wooded area known as May's Marsh A semi-natural woodland forming part of the Lower Plym Valley with the River Plym, Leigham Woods County Wildlife Site (CWS) and May's Marsh Plymouth Biodiversity Network Site situated to the east of Leigham Manor Drive, opposite the site. The designated site has been identified to potentially support roosting, foraging and commuting bats. The proposed site itself is currently vacant and surrounded in hoarding, following the demolition of the majority of previous buildings on site historically. Parts of the site have been over grown and have piles of broken slab which present the opportunity for protected species habitat. The site also has a number of established trees and existing hedgerows.
93. Strategic Objective 11 Delivering a Sustainable Environment of the Core Strategy sets out the spatial framework to maintain a clean and sustainable environment through amongst other measures conserving and enhancing biodiversity having particular regard to the maintenance, restoration and recreation of priority habitats and species with Policy CS19 further setting out the Council's approach to promoting the effective stewardship of the city's wildlife and policy CS34 seeking to ensure that schemes have adequately considered the on and off site impacts in terms of wildlife, natural resource use and pollution. These requirements are amplified by the emerging policies in the Plymouth Plan Policy 24. In considering this policy requirement it is important to consider the Ecologic assessment report which has been submitted in support of the application covering the potential impacts of the scheme. This has been considered in detail by the authority's Natural Infrastructure Team. A small number of areas of concern were raised in relation to tree replanting, translocation of orchard, the suitability of the mitigation strategy

and the applicant has further addressed these matters during the application process and updated the Assessment and the Ecological Mitigation and Enhancement Strategy and a Five Year Landscape and Biodiversity Management Plan. The approach set out is now considered to deal appropriately with the policy requirements of both the Core Strategy and Emerging Plymouth Plan. A number of representations have identified the ecological value of the site and surrounding area and the value of the area for species including Bats and Kingfishers. These have been considered and the mitigation measures proposed and controls set out limiting factors which have the potential to impact on the ecological value of the site and surrounding area, subject to these matters being controlled by condition it is considered to ensure the acceptability of the scheme. This will include translocating existing Bee Orchards as part of the proposed Landscaping strategy which also provides through the strategy adopted the creating of habitats which can be exploited for Bat foraging and commuting purposes. The scheme also provides sparrow nest features and bat boxes as well as retaining the large mature trees and will limit light spill into neighbouring natural features. The scheme is therefore considered acceptable in relation to the ecological and biodiversity considerations, subject to conditions.

### Economic Consideration

94. In considering the economic considerations of the scheme it is important to consider the employment policies set out in the Plymouth Plan, Core Strategy and the requirements of the NPPF, it is important to consider the evidence submitted by the applicants and that supplied by consultation responses from Economic Development and Local Plan team to weigh up the evidence and form a balanced view and conclusion on the scheme. It is also necessary to consider that there is an extant consent on site which allowed the demolition of the previous unit on the site for the redevelopment of the site for a mix of employment and retail purposes as a fall back position. As set out in the fall back section above it is considered that the existing consent can be afforded a limited weight in the determination of the application.
95. The application site forms part of Parkway Industrial site, an establish employment location which is in close proximity to the A38. As an existing employment location Policy CS05 of the Core Strategy sets out the considerations for the Development of existing employment sites it identifies *'Development of sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal'*. The policy then sets out 5 consideration of which three are potential relevant to the consideration of the application:
- 1. Whether the proposal would result in the loss of a viable employment site necessary to meet the area's current or longer term economic development needs, taking into account the overall level of provision indicated by Policy CS04.*
  - 2. Whether the site is in an appropriate location for, or suited to, the needs of the city's priority economic sectors.*
  - 5. Whether the neighbourhood within which the site is located already has a good range of employment opportunities available for local people, or the proposal will deliver a mixed use development which continues to provide for a good range of local employment opportunities.*
96. Point 2 is not considered specifically relevant given the more updated position set out in updated evidence base including the 2015 Economic strategy which moves away from priority sectors and instead focused on stimulating and supporting the wider economy and requirements of the city in relation to the economy. As such the principle points are 1 and 5 which are considered relevant in the consideration of the application. In addition to these requirements it is also important to consider the emerging Plymouth Plan. Strategic Objective 5 seeks to create a more prosperous city for all creating conditions for high quality and sustainable growth and

key part of this objective is to ensure there is a supply of employment land of the right type and location to meet the needs of new and existing business. Policy 18 also amplifies this position and that of the Core Strategy identifying that change of use of existing employment sites will only be allowed if specifically provided for by the Plymouth Plan to deliver wider strategic objectives, where there are overriding and demonstrable economic, regeneration and sustainable neighbourhood benefits from doing so, or where there is no reasonable prospect of a site being used for employment use in the future.

97. In the supporting information provided by the applicants they seek to establish that Policy CS05 does not apply to the consideration of the application sighting that the policy refers to existing employment uses and that the site is vacant and not allocated as an employment site in the Development Plan. This position is not considered correct. Policy CS05 deals with the Development of existing sites, the site in question is clearly an employment site, it is on an existing employment Park (the Parkway Industrial Estate) its last active use was as industrial use, and it has, although of more limited consideration an extant consent with an employment use. The Core Strategy Diagram 4 Spatial Distribution of Employment provision which clearly shows 'Major Existing Industry Estates' which clearly marks out the Parkway Industrial Estate. It is therefore considered that Policy CS05 is of key consideration of the application.
98. The applicants while establishing their position do then go on to consider the key requirements of the policy. The further information submitted by the applicant including the report by JLL raises a number of matters which they consider should be taken in to account.
99. The further evidence provided by the applicant identifies that;

*To allow an informed review of these matters, JLL were instructed by the applicants to prepare the enclosed 'Employment land and buildings report' ('the JLL report'). This report confirms that:*

- There has been a long-term decline in the demand for warehousing and distribution floorspace. Over a seven-year period, 30.48ha of employment land has been delivered. Of that land, only 0.1ha is for B8 use.*
- Plymouth as a distribution location, because of the constraints imposed by the Tamar crossing, is fundamentally less competitive (and therefore attractive in market terms) to employers.*
- Long-term annual take-up of employment land is 2.63ha. There is 77.6ha of employment land currently available in Plymouth, indicating a supply of nearly 30 years.*
- The development appraisal shows that the site generates a negative profit on cost i.e. the site is not viable.*
- Added to this, the extant permission does not suit market requirements and represents a substantial over development of the site. If a more realistic quantum were adopted, this would increase the loss associated with the development.*
- Even assuming nil land value, the site is not viable for employment use. If a realistic land value was adopted, this would make the site even less viable.*

*With reference to Policy CS05, the report conclusively demonstrates that the proposed development would not result in the loss of a viable employment site for the simple reason that the site is not viable. It follows that the site cannot be regarded as 'necessary to meet the area's current or longer term economic development needs'. The reference in Policy CS05 to 'the overall level of provision indicated by Policy CS04' does not mean that Policy CS04 should be cited in conjunction with Policy CS05'.*

100. The consultation responses which have been received from both the Council's Economic Development Department including the Vickery Holman Report and Council's Local Planning

Team present a different picture for the employment market and the site. The consultation responses received identify the potential importance of the site for employment purposes and that the scheme will result in the loss of valuable employment land. The Employment Land Review, Arup 2015 highlights the need particularly to safeguard employment areas, particularly land which immediately deliverable, such as this site. It also identifies a strong demand for B8 floorspace and that the city has an under supply of developable B8 land. The site is also one of those of those considered by the Employment Land Review to form part of the supply of employment land in the city.

101. The Vickery Holman report, commission by Economic Development Department identifies during a 15 week period an active requirement for industrial property for 533,000 sqf or 341,450 sqf of purely B class. It also identifies that as of January 2016 that there is only 507,010 sq ft of industrial space available a 170,000 sqf difference from that identified by the applicant. It also identifies that in relation to supply of industrial buildings an on going theme in the market of a lack of supply of industrial stock coupled with and increased demand. Vickery Holman have also raised concern with the applicants view that the A38 is seen as a cul-de-sac finishing at Plymouth. It is considered by officers that the Parkway industrial estate also has good quality access to the A38 and that Plymouth is not a dead end constrained by the Tamar Bridge and that the economic strategy of both Core Strategy and Plymouth Plan is to support economic growth rather than to accept that other locations are more preferable and to growth the economic profile of the city.
102. Vickery Holman go on to identify a significant improvement in the employment land market which have made developments viable once again and an increased demand from occupiers looking to construct their own buildings, and increase demand for industrial properties over the last 3 years.
103. The position set out from Vickery Holman provides a much more positive position for the employment market in the City and a need for further provision to meet the demand. The consultation response from the Council's Economic Development department also identifies that there is an increasing demand across the city for such land, and that in 2014/15 152 specific enquiries were received through, the Councils commercial property search facility, over 46% of these was were for B classes premises. It also identifies that since April 2015 the council has received 136 specific enquires of which 49% were for B class uses. This identifies there is a clear demand for space to meet the need of the sector. Given this position advised it is important to consider the application site is a currently available principally clear site with accessible services which is located on an employment estate in a prominent location. The site has good vehicle access and is located in close proximity to the A38 for distribution purposes. The site is therefore considered to represent a significant opportunity to meet the economic needs of the City and its economy.

### *Viability of employment site*

104. It is important to consider in relation to the policy CS05 not just whether the site is suitable and an appropriate location to meet the employment needs of the city, but also if the loss is of a viable site. The evidence provided by the applicants, includes a viability appraisal of an employment scheme on the part of the site previously approved for employment use with a gross internal area of 23,960 sq ft which would even with a zero land value provide a negative Profit on Cost of -10.2% which would suggest the site is not viable. Vickery Holman Report (commissioned by Economic Development Department) has also prepared a viability appraisal. It is based up their market experience, the appraisal is of a scheme over the entire site (that is the subject of this application) assuming the sale of units due to the lack of freehold industrial stock and the demand from groups for such space. It includes the provision of 33 industrial



units of 1,500 sq ft with flexibility to house larger units. It allows a land value of £545,000 (£190,000 per acre) which would provide a scheme with a potential profit on cost of 20.2%. This is considered to presents a tangible scheme based on local market experience and requirements which shows the site is viable for employment purposes. The applicants have raised concern with the assessment made by Vickery Holman identify that the scheme effects the whole site not the element with extant consent for employment uses, they have also provided an amended appraisal for a more limited scheme showing it not to be viable. Given that the site is in an employment Park and is a suitable site for such uses the applicants view on the inappropriateness of the appraisal is not supported by Officers or Economic Development Department. In relation to the updated appraisal by the applicant this principally reduces the scale of the scheme and increases the build cost from £70 per sq ft o £100 per sq ft. this change in cost has been addressed in the updated response from the Councils Economic Development Department in consultation with the Authorities Viability Officer who consider that the figure of £70 per sq ft is robust and is in line with the Royal Chartered Institute of Surveyor's Building Cost Information Services mean value of £67 per sq ft. it is therefore considered that the approach taken by the applicant is not robust and that if the build cost is altered in their revised appraisal then even their reduced scheme is shown to be viable.

105. Given the experience of Vickery Holman and the position of Economic Development Department it is considered that while some forms of economic development may not be viable, that the site, contrary to the assertions of the applicants, it is viable for employment purposes. It is therefore considered that there is clear evidence (as set out above) a role for the site to meet the economic requirements of the city and that there is also a demand for such sites but also that the site is a viable employment site. The proposal is therefore considered contrary to criteria 1 of Policy CS05.

*Balancing other Economic considerations*

106. While there is conflict with the requirements of Policy CS05 in forming a balance judgement on the economic considerations it is also important to consider whether the scheme will deliver a mix use development which continues to provide a good range of local employment opportunity and 'where there are clear environmental regeneration sustainable community benefits' required by policy CS05 and The requirement of policy 18 of the Plymouth Plan which identifies that '*Change of use of existing employment sites **will only be allowed** if specifically provided for by the Plymouth Plan to deliver wider strategic objectives, where there are overriding and demonstrable economic , regeneration and sustainable neighbourhood benefits from doing so or where there is no reasonable prospect of a site being used for employment use in the future*'. And the Requirements of Paragraph 19, 20 and 22 of the NPPF.

107. The Plymouth Plan is based upon up to date evidence base and the approach as also set out in the Core Strategy does not seek to simply protect employment land but takes a flexible approach to considering sites. In considering this, it is important to balance the consideration that the site would provide a viable employment site necessary to meet the city against the benefits of the proposal should also be considered as require by these policies.

108. The proposal would see a site which has remained vacant brought back in to use and that the use, would create 148 jobs and additional employment during the construction stage, which would help prove local employment opportunities. Equally the local area does also have a good range of employment opportunities from the parkway industrial Estate and the Retail Park. There therefore are regeneration and employment benefits as required by both Policy 18 of the Plymouth Plan and criteria 5 of Policy CS05 of the Core Strategy to the scheme.

109. However as set out in the section above dealing with the retail considerations, there are significant negative impact of the scheme in relation to the retail strategy of the City which would have significant negative impacts for the City Centre which increase the weight against the potential economic benefits. It will also drawing retail jobs away from the City Centre to this site which is not a benefit when this site is clearly suitable for other employment jobs It is also important to consider that while the proposal would bring the site back in to use. It should also be considered whether the site has been adequately marketed for employment purposes.
110. This point was identified in the consultation response from Economic Development Department the applicant has responded that there is no policy requirement to demonstrate adequate marketing of the site. While this is the case it is important in consider that if the site has been exposed to the market to allow interest in the market to be realised in making an informed planning decision.
111. The evidence from the applicants identifies that the site has been marketed through retained agent Hartnell Taylor Cook for the enabling retail uses. The site has also been market by display board on site but only in relation to the retail element. It also identifies that there had been interest in employment uses early in the previous extant schemes history however these were not realised and that the agent has having regard to B8 permission had engaged with a number of trade counter operators. This is not however sufficient evidence as request by the Council (supported by Vickery Holman's position on adequate marketing) in relation to the marketing of the employment land. Without the provision of such evidence it is not possible to conclude that the site over the intervening years since consent was granted would not have been able to deliver economic development either for the extant scheme or other employment uses.
112. Had the site has be promoted to the market for employment purposes adequately and yet there been no evidence of interest for class B development it may have been possible to concluded that the site is not suitable for employment purposes. This is also important in the context of para 22 of NPPF, reflected in Plymouth Plan policy 18, which requires that the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for allocated employment purposes should not take place.
113. In the absence of such evidence officers consider it can not be concluded that the site is being unnecessarily protected for employment purposes by the council, nor that it is not an appropriate and suitable location for employment use or that the site is not viable for employment purposes. It is therefore clear that the application is in conflict with the employment policies CS05 of the Core Strategy and Policy 18 of the Plymouth Plan.
114. While there are benefits to the scheme these are not considered to out weigh the lack of compliance with the overriding requirement of policies CS05 of the Core Strategy and Policy 18 of the Plymouth Plan. The proposal is therefore considered contrary to the Economic Polices of the Development Plan and Emerging Plymouth Plan.

### Sustainable Use of Resources

115. The sustainable use of resources is an important consideration in new development Strategic Objective 11 and policy CS20 of the Core Strategy and Policy 25 of the Plymouth Plan set out the key local considerations in this area. The proposed store will maximise energy efficiency through the specification of high performance building fabric and a range of passive measures which are incorporated in to the building design. The Energy Statement also presents a series of potential active building design measures that are proposed to be implemented within the building to reduce energy demand and ensure energy is used more efficiently. This includes an Air Sources Heat Pump which in addition with the other passive and active measures will ensure

the schemes compliance with emerging Policy 25 of the Plymouth Plan and Policy CS20 of the Core Strategy and the requirement to offset 15% of the predicted carbon emissions. The acceptability of these measures has been confirmed in the consultation response from the Council's Low Carbon Team, subject to condition requiring their implementation. It is therefore considered that the proposal adequately deals with the policy requirements for Sustainable use of resources set out in Policy CS20 of the Core Strategy and Policy 25 of the Plymouth Plan, with the exception of the SUDS measures which are covered separately in section below on Flood Risk and Water Management

### Flood Risk and Water Management

116. In considering the implications of the scheme there are two key areas which need to be considered these are whether the proposal has complied with the sequential test directing development away from areas of highest risk of flooding and whether the proposal can appropriately deal with the local issues associated with flood risk and surface water this is set out in Policy 26 of the Plymouth Plan, Policy 21 of the Core Strategy and chapter 10 of the NPPF.

### *Flood risk and water management (site specific)*

117. The initial information and flood risk strategy submitted by the applicants was not considered robust and objections and additional requirements were raised by both the Lead Flood Risk authority and the Environment Agency. The applicants have undertaken substantial additional work dealing with the water management and flood risk on the site with an updated Flood Risk Assessment revision D, and detail provided of how surface water can be managed have been set out by the applicants with consultation with both the Environment Agency and South West Water.

118. The submitted information now identifies that the ground and floor levels of the store can be sufficiently elevated above the design flood levels and that the car parking can be graded so that flood water depth is limited and that there will be no net loss in flood plain storage such that flood water from the site would be displaced within the local area. The proposed surface water from the store is proposed to be discharged directly through a pipe to the River Plym at an appropriately attenuated rate. The remaining surface water will be attenuated via a proposed scheme and discharged into the surface water sewer which is agreed with South West Water and will be controlled to an acceptable flow rate.

119. The Environment Agency (EA) now considers that based upon the additional information submitted including an updated Flood Risk Assessment by the applicants that the proposal is acceptable if planning permission includes appropriate conditions to secure appropriate ground and floor levels for the development and have recommended that conditions are included which require ground and floor level to be provided. They also require a condition on any approval that a detailed flood management plan should be submitted and approved. While the proposed flood alleviation measures are acceptable to the EA they also advise that the application is not determined until the authority have concluded whether the proposal can satisfy the flood risk sequential test. This matter is considered further in the section below.

120. The Lead Flood Risk Authority have also fully reviewed the updated submissions from the applicants and raised a number of additional queries which have now been addressed by the applicants with additional information. It is now the case that the Lead Flood Risk Authority are now satisfied that South West Water have confirmed that a discharging surface water sewer into their system is acceptable, and that the discharge to the surface water sewer will be limited to a rate which is equivalent to 1 in 10 year greenfield rates. They have

however raised a number of areas where there is still an element of concerns these relate to the requirement to provide detail of the exact on site drainage system. They also advise that a further assessment of exceedance flows should be undertaken and provided to ensure that surface water run off does not impact upon Third Party Land or property and that a Construction Environmental Management Plan is still required. These matters have been addressed with the applicant and they have proposed that these matters are capable of being dealt with via conditions. This has been discussed by officers with the Lead flood Risk Authority and it is concluded that these measures can be dealt with via condition should the application be approved.

- I21. Given the above consideration in relation to the site specific approach to flood risk and surface Water Management the proposal is acceptable subject to detail condition requiring submission of further information regarding the specifics of the development.

### *Sequential Test*

- I22. The aim of the flooding risk sequential test is to ensure that a sequential approach is taken which steer development to areas with the lowest probability of flooding will occur. Paragraph: 019 Reference ID: 7-019-20140306 of the NPPG 'What is the aim of the Sequential Test for the location of development' identifies the sequential approach identifying: *The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.*
- I23. The application site is located within Flood Zone 2 with part of the site being located in Flood Zone 3. It is therefore important to consider whether there are any sites available in lower risk areas from flooding. As part of this consideration it is noted that the site has an extant consent for a mix use scheme which includes retail development however as set out in the consideration above only a limited degree of weight is attributed to this factor and as such it is not considered that this factor outweighs the requirement to undertake a sequential test, but may be a consideration in the final conclusion on the compliance with the sequential test.
- I24. The applicants initially considered the following sites; Colin Campbell Court; Cornwall Street; Bretonside Bus Station; and two sites in Derriford, while these are identified as all being identified in lower flood risk zone it is concluded that although they are at lower risk of flooding that given the sites are in Critical Drainage Areas (CDA) they are considered Areas at Risk of Flooding.
- I25. This assessment was considered by the EA to be misleading and they raised concern with assessment of sites and the consideration of sites in CDA's, stating that CDA'S are identified for purposes of ensuring proposals are accompanied by a flood risk assessment. The EA also advise the authority to consider other known sites which could be reasonably considered available for retail development and that of the sites assessed only Colin Campbell Court is identified as being subject to flood risk although it is still in Flood Zone 1, other 4 sites can be considered to be at lower risk than proposal site.
- I26. The Applicant provided updated sequential test and considered further sites in line with those considered with the Retail Sequential Test. This assessment reaches the conclusion that the sites considered are not available or suitable and therefore, the proposed development site is the most appropriate site available. It is accepted by officers that if there are not suitable and

available sites in a lower flood risk zone, then the proposal is suitable in its location, given the flood measures provided and the use being a less vulnerable use in flood risk terms. However as advised by the EA it is important for the authority to consider if the sequential test has been passed. In this regard, consideration of the flooding sequential test is considered by officers to be linked to the retail sequential test since the sequential sites in retail terms are in flood zone 1 and therefore if there are sites which are suitable and available in retail terms the sites given their location in flood risk zone 1 are also sequentially preferable in relation to the flooding sequential test.

127. The conclusion reached in the retail sequential test is that the Derry's Department Store and Colin Campbell Court site are considered to be available and suitable. It is therefore considered that these are sequential sites given they are in a lower flood risk zone. It is acknowledged that Colin Campbell Court is at risk from surface water flooding, this is most significant on the roads surrounding the site. The flood risk of the proposal site has been discussed with the EA who have advised officers that the flood risk of the Colin Campbell Court is less significant than that of the proposal site (at Marsh Mills) given it is in a lower flood risk zone and the risk is from surface water flood risk while the application site is at risk from fluvial flood water. 101 of the NPPF advises that development should not be permitted if there are reasonably available sites appropriate in areas with a lower probability of flooding. It is not considered by officers that the extant consent is such a significant material consideration to outweigh this lack of compliance with the sequential test.

128. In addition to their being sequentially preferable sites it is also important to consider that the advice from GVA in relation to the applicant's sequential retail test that it does not show suitable flexibility in terms of scale and format of the store and that it has failed to supply sufficient information to demonstrate compliance with the retail sequential test. Given that this conclusion relates to sites which are in a lower flood risk zone than the application site it is also the case that there is insufficient information in order to ascertain if other sites in lower flood risk zone could accommodate the proposed development. Given the above consideration the development is therefore considered contrary to the requirements of Paragraphs 100-101 of the NPPF in relation to the Sequential test.

### *Flood risk conclusion*

129. In conclusion while the site specific flood risk strategy and measures are considered suitable, (subject to conditions), in accordance with policy CS21 of the Core Strategy, Policy 26 of the Plymouth Plan and the national requirements of chapter 10 of the NPPF the first requirement is to consider whether the proposal accords with the flood risk sequential test. In this regard it is considered that there are reasonably available sites for the proposed development in lower flood risk zone with a lower probability of flooding. It is also the case that in relation to other sites which are also in sequentially preferable location that there is insufficient information to conclude that they are not reasonably available.

### Residential amenity

130. The proposed site is located on Parkway Industrial Estate; the plot sits at the edge of the industrial area and has a number of residential properties adjoining the eastern side of the site. It is therefore important to consider the inter relationship between the residential uses and that proposed. In considering the potential impacts the key policies to consider are policy CS34 which sets out Planning application considerations, policy CS22 which seeks to protect people and the environment from unsafe, unhealthy and polluted environments and policy 30 of the Plymouth Plan Safeguarding environmental quality, function and amenity. The principle consideration is whether the scheme will have an unacceptable impact on the residential amenity

of the properties in the surrounding area. Retail uses and residential properties are considered to be uses which are capable of being located in close proximity and this is considered to be the case in this instance. The store is set back within the site distancing it from the run of residential properties which will limit the potential disruption caused to the properties. The servicing area of the store is also located at the furthest point from the properties and noise and disturbance generated will be limited by this distance and the building itself which will provide a screen to acoustic noise from the use of this area. The location and access to the site and service area is also separated from the residential properties therefore the impacts of delivery vehicles will be reduced. Overall it is considered that the relationship of the store to the surrounding properties is acceptable in principle.

131. While the principle of the development is considered acceptable to residential amenity, it is however the case that there is a potential for noise and disturbance to be created. Therefore to preserve the residential amenity it is considered necessary to condition elements of the operation in order to create a form and operational limitations which retains a balance between operational requirements and residential amenity. In this regard a number of representations have been received which identify concerns in relation to the store and the impact it could have, this includes issues with opening time, staff working late, delivery hours and impact of parking and vehicle movement. A detailed consultation response has been received from the Councils Public Protection Service who have recommended a series of conditions to preserve the amenity of the residential uses, these include, a construction management strategy to control construction, limiting the delivery and opening hours of the store, limiting the cooking operations from the café element, limiting lighting, retaining the loading area in its location and details of waste storage. The proposed conditions advised are considered necessary to achieve a form of operation which would preserve the residential amenity of the surrounding properties.
132. A letter from the applicants agents has however raised a number of concerns with the suggested conditions by the Public Protection Service as worded and the restrictions they place on the development. Were the application to be approved it is considered that the points raised in relation to the conditions proposed in relation to external lighting, and a pre commencement Land quality assessment which are valid and slight rewording would be acceptable and still preserve the residential amenity. The applicants letter however propose to remove a suggested store operating hour condition, sighting the results of the environmental sound survey do not show a level of disturbance which would impact amenity and that the condition would impact any future changes to store trading hours and the extended store trading hours at sales. The suggested condition restricts the opening hours to that of the Store and is considered given the location and proximity to the residential properties to be reasonable and required to preserve their amenity were the application to be approved. Allowing a store to trade for potential 24 hours in such close proximity to residential properties is not considered acceptable, the movements and use of the store and car park are considered likely to result in an unacceptable relationship and it is therefore considered that the suggested condition is both necessary and reasonable. It is acknowledged that this may create an operation issue at sale times, however without detail of the hours being submitted and the impacts being considered, restricting the opening hours is considered reasonable and necessary.
133. The letter also seeks to extend the delivery operating hours extending the deliveries time window from recommended restriction of 8am-8pm Monday to Friday to 7:30am to 9pm. This matter has been considered in detail with Public Protection and in light of the representations received; given the location of service area and its entrance, the distance from the residential properties and the barrier created by, the store and the woodland the potential for disturbance is considered limited and unlikely to result in a detrimental impact over the additional time period. It is also acknowledged that the previous scheme approved on the site was considered

suitable with an even longer range of operational hours. It is therefore on balance considered acceptable to condition a longer period for deliveries.

134. In conclusion the proposal subject to appropriate conditions is considered to represent an acceptable form of development in relation which preserves the residential amenity of the surrounding properties.

### Contamination

135. Given the previous use of the site for industrial purposes it is important to ensure that land contamination is adequately dealt with, to ensure contamination would not impact the future use of the site or result in detrimental future impacts to the surrounding area, in accordance with policy CS22 of the Core Strategy. The application is supported by a ground contamination assessment and a geo-environmental Investigation. These have identified elevated concentrations of potential contaminants in area of the site and that further intrusive geo-environmental investigation will be required which will then inform the development of an appropriate remediation measures and a strategy of implementation. Officers in the Councils public protection team have considered the submitted reports and agree with the recommendation for further site characterisation works and that these should inform a detail remediation strategy for the site. It is therefore considered that subject to a detailed condition which requires a site characterisation assessment, the submission and implementation of a detailed remediation scheme and a requirement to report unexpected contamination, that the scheme is suitable for approval.

### Planning balance

136. The proposed retail store has been considered in detail by officers there are a range of matter which officers consider are suitable and meet the requirement of both the Local Policies Set out in the Core Strategy, and emerging Development Plan the Plymouth Plan as well as the requirement of the NPPF. This includes the over all design of the store and how it contributes to the street scene and character of the area. A quality landscaping strategy is also provided further improving the environment created. The scheme also provides a suitable strategy to deal with the ecological considerations and biodiversity value of the site and surround area. These all weigh in favour of the scheme. Equally subject to appropriate conditions the highways and transportation, impact on surround uses amenity, site specific flooding strategy and land contamination are all considered to be acceptable. The proposal will also bring the site back into active use and will provide a range of new employment opportunities as part of the proposal although this is tempered and indeed outweighed, in the view of officers by the real potential for retail jobs and investment to be drawn away from the City Centre. It will also provide new crossing facilities for pedestrians. These benefits need to be considered in the planning balance as positive aspects of the scheme. There is also the fall back Scheme to consider however given the limited weigh attributed to it, it is not considered to add weigh in favour of the scheme and is a neutral consideration in the planning balance. These factors do need to be considered against the impacts of the scheme and its lack of compliance with key policy considerations.

137. The proposal is judged to have a significant adverse impact on Plymouth City Centre in terms of the impact on the vitality and viability of the Centre and the impact on public and private sector investment in the City Centre. The evidence submitted in support of the scheme has failed to show sufficiency flexibility in terms of the scale and format when approaching the sequential preferable sites and the Council consider that there are available and suitable sites for the type and scale of development proposed. The scheme would furthermore be detrimental to the

Council's retail spatial strategy which seeks to direct comparison retail development in the City Centre to maintain and enhance its role as regional shopping role.

138. The scheme will also result in the loss of viable employment land in an established employment area which is well located in a highly accessible location in close proximity to the strategic highway network and capable of meeting the needs of B1/B8 operators of which there is an increasing requirement for sites of which there is an under supply. It is also the case that there is insufficient information in order to conclude that the proposal can not be located on sites which are located in a lower Flood Risk Zone and also there are sites located in a lower flood risk zone (Flood Risk Zone 1) which are reasonably available and appropriate for the proposed development. As such compliance with the flood risk sequential test has not been demonstrated.
139. The application is considered contrary to the requirements of Strategic Objective 7, Area Vision 3 and Policies CS06 and CS08 of the Core Strategy and Policies 1, 21 and 41 of the emerging Plymouth Plan and the requirements of para 24-27 of the NPPF in relation to the retail element of the scheme. It is also contrary to the requirement of employment policies CS05 of the Core Strategy and Policy 18 of the Plymouth Plan. The scheme is also considered contrary to the requirements of policy CS21 of the Core Strategy, Policy 26 of the Plymouth Plan 100-101 of the NPPF in relation to the Flooding Sequential test. Officers give significant weight to these impacts which militate against the grant of permission.

### 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 proposed development is not liable for a Community Infrastructure contribution.

### 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 this instance Officers do not consider that in relation to the Retail Impacts of the proposal that there are mitigation measures which can sufficiently mitigate the impacts of the store such to warrant officers to recommend the approval of the application. Provided below for Members information are a range of measures which were members to consider approving the scheme should be sought to reduce the potential impact on the City Centre.



Planning obligations in respect of the following matters:

- £500,000 toward Town Centre Mitigation Measures to be used towards
  - Marketing activity- to include TV/Large format outdoor to promote city to wider catchment and also remind of wide retail offer, will include territory research, new brand creative and B2B marketing. £300,000 over a five year period.
  - Wayfinding-improved signage with distances and also street signage to promote areas and brands within the Centre ( to prevent a boards etc.) £150,000
  - Applying window graphics to vacant units in partnership with colleges and LEAs to promote and encourage occupancy of units, and new business, and to improve the appearance of the high street, £100,000
- A Requirement to retain a City Centre Store for a period of 10 years

Following the request of officers for the applicants to consider these measures, the applicants have identified that they do not have any intension of leaving the City Centre and are therefore are committing to stay trading in the existing Drake Circus unit for a minimum of 7 years. The letter received from Next on 21<sup>st</sup> July has now stated that Next would be willing to enter an agreement to retain City Centre Store for 10 years. In relation to the contribution towards mitigating the impact of the scheme on the City Centre the Applicant had offered to enter into an agreement to invest £500,000 in refitting their existing Store in Drake Circus to a modern standard. Officers did not consider this would contribute to mitigating the potential impact and therefore with the support of the City Centre Company sort to provide a range of measure which have the potential to mitigate some of the impacts of the proposal (set out above). The applicant has having considered this request identified that the proposed contribution is not agreed and that it does not consider the request would meet the statutory test of being necessary to make the development acceptable in planning terms. Officers do not agree with this position and would, should Members of the Committee be minded to approve the application would recommend that such contribution toward the City Centre measures rather than Next refitting their existing store should be sought.

## 12. Equalities and Diversities

The proposal provides direct surface level access to the store and has disabled parking identified to serve the store. The proposed internal layout has been designed with Stair, Equators and Lifts also be provided to ensure an equality of access to the whole store. it is therefore considered that the proposal adequate provides for all sector of the community.

## 13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal does not accord with policy and national guidance and specifically the requirements of Strategic Objective 7, Area Vision 3 and Policies CS06 and CS08 of the Core Strategy and Policies 1, 21 and 41 of the emerging Plymouth Plan and the requirements of para 24-27 of the NPPF in relation to the retail element of the scheme. Specifically the retail strategy of the Core Strategy and Plymouth Plan, the significance of the impact of the proposal on the health of the City Centre and investment climate in the City Centre and the compliance with the sequential test.

It is also contrary to the requirement of employment policies CS05 of the Core Strategy and Policy 18 of the Plymouth Plan, resulting in the loss of employment viable employment land.

The scheme is also considered contrary to the requirements of policy CS21 of the Core Strategy, Policy 26 of the Plymouth Plan 100-101 of the NPPF in relation to the Flooding Sequential test.

The overall conclusion of officers is that the development is contrary to the development plan and emerging development plan and that there are no material considerations which indicate that development should nonetheless be granted. In terms of the NPPF, this is not a case where the development plan is absent, silent or where relevant development plan policies are out of date. In terms of the NPPF this is a case where policy in the NPPF indicates that permission should not be granted because of the failure to comply with the flood risk sequential approach and retail policies. The presumption in favour of sustainable development does not therefore apply.

Given the significance of these three area of policy conflict it is considered that the application can not be supported by officers and the acceptability of elements of the scheme do not outweigh the significance of these policy conflicts. As such the application is recommended for refusal.

### 14. Recommendation

In respect of the application dated **16/10/2015** and the submitted drawings, it is recommended to:  
**Refuse**

### 15. Reasons

#### RETAIL STRATEGY

The proposed scheme will lead to a major new comparison retail store being provided in an out of centre location and outside of an established retail park where only bulky goods retailing is supported by the Local Planning Authority (LPA) (only where it complies with the policies of the Core Strategy and cannot be located in the City Centre or another centre in the retail hierarchy). As such it is contrary to the LPA's retail strategy as set out in Strategic Objective SO7, Area Vision 3 and Policies CS06, CS07 and CS08 of the Adopted Core Strategy and Policies 1, 21 and 41 of the Plymouth Plan: Part One, which has the status of draft development planning policy. The proposal will work against the delivery of this strategy which seeks to support the primacy of the City Centre as a comparison shopping destination and its regional shopping role, and to direct retail investment to 'town centre' locations which will support the delivery of the wider city vision. It will have a significant adverse effect on the retail investment climate of the City Centre and it will fail to realise sufficient positive regeneration benefits for the city to outweigh the negative impacts of the proposal. This is contrary to paragraph 26 of the NPPF

#### SEQUENTIAL TEST

The submitted Sequential Site Assessment has failed to demonstrate that the applicant has complied with the requirements of paragraph 24 of the National Planning Policy Framework and Policies CS06 and CS08 of the Adopted Plymouth Core Strategy and Policy 41 of the Plymouth Plan: Part One (as draft development plan policy), in respect of the sequential approach.

The applicant has not shown sufficient flexibility in terms of scale and format when approaching the assessment of sequentially preferable sites or properly explored the availability and suitability of 'town centre' sites to accommodate the proposed development. The applicant has therefore failed to demonstrate that the town centre options have been thoroughly assessed as sequentially preferable alternatives. The Local Planning Authority believes that there are opportunities within the

City Centre which are both suitable and available to accommodate the proposed development, taking into account the NPPF requirement for flexibility. Additionally, the proposed District Centre at Derriford would represent a sequentially preferable location in the retail hierarchy. This is contrary to paragraphs 24 and 27 of the NPPF.

### IMPACT ASSESSMENT

The Local Planning Authority considers that the applicants have failed to accurately assess the impact of the proposed development on the vitality and viability of, and investment within, the City Centre. The Local Planning Authority considers that the development of the proposed Class A1 retail floorspace in this 'out of centre location' would have a significant adverse impact on investment in, and the vitality and viability of the City Centre. This is contrary to paragraphs 26, 27 of the NPPF and Policies CS06 and CS08 of the Adopted Core Strategy 2007 and Policy 1 and 41 of the Plymouth Plan: Part One.

### EMPLOYMENT

The proposal would result in the loss of a viable employment site on the Parkway Industrial Estate which has good vehicle access and connection to the A38 and will set an undesirable precedent for further loss of employment sites in this location. The proposal does not provide clear environmental, economic, regeneration and sustainable community benefits to outweigh the loss of the employment land which has a reasonable prospect of being used for employment purposes in the future, as such the proposal is considered contrary to, Policy CS05 of the Adopted Core Strategy, and Policies 2 and 18 of Plymouth Plan Part One (as draft development plan policy). With regard to paragraph 22 of the NPPF the site has not been shown to be one where there is no reasonable prospect of the whole site being used for employment purposes.

Furthermore inadequate information has been submitted to demonstrate the site has been adequately marketed for B1/ B8 use to demonstrate there is no reasonable prospect of the site being used for those purposes.

### FLOODING

The submitted flood risk sequential assessment has failed to demonstrate that proposal cannot be located in areas of lower probability of flooding contrary to the requirements of paragraphs 100 and 101 of the National Planning Policy Framework and Policy CS21 of the Adopted Plymouth Core Strategy 2007 and Policy 26 of the Plymouth Plan: Part One (as draft development plan policy), in respect of the Sequential Test.

There is insufficient information provided by the applicant to demonstrate that proposal cannot be located in areas of lower probability of flooding and the Local Planning Authority believes that there are opportunities within areas of lower flood risk which could accommodate the development of a similar scale of A1 retail store.

### INFORMATIVE: REFUSAL (NO NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This includes the offer

of pre-application discussions to resolve issues of concern to the Council prior to formal submission of a planning application. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

### INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

### Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

CS06 - City Centre

CS07 - Plymouth Retail Hierarchy

CS08 - Retail Development Considerations

CS21 - Flood Risk

CS05 - Development of Existing Sites

AV3 - Plymouth City Centre

SO7 - Delivering Adequate Shopping Provision Targets

NPPF - National Planning Policy Framework March 2012

PP01 - Enhancing Plymouth's Strategic Role

PP02 - Unlocking Plymouth's regional growth potential

PP18 - Delivering sufficient land for new jobs

PP21 - Provision for shops and services

PP26 - Dealing with flood risk

PP41 - Defining the spatial provision of retail development and main town centre uses

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**PLANNING COMMITTEE**

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Decisions issued for the following period: 27 June 2016 to 27 July 2016

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**Note - This list includes:**

- Committee Decisions
- Delegated Decisions
- Withdrawn Applications
- Returned Applications

**Item No 1**

**Application Number:** 15/01465/LBC **Applicant:** Mr Aubrey Whiteway-Wilkinson  
**Application Type:** Listed Building  
**Description of Development:** Installation of emergency removable protective roof  
**Site Address** EGGBUCKLAND KEEP, FORT AUSTIN AVENUE  
CROWNHILL PLYMOUTH  
**Case Officer:** Kate Price  
**Decision Date:** 06/07/2016  
**Decision:** Grant Conditionally

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**Item No 2**

**Application Number:** 15/01714/FUL **Applicant:** Mr Yasin Azzizi  
**Application Type:** Full Application  
**Description of Development:** Redevelopment of existing café , extending the existing kitchen  
and erecting new café buildings with green roofs  
**Site Address** 135 HOE ROAD PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 30/06/2016  
**Decision:** Grant Conditionally

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**Item No 3**

**Application Number:** 15/01715/LBC **Applicant:** Mr Yasin Azzizi  
**Application Type:** Listed Building  
**Description of Development:** Redevelopment of existing café , extending the existing kitchen and erecting new café buildings with green roofs  
**Site Address** 135 HOE ROAD PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 30/06/2016  
**Decision:** Grant Conditionally

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**Item No 4**

**Application Number:** 15/02359/FUL **Applicant:** Taylor Wimpey (Exeter) Ltd  
**Application Type:** Full Application  
**Description of Development:** Construction of 25 dwellings with associated car parking, landscaping & drainage infrastructure and modification of S106  
**Site Address** LAND OFF HAM DRIVE PENNYCROSS PLYMOUTH  
**Case Officer:** Christopher King  
**Decision Date:** 14/07/2016  
**Decision:** Grant Subject to S106 Obligation - Full

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**Item No 5**

**Application Number:** 16/00108/ADV **Applicant:** Howden Joinery Properties Ltd  
**Application Type:** Advertisement  
**Description of Development:** 4 Fascia signs  
**Site Address** UNIT J2, ST MODWEN ROAD PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 27/06/2016  
**Decision:** Grant Conditionally

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**Item No 6**

**Application Number:** 16/00360/FUL **Applicant:** PSC Training & Development Gr  
**Application Type:** Full Application  
**Description of Development:** Add (Class D1) use to create classrooms and training units  
**Site Address** LANCASTRIAN HOUSE, 8-9 DERRYS CROSS PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 14/07/2016  
**Decision:** Grant Conditionally

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**Item No 7**

**Application Number:** 16/00422/FUL **Applicant:** Burrington Estates  
**Application Type:** Full Application  
**Description of Development:** New car park to rear  
**Site Address** EUROTECH HOUSE, BURRINGTON WAY PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 15/07/2016  
**Decision:** Grant Conditionally

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**Item No 8**

**Application Number:** 16/00484/FUL **Applicant:** The Ship (Derriford) Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of Use from Newspaper printing and publishing facility (B2) to a mixed use (Sui Generis) comprising elements to include Café (A3), Office (B1), General Industrial (B2), Indoor Climbing Centre (D2) and Trampoline Centre (D2), including internal and external works to listed building.  
**Site Address** 17 BREST ROAD PLYMOUTH  
**Case Officer:** John Douglass  
**Decision Date:** 08/07/2016  
**Decision:** Grant Subject to S106 Obligation - Full

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**Item No 9**

**Application Number:** 16/00486/LBC **Applicant:** The Ship (Derriford) Ltd  
**Application Type:** Listed Building  
**Description of Development:** Listed Building Consent for internal and external works associated with change of Use from Newspaper printing and publishing facility (Class B2) to a mixed use (Sui Generis) comprising elements to include Café (Class A3), Office (Class B1), General Industrial (Class B2), Indoor Climbing Centre (Class D2) and Trampoline Centre (Class D2).  
**Site Address** 17 BREST ROAD PLYMOUTH  
**Case Officer:** John Douglass  
**Decision Date:** 07/07/2016  
**Decision:** Grant Conditionally

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**Item No 10**

**Application Number:** 16/00511/PRDE **Applicant:** Mr S & Mrs L Rowe  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Roof alterations and rear dormer  
**Site Address** 36 UNDERLANE PLYMSTOCK PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 30/06/2016  
**Decision:** Issue Certificate - Lawful Use (Pro)

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**Item No 11**

**Application Number:** 16/00533/FUL **Applicant:** Miss Natalie Robertson  
**Application Type:** Full Application  
**Description of Development:** Retrospective application for external wall insulation on side elevation  
**Site Address** 90 HYDE PARK ROAD PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

---

**Item No 12**

**Application Number:** 16/00551/FUL **Applicant:** Waters Park House Ltd  
**Application Type:** Full Application  
**Description of Development:** Alterations and additions to existing annex to care home  
**Site Address** 50 VALLETORT ROAD PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 30/06/2016  
**Decision:** Application Withdrawn

---

**Item No 13**

**Application Number:** 16/00562/FUL **Applicant:** Mr Chris Wood  
**Application Type:** Full Application  
**Description of Development:** Installation of externally applied wall insulation with render finish  
**Site Address** FIRST FLOOR FLAT & 76 SPRINGFIELD ROAD  
PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 30/06/2016  
**Decision:** Grant Conditionally

---

**Item No 14**

**Application Number:** 16/00601/REM **Applicant:** Persimmon Homes (Cornwall)  
**Application Type:** Reserved Matters  
**Description of Development:** Reserved matters application for the approval of the access, appearance, landscaping, layout and scale for Phase 7, Seaton Neighbourhood, for 119 dwellings and associated highways and drainage infrastructure, landscaping and playspace (following outline approval 12/02027/OUT)  
**Site Address** LAND AT SEATON NEIGHBOURHOOD PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 14/07/2016  
**Decision:** Grant Conditionally

---

**Item No 15**

**Application Number:** 16/00651/EXUS **Applicant:** Mr Robert Verey  
**Application Type:** LDC Existing Use  
**Description of Development:** Seven bedroom HMO  
**Site Address** 27 LISSON GROVE PLYMOUTH  
**Case Officer:** Ben Wilcox  
**Decision Date:** 01/07/2016  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 16**

**Application Number:** 16/00664/FUL **Applicant:** Marshmills Limited  
**Application Type:** Full Application  
**Description of Development:** Application to remove condition iii of permission 689/74/1(b) (this relates to the former access off Woodford Avenue)  
**Site Address** THE FORMER CHINA CLAY DRYER WORKS, COYPOOL ROAD PLYMOUTH  
**Case Officer:** Alan Hartridge  
**Decision Date:** 13/07/2016  
**Decision:** Refuse

---

**Item No 17**

**Application Number:** 16/00674/FUL **Applicant:** Erney Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use from retail (class A1) to workshop and storage (class B1 and B8)  
**Site Address** 9 ERNESETTLE GREEN PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 22/07/2016  
**Decision:** Grant Conditionally

---

**Item No 18**

**Application Number:** 16/00688/FUL **Applicant:** Oggy Oggy Pasty Co  
**Application Type:** Full Application  
**Description of Development:** Change of use to bakery and coffee shop  
**Site Address** OPTICIAN UNIT, TRANSIT WAY PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 30/06/2016  
**Decision:** Grant Conditionally

---

**Item No 19**

**Application Number:** 16/00707/FUL **Applicant:** Mrs Caroline Britten  
**Application Type:** Full Application  
**Description of Development:** Conversion from 6 bedroom HMO (Class C4) to 7 bedroom HMO (Sui Generis)  
**Site Address** 2 BLENHEIM ROAD PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 18/07/2016  
**Decision:** Grant Conditionally

---

**Item No 20**

**Application Number:** 16/00727/FUL **Applicant:** Esprit Property Ltd  
**Application Type:** Full Application  
**Description of Development:** Amendment to previous consent 15/00278/FUL to form additional flat (Class C3) at 56 Durnford Street  
**Site Address** 56 DURNFORD STREET PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 15/07/2016  
**Decision:** Grant Conditionally

---

**Item No 21**

**Application Number:** 16/00728/LBC **Applicant:** Esprit Developments Ltd  
**Application Type:** Listed Building  
**Description of Development:** Alterations to property to form additional flat (Class C3).  
**Site Address** 56 DURNFORD STREET PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 15/07/2016  
**Decision:** Grant Conditionally

---

**Item No 22**

**Application Number:** 16/00730/FUL **Applicant:** Mr & Mrs D M Peterman  
**Application Type:** Full Application  
**Description of Development:** Three storey extension  
**Site Address** 353 NORTH ROAD WEST PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 30/06/2016  
**Decision:** Application Withdrawn

---

**Item No 23**

**Application Number:** 16/00734/FUL **Applicant:** Mr & Mrs Goodwin  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension with rear dormer  
**Site Address** 18 OLD WOODLANDS ROAD PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 12/07/2016  
**Decision:** Grant Conditionally

---

**Item No 24**

**Application Number:** 16/00735/FUL **Applicant:** Plymouth Hospitals NHS Trust  
**Application Type:** Full Application  
**Description of Development:** Erection of a temporary building for hospital purposes for a period of 5 years  
**Site Address** DAY CASE UNIT, DERRIFORD HOSPITAL, DERRIFORD ROAD PLYMOUTH  
**Case Officer:** Robert McMillan  
**Decision Date:** 13/07/2016  
**Decision:** Grant Conditionally

---

**Item No 25**

**Application Number:** 16/00749/FUL **Applicant:** Plymouth University  
**Application Type:** Full Application  
**Description of Development:** Extension to provide new entrance, reception area and teaching space  
**Site Address** ROLLE BUILDING, JAMES STREET PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 30/06/2016  
**Decision:** Grant Conditionally

---

**Item No 26**

**Application Number:** 16/00758/FUL **Applicant:** Mr Lee Oliver  
**Application Type:** Full Application  
**Description of Development:** Raise bungalow roof, side, front and rear extensions, enlarge garage (resubmission of 16/00379/FUL)  
**Site Address** 99 FRENHAM AVENUE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 25/07/2016  
**Decision:** Grant Conditionally

---

**Item No 27**

**Application Number:** 16/00765/FUL **Applicant:** Mr Brian Woodman  
**Application Type:** Full Application  
**Description of Development:** Improvements of boundary walls and addition of fencing on top of existing walls  
**Site Address** 1 DOUGLAS DRIVE PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 29/06/2016  
**Decision:** Grant Conditionally

---

**Item No 28**

**Application Number:** 16/00767/FUL **Applicant:** Design Development Ltd  
**Application Type:** Full Application  
**Description of Development:** Formation of 2 dormers and 2 velux windows to existing roof space  
**Site Address** THE POST OFFICE, 10 CHURCH HILL PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 27/06/2016  
**Decision:** Grant Conditionally

---

**Item No 29**

**Application Number:** 16/00773/FUL **Applicant:** Mr Lawrence Seymour  
**Application Type:** Full Application  
**Description of Development:** Single storey side extension and loft conversion, including hip to gable roof.  
**Site Address** 90 COMPTON AVENUE PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 30/06/2016  
**Decision:** Grant Conditionally

---



**Item No 30**

**Application Number:** 16/00795/ADV **Applicant:** Ms Donna Hendrick  
**Application Type:** Advertisement  
**Description of Development:** Erection of signage (retrospective)  
**Site Address** 1 PIER STREET PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 12/07/2016  
**Decision:** Grant Conditionally

---

**Item No 31**

**Application Number:** 16/00801/FUL **Applicant:** City College Plymouth  
**Application Type:** Full Application  
**Description of Development:** Variation of condition 2 (plans condition) of planning application 15/01804FUL to allow minor material changes to the access and design  
**Site Address** CITY COLLEGE PLYMOUTH, KINGS ROAD DEVONPORT PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 19/07/2016  
**Decision:** Grant Conditionally

---

**Item No 32**

**Application Number:** 16/00802/LBC **Applicant:** RTG Worldwide Ltd  
**Application Type:** Listed Building  
**Description of Development:** Internal & external works to the property  
**Site Address** PRYN COURT, 9 CRAIGIE DRIVE PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 01/07/2016  
**Decision:** Application Withdrawn

---

**Item No 33**

**Application Number:** 16/00805/S73    **Applicant:** Plymouth Hospitals NHS Trust  
**Application Type:** Removal or Variation of Condition  
**Description of Development:** Variation of condition 1 of application 12/02164/FUL (Retention of 2 temporary modular operating theatres and associated works) to allow the permitted buildings to remain on site for 5 years from approval date  
**Site Address** DERRIFORD HOSPITAL, DERRIFORD ROAD PLYMOUTH  
**Case Officer:** Robert McMillan  
**Decision Date:** 06/07/2016  
**Decision:** Grant Conditionally

---

**Item No 34**

**Application Number:** 16/00808/FUL    **Applicant:** Mr Jason Rumsby  
**Application Type:** Full Application  
**Description of Development:** Replacement door & windows  
**Site Address** FLAT 18 HARBOURSIDE COURT, HAWKERS AVENUE  
THE BARBICAN PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 19/07/2016  
**Decision:** Grant Conditionally

---

**Item No 35**

**Application Number:** 16/00815/FUL    **Applicant:** Mr H Hussain  
**Application Type:** Full Application  
**Description of Development:** Private motor garage  
**Site Address** 98 FORT AUSTIN AVENUE CROWNHILL PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

---

**Item No 36**

**Application Number:** 16/00816/FUL **Applicant:** Brian Oliver  
**Application Type:** Full Application  
**Description of Development:** Loft conversion with rear dormer  
**Site Address** 128 WESTON PARK ROAD PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 13/07/2016  
**Decision:** Grant Conditionally

---

**Item No 37**

**Application Number:** 16/00817/TPO **Applicant:** Plymouth Scout District  
**Application Type:** Tree Preservation  
**Description of Development:** 5 Oaks - fell (diseased)  
Repollard trees adjacent to road  
**Site Address** GILWOOD SCOUT CAMPSITE, GLENHOLT ROAD  
PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 29/06/2016  
**Decision:** Application Withdrawn

---

**Item No 38**

**Application Number:** 16/00826/TPO **Applicant:** Devon Block Management  
**Application Type:** Tree Preservation  
**Description of Development:** Ash - reduce crown by maximum of 2-3m  
Sycamore - reduce crown by 1m  
**Site Address** 53 LINTON CLOSE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 30/06/2016  
**Decision:** Grant Conditionally

---

**Item No 39**

**Application Number:** 16/00835/FUL **Applicant:** Ms Shaw  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension and single storey front extension  
**Site Address** 50 RINGMORE WAY PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 01/07/2016  
**Decision:** Grant Conditionally

---

**Item No 40**

**Application Number:** 16/00837/FUL **Applicant:** Mr & Mrs Smith  
**Application Type:** Full Application  
**Description of Development:** Front conservatory  
**Site Address** 20 CONGREVE GARDENS PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 29/06/2016  
**Decision:** Refuse

---

**Item No 41**

**Application Number:** 16/00843/ADV **Applicant:** Dixons Carphone Plc  
**Application Type:** Advertisement  
**Description of Development:** Replacement illuminated fascia sign and two new fascia signs  
**Site Address** DIXONS CARPHONE PLC, MARSH MILLS RETAIL PARK  
PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 27/06/2016  
**Decision:** Grant Conditionally

---

**Item No 42**

**Application Number:** 16/00849/TPO **Applicant:** Mr Stephen Vitali  
**Application Type:** Tree Preservation  
**Description of Development:** Multi stemmed sycamore - remove  
**Site Address** 26 LONGBROOK STREET PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

---

**Item No 43**

**Application Number:** 16/00854/FUL **Applicant:** Mr and Mrs Tolcher  
**Application Type:** Full Application  
**Description of Development:** Extend veranda to the rear and installation of Juliet balcony  
**Site Address** 26 HOMER RISE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

---

**Item No 44**

**Application Number:** 16/00857/FUL **Applicant:** Plymouth City Council  
**Application Type:** Full Application  
**Description of Development:** Canopy over existing decking on roof terrace  
**Site Address** MAXWELL HOUSE, 167 to 171 ARMADA WAY PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 30/06/2016  
**Decision:** Grant Conditionally

---

**Item No 45**

**Application Number:** 16/00866/S73 **Applicant:** Devon Block Management  
**Application Type:** Removal or Variation of Condition  
**Description of Development:** Removal of condition 3 of application 15/02277/LBC (details of security cameras)  
**Site Address** 80 PARADISE ROAD PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 20/07/2016  
**Decision:** Application Withdrawn

---

**Item No 46**

**Application Number:** 16/00867/FUL **Applicant:** The Trustees of the Rowanmoor  
**Application Type:** Full Application  
**Description of Development:** Change of use from a place of worship (Class D1) into an office use (Class B1 Business), including internal and external alterations  
**Site Address** GRACE CHRISTIAN CENTRE, 17 GORDON TERRACE  
PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 05/07/2016  
**Decision:** Grant Conditionally

---

**Item No 47**

**Application Number:** 16/00870/OUT **Applicant:** Mr Fernley William Thomas Park  
**Application Type:** Outline Application  
**Description of Development:** Outline consent for the erection of a 2 storey property for 2 flats  
**Site Address** LAND ADJ 8/10 DALE AVENUE PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 21/07/2016  
**Decision:** Grant Conditionally

---

**Item No 48**

**Application Number:** 16/00872/LBC **Applicant:** Mrs Claire King  
**Application Type:** Listed Building  
**Description of Development:** Various external works relating to roofs, windows & doors  
**Site Address** 1 NORTH CANN COTTAGES, TAMERTON FOLIOT ROAD  
PLYMOUTH  
**Case Officer:** Kate Price  
**Decision Date:** 01/07/2016  
**Decision:** Grant Conditionally

---

**Item No 49**

**Application Number:** 16/00880/TPO **Applicant:** Mr Nick Bishop  
**Application Type:** Tree Preservation  
**Description of Development:** Various tree management works with amendment agreed (6/7/16) for G34.1 - Horse Chestnut - reduce to lower canopy. G34.2 Sycamore - reduce by one third.  
**Site Address** PLYMOUTH COLLEGE, FORD PARK PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

---

**Item No 50**

**Application Number:** 16/00881/TPO **Applicant:** Mr Michael Michaelides  
**Application Type:** Tree Preservation  
**Description of Development:** Cedar - Fell  
**Site Address** 16 TORLAND ROAD PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

---

**Item No 51**

**Application Number:** 16/00887/FUL **Applicant:** Mr M Rafic  
**Application Type:** Full Application  
**Description of Development:** Change of use from shop (Class A1) to a mixed use launderette (Sui Generis) and shop (Class A1)  
**Site Address** 107 VICTORIA ROAD PLYMOUTH  
**Case Officer:** Robert McMillan  
**Decision Date:** 25/07/2016  
**Decision:** Grant Conditionally

---

**Item No 52**

**Application Number:** 16/00892/FUL **Applicant:** Mr Rob Bishop  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension  
**Site Address** 15 BEAUMONT STREET PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 13/07/2016  
**Decision:** Grant Conditionally

---

**Item No 53**

**Application Number:** 16/00893/FUL **Applicant:** Mr Darren Lapthorne  
**Application Type:** Full Application  
**Description of Development:** Rear extension  
**Site Address** 57 GOODWIN AVENUE PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 30/06/2016  
**Decision:** Grant Conditionally

---

**Item No 54**

**Application Number:** 16/00894/TPO **Applicant:** Mr Jamie Roberts-Doyle  
**Application Type:** Tree Preservation  
**Description of Development:** Acer - Crown reduce by 50% and shape.  
**Site Address** 10 DUCANE WALK PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

---

**Item No 55**

**Application Number:** 16/00896/EXDE **Applicant:** Mrs S Angle  
**Application Type:** LDC Existing Develop  
**Description of Development:** Existing driveway and vehicular access  
**Site Address** 3 HOLLOW HAYES, GOOSEWELL HILL PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 11/07/2016  
**Decision:** Issue Certificate - Lawful Use

---



**Item No 56**

**Application Number:** 16/00900/ADV **Applicant:** RBS  
**Application Type:** Advertisement  
**Description of Development:** Erection of signage.  
**Site Address** THE ROYAL BANK OF SCOTLAND PLC, 2 OLD TOWN STREET PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 28/06/2016  
**Decision:** Grant Conditionally

---

**Item No 57**

**Application Number:** 16/00903/FUL **Applicant:** Mr E Gray  
**Application Type:** Full Application  
**Description of Development:** Change of use from a 5-bedroom HMO (class C4) to a 7-bedroom HMO (sui generis), and construction of rear dormer.  
**Site Address** 37 BEAUMONT ROAD PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 07/07/2016  
**Decision:** Grant Conditionally

---

**Item No 58**

**Application Number:** 16/00912/TCO **Applicant:** Ms Rachel Broomfield  
**Application Type:** Trees in Cons Area  
**Description of Development:** Willow - Crown reduce by 3 metres and thin.  
Beech - Crown reduce by 2 - 3 metres.  
Red Oak - Reduce by 2 metres from cable and house.  
Sycamore - Fell.  
**Site Address** 113 FORE STREET PLYMPTON PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

---

**Item No 59**

**Application Number:** 16/00916/TPO **Applicant:** Plymouth College  
**Application Type:** Tree Preservation  
**Description of Development:** G12: Lime - reduce by 3m; Oak - pollard (in decline)  
**Site Address** PLYMOUTH COLLEGE, FORD PARK PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 18/07/2016  
**Decision:** Grant Conditionally

---

**Item No 60**

**Application Number:** 16/00919/FUL **Applicant:** Mr Andrew Mills  
**Application Type:** Full Application  
**Description of Development:** Two storey rear extension  
**Site Address** 6 CORNFIELD GARDENS PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

---

**Item No 61**

**Application Number:** 16/00924/ADV **Applicant:** Lidl UK  
**Application Type:** Advertisement  
**Description of Development:** Erection of signage  
**Site Address** ALLIED CARPETS, PLYMOUTH ROAD PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 29/06/2016  
**Decision:** Grant Conditionally

---

**Item No 62**

**Application Number:** 16/00925/ADV **Applicant:** KFC (GB) UK  
**Application Type:** Advertisement  
**Description of Development:** Erection of signage.  
**Site Address** FORMER ST BUDEAUX SERVICE STATION, WOLSELEY ROAD PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 28/06/2016  
**Decision:** Grant Conditionally

---

**Item No 63**

**Application Number:** 16/00927/FUL **Applicant:** Mr Abbott  
**Application Type:** Full Application  
**Description of Development:** Installation of external wall insulation with render finish  
**Site Address** 215 & 215a EMBANKMENT ROAD & 2a STENLAKE TERRACE PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 21/07/2016  
**Decision:** Grant Conditionally

---

**Item No 64**

**Application Number:** 16/00929/TPO **Applicant:** Ms Laura Smith  
**Application Type:** Tree Preservation  
**Description of Development:** Oak - reduce branches near house by 1-2m to natural growth points.  
**Site Address** 1 COMPTON KNOLL CLOSE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 12/07/2016  
**Decision:** Grant Conditionally

---

**Item No 65**

**Application Number:** 16/00931/FUL **Applicant:** Plymouth City Council  
**Application Type:** Full Application  
**Description of Development:** Storage and hire of kayaks and stand up paddle boards with changing facilities  
**Site Address** TINSIDE EAST BUILDING C, HOE ROAD PLYMOUTH  
**Case Officer:** Kate Price  
**Decision Date:** 22/07/2016  
**Decision:** Grant Conditionally

---

**Item No 66**

**Application Number:** 16/00934/FUL **Applicant:** Mr & Mrs Bidulph-Armstrong  
**Application Type:** Full Application  
**Description of Development:** Two storey side and single storey rear extension with integral garage  
**Site Address** 15 OLD WOODLANDS ROAD PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 27/06/2016  
**Decision:** Grant Conditionally

---

**Item No 67**

**Application Number:** 16/00936/FUL **Applicant:** Mr M Ellis  
**Application Type:** Full Application  
**Description of Development:** Subterranean front garage  
**Site Address** 39 REDDICLIFF ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

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**Item No 68**

**Application Number:** 16/00937/FUL **Applicant:** Lisa Humphries  
**Application Type:** Full Application  
**Description of Development:** Extension to rear (ground floor)  
**Site Address** 9 BROOKINGFIELD CLOSE PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 06/07/2016  
**Decision:** Application Withdrawn

---

**Item No 69**

**Application Number:** 16/00944/FUL **Applicant:** Mr and Mrs Tarrant  
**Application Type:** Full Application  
**Description of Development:** Internal alterations, external staircase and replacement of windows and doors  
**Site Address** 15 ALFRED STREET PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 13/07/2016  
**Decision:** Grant Conditionally

---

**Item No 70**

**Application Number:** 16/00946/LBC **Applicant:** Mr and Mrs Tarrant  
**Application Type:** Listed Building  
**Description of Development:** Internal alterations, external staircase and replacement of windows and doors.  
**Site Address** 15 ALFRED STREET PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 13/07/2016  
**Decision:** Grant Conditionally

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**Item No 71**

**Application Number:** 16/00954/TPO **Applicant:** Barbara Gane  
**Application Type:** Tree Preservation  
**Description of Development:** Reduce conifer hedge by 3m  
Monterey Cypress trees:-  
· Dying Monterey Cypress – remove (as applied for)  
· Largest tree closest to house reduce back branches overhanging roof of house by 2-3m  
· Thinner single stem Monterey Cypress growing nearest house and up through the larger tree above - remove  
**Site Address** BRYN-GAER, WIDEWELL LANE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 12/07/2016  
**Decision:** Grant Conditionally

---

**Item No 72**

**Application Number:** 16/00958/FUL **Applicant:** Mr A Gargett  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension and integral double garage  
**Site Address** 82 COOMBE PARK LANE PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 28/06/2016  
**Decision:** Grant Conditionally

---

**Item No 73**

**Application Number:** 16/00959/FUL **Applicant:** Mr Thom Gordan  
**Application Type:** Full Application  
**Description of Development:** Rear extension  
**Site Address** 8 ADMIRALS HARD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 01/07/2016  
**Decision:** Grant Conditionally

---

**Item No 74**

**Application Number:** 16/00967/TPO **Applicant:** Mrs Louise Cleary  
**Application Type:** Tree Preservation  
**Description of Development:** Oak - thin crown by 15% and reduce branches by 1m (maximum) to natural growth points.  
**Site Address** 15 CAMERON WAY PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 22/07/2016  
**Decision:** Grant Conditionally

---

**Item No 75**

**Application Number:** 16/00973/S73 **Applicant:** Mr Lee Ashcroft  
**Application Type:** Removal or Variation of Condition  
**Description of Development:** Removal of condition 3 of application 14/00025/FUL  
**Site Address** 25 EGERTON ROAD PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 29/06/2016  
**Decision:** Refuse

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**Item No 76**

**Application Number:** 16/00974/TCO **Applicant:** Mrs Christine Parker  
**Application Type:** Trees in Cons Area  
**Description of Development:** Hawthorn - Fell  
**Site Address** 13 CHURCH STREET STOKE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

---

**Item No 77**

**Application Number:** 16/00975/FUL **Applicant:** Mr Larry & Mrs Jacqueline Taylo  
**Application Type:** Full Application  
**Description of Development:** Change of use from printing workshop to 1 bed dwelling  
**Site Address** WORKSHOP R/O 50 VICTORIA ROAD PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 30/06/2016  
**Decision:** Grant Conditionally

---

**Item No 78**

**Application Number:** 16/00978/FUL **Applicant:** Urban Quarters Limited  
**Application Type:** Full Application  
**Description of Development:** Change of use from vacant 12 bed hostel (Class C1) to 4x self-contained flats and new maisonette (Class C3)  
**Site Address** 172 CITADEL ROAD PLYMOUTH  
**Case Officer:** Christopher King  
**Decision Date:** 19/07/2016  
**Decision:** Grant Conditionally

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**Item No 79**

**Application Number:** 16/00979/LBC **Applicant:** Babcock International Group  
**Application Type:** Listed Building  
**Description of Development:** Fit timber louvres in blocked up openings  
**Site Address** BUILDING BP065, HMNB DEVONPORT KEYHAM  
PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 05/07/2016  
**Decision:** Grant Conditionally

---

**Item No 80**

**Application Number:** 16/00981/FUL **Applicant:** Torr Home  
**Application Type:** Full Application  
**Description of Development:** Side extension to form recreation room  
**Site Address** TORR HOME, 1 THE DRIVE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 13/07/2016  
**Decision:** Grant Conditionally

---

**Item No 81**

**Application Number:** 16/00984/FUL **Applicant:** Mr Bashir Selim  
**Application Type:** Full Application  
**Description of Development:** External smoking shelter and seating on flat roof  
**Site Address** 30A WESTERN APPROACH PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 12/07/2016  
**Decision:** Grant Conditionally

---

**Item No 82**

**Application Number:** 16/00985/FUL **Applicant:** Mr Chris Ryland  
**Application Type:** Full Application  
**Description of Development:** Replacement rear external stairwell.  
**Site Address** 33 RUSSELL AVENUE PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 01/07/2016  
**Decision:** Grant Conditionally

---



**Item No 83**

**Application Number:** 16/00987/FUL **Applicant:** Mr Sean Nicholson  
**Application Type:** Full Application  
**Description of Development:** First floor rear extension  
**Site Address** 22 ALLENDALE ROAD PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 15/07/2016  
**Decision:** Application Withdrawn

---

**Item No 84**

**Application Number:** 16/00998/ADV **Applicant:** Mr R Clarke  
**Application Type:** Advertisement  
**Description of Development:** Erection of signage  
**Site Address** 11 PEVERELL PARK ROAD PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 12/07/2016  
**Decision:** Grant Conditionally

---

**Item No 85**

**Application Number:** 16/01002/FUL **Applicant:** Mr William Stelling  
**Application Type:** Full Application  
**Description of Development:** Erection of pergola and new freezer store  
**Site Address** HARVESTER, 158 TO 160 PLYMOUTH ROAD PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 30/06/2016  
**Decision:** Grant Conditionally

---

**Item No 86**

**Application Number:** 16/01005/FUL **Applicant:** Mrs Agnes Collins  
**Application Type:** Full Application  
**Description of Development:** Two storey rear extension  
**Site Address** 10 SOUTH DOWN ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 01/07/2016  
**Decision:** Grant Conditionally

---

**Item No 87**

**Application Number:** 16/01008/FUL **Applicant:** Mr Nick Chapple  
**Application Type:** Full Application  
**Description of Development:** Erection of fence to front elevation  
**Site Address** 2 ST GABRIELS AVENUE PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 30/06/2016  
**Decision:** Grant Conditionally

---

**Item No 88**

**Application Number:** 16/01009/FUL **Applicant:** Mr Banikos Solomon  
**Application Type:** Full Application  
**Description of Development:** Change of use from dwellinghouse (Use Class C3) to 6-bedroom HMO (Use Class C4), rear extension and rear dormer  
**Site Address** 73 NORTH ROAD EAST PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 21/07/2016  
**Decision:** Refuse

---

**Item No 89**

**Application Number:** 16/01011/FUL **Applicant:** Mr & Mrs S Nicholson  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension  
**Site Address** 2 PARK CRESCENT ORESTON PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 30/06/2016  
**Decision:** Grant Conditionally

---

**Item No 90**

**Application Number:** 16/01013/GPD **Applicant:** Mr John Perry  
**Application Type:** GPDO Request  
**Description of Development:** A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 8m, has a maximum height of 3.6m, and has an eaves height of 3m  
**Site Address** 9 HOMER PARK PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 28/06/2016  
**Decision:** Prior approval required

---

**Item No 91**

**Application Number:** 16/01019/FUL **Applicant:** Ms Suzanne Dilorenzo  
**Application Type:** Full Application  
**Description of Development:** Change of use from dwelling (Class C3) to 4-bedroom HMO (Class C4) (retrospective).  
**Site Address** 36 BURLEIGH PARK ROAD PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 14/07/2016  
**Decision:** Refuse

---

**Item No 92**

**Application Number:** 16/01026/LBC **Applicant:** Mr Michael Wild  
**Application Type:** Listed Building  
**Description of Development:** Removal of partition, relocation of bathroom & new partitions & doors  
**Site Address** 51A SOUTHSIDE STREET PLYMOUTH  
**Case Officer:** Kate Price  
**Decision Date:** 22/07/2016  
**Decision:** Grant Conditionally

---

**Item No 93**

**Application Number:** 16/01032/GPD **Applicant:** Mr Adam Coutts  
**Application Type:** GPDO Request  
**Description of Development:** A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 6m, has a maximum height of 2.9m, and has an eaves height of 2.9m  
**Site Address** 191 CHURCH WAY PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 27/06/2016  
**Decision:** Prior approval not req

---

**Item No 94**

**Application Number:** 16/01034/GPD **Applicant:** Mr R Morris  
**Application Type:** GPDO Request  
**Description of Development:** A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4 metres, has a maximum height of 3.81 metres, and has an eaves height of 2.31 metres.  
**Site Address** 73 EFFORD LANE PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 30/06/2016  
**Decision:** Prior approval not req

---

**Item No 95**

**Application Number:** 16/01039/FUL **Applicant:** Mr S Edmundson  
**Application Type:** Full Application  
**Description of Development:** Rear conservatory  
**Site Address** 78 WENTWOOD GARDENS PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 13/07/2016  
**Decision:** Grant Conditionally

---

**Item No 96**

**Application Number:** 16/01040/FUL **Applicant:** Mr G Coates  
**Application Type:** Full Application  
**Description of Development:** Store extension, first floor rear extension & loft conversion  
**Site Address** 40 BARN FIELD DRIVE PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 14/07/2016  
**Decision:** Grant Conditionally

---

**Item No 97**

**Application Number:** 16/01047/ADV **Applicant:** Plymouth Science Park Limited  
**Application Type:** Advertisement  
**Description of Development:** 3 x illuminated fascia signs.  
**Site Address** 1 DAVY ROAD PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 22/07/2016  
**Decision:** Grant Conditionally

---

**Item No 98**

**Application Number:** 16/01049/FUL **Applicant:** Mr Rob Crotty  
**Application Type:** Full Application  
**Description of Development:** Raised hardstanding and dropped kerb extension.  
**Site Address** 32 CHARLTON ROAD PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

---

**Item No 99**

**Application Number:** 16/01050/PRDE **Applicant:** Mr Nick Abbott  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Rear extension  
**Site Address** 28 SALTBURN ROAD PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 21/07/2016  
**Decision:** Issue Certificate - Lawful Use (Pro)

---

**Item No 100**

**Application Number:** 16/01051/FUL **Applicant:** Chakra Health Clinic  
**Application Type:** Full Application  
**Description of Development:** First floor office space.  
**Site Address** 60A FORD PARK ROAD PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 21/07/2016  
**Decision:** Grant Conditionally

---

**Item No 101**

**Application Number:** 16/01052/FUL **Applicant:** Mr Barry Stockton  
**Application Type:** Full Application  
**Description of Development:** Rear extension and side garage (removal of existing garage)  
**Site Address** 32 BIRCH POND ROAD PLYMSTOCK PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 07/07/2016  
**Decision:** Grant Conditionally

---

**Item No 102**

**Application Number:** 16/01053/FUL **Applicant:** Mr Roberts  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension and internal alterations  
**Site Address** 1 WESTWOOD AVENUE PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

---

**Item No 103**

**Application Number:** 16/01063/FUL **Applicant:** Mr Gareth Roberts  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension  
**Site Address** 58 DOLPHIN SQUARE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 20/07/2016  
**Decision:** Grant Conditionally

---

**Item No 104**

**Application Number:** 16/01065/FUL **Applicant:** Costa  
**Application Type:** Full Application  
**Description of Development:** Change of use to coffee shop (A1/A3)  
**Site Address** 51 to 53 NEW GEORGE STREET PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 08/07/2016  
**Decision:** Grant Conditionally

---

**Item No 105**

**Application Number:** 16/01066/ADV **Applicant:** The British Heart Foundation  
**Application Type:** Advertisement  
**Description of Development:** Erection of signage.  
**Site Address** 62 NEW GEORGE STREET PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 12/07/2016  
**Decision:** Grant Conditionally

---

**Item No 106**

**Application Number:** 16/01068/FUL **Applicant:** Mr Trevor Dibb  
**Application Type:** Full Application  
**Description of Development:** Replacement rear timber balcony  
**Site Address** 9 WHITEFORD ROAD PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 18/07/2016  
**Decision:** Grant Conditionally

---

**Item No 107**

**Application Number:** 16/01071/FUL **Applicant:** Mr Marcus Lewis  
**Application Type:** Full Application  
**Description of Development:** New shopfront  
**Site Address** 2 SHERWELL ARCADE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 11/07/2016  
**Decision:** Grant Conditionally

---

**Item No 108**

**Application Number:** 16/01079/FUL **Applicant:** Mr & Mrs Andrews  
**Application Type:** Full Application  
**Description of Development:** Hardstand to front of property  
**Site Address** 117 BRIDWELL ROAD PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 22/07/2016  
**Decision:** Grant Conditionally

---

**Item No 109**

**Application Number:** 16/01081/GPD **Applicant:** Mr Richard Curtis  
**Application Type:** GPDO Request  
**Description of Development:** A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4m, has a maximum height of 3m, and has an eaves height of 2.5m.  
**Site Address** 14 SECOND AVENUE BILLACOMBE PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 06/07/2016  
**Decision:** Prior approval not req

---

**Item No 110**

**Application Number:** 16/01086/FUL **Applicant:** Mr Read  
**Application Type:** Full Application  
**Description of Development:** Retrospective porch and garage extension and side extension  
**Site Address** 24 WEIR ROAD PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 14/07/2016  
**Decision:** Grant Conditionally

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**Item No 111**

**Application Number:** 16/01091/FUL **Applicant:** Mr Tim Craven  
**Application Type:** Full Application  
**Description of Development:** Wrap around window at first floor level  
**Site Address** 25 BELLE VUE RISE HOOE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 18/07/2016  
**Decision:** Grant Conditionally

---

**Item No 112**

**Application Number:** 16/01093/FUL **Applicant:** Mr David White  
**Application Type:** Full Application  
**Description of Development:** Rear extension and raised patio  
**Site Address** 126 LOOSELEIGH LANE DERRIFORD PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 13/07/2016  
**Decision:** Grant Conditionally

---

**Item No 113**

**Application Number:** 16/01095/FUL **Applicant:** Mr M Michaelides  
**Application Type:** Full Application  
**Description of Development:** Erection of a two storey rear extension.  
**Site Address** 2 & 4 GEORGE STREET DEVONPORT PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 20/07/2016  
**Decision:** Application Withdrawn

---

**Item No 114**

**Application Number:** 16/01096/LBC **Applicant:** Mr M Michaelides  
**Application Type:** Listed Building  
**Description of Development:** Erection of a two storey rear extension.  
**Site Address** 2 & 4 GEORGE STREET DEVONPORT PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 20/07/2016  
**Decision:** Application Withdrawn

---

**Item No 115**

**Application Number:** 16/01099/FUL **Applicant:** Mr D Parker  
**Application Type:** Full Application  
**Description of Development:** Change of Use to a mixed use class of D1 and D2.  
**Site Address** UNIT 9, 62 VALLEY ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 14/07/2016  
**Decision:** Grant Conditionally

---

**Item No 116**

**Application Number:** 16/01104/FUL **Applicant:** Mr Phil Cook  
**Application Type:** Full Application  
**Description of Development:** Rear extension.  
**Site Address** 8 SOUTH DOWN ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 14/07/2016  
**Decision:** Grant Conditionally

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**Item No 117**

**Application Number:** 16/01110/TCO **Applicant:** Ms Anna Batey  
**Application Type:** Trees in Cons Area  
**Description of Development:** Sycamore - Fell  
Bay - Thin by 20% and trim.  
**Site Address** 5 GASCOYNE PLACE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 18/07/2016  
**Decision:** Grant Conditionally

---

**Item No 118**

**Application Number:** 16/01140/FUL **Applicant:** Mr & Mrs Whitfeld  
**Application Type:** Full Application  
**Description of Development:** Side and single storey rear extensions  
**Site Address** 18 FURZEHATT ROAD PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 22/07/2016  
**Decision:** Grant Conditionally

---

**Item No 119**

**Application Number:** 16/01143/FUL **Applicant:** Mrs Tasha May  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension.  
**Site Address** 30 AYLESBURY CRESCENT PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 21/07/2016  
**Decision:** Grant Conditionally

---

**Item No 120**

**Application Number:** 16/01148/FUL **Applicant:** MOD Devonport Naval Bases  
**Application Type:** Full Application  
**Description of Development:** Retrospective retention of clad steel box structure  
**Site Address** DEVONPORT DOCKYARD, SALTASH ROAD KEYHAM PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 19/07/2016  
**Decision:** Grant Conditionally

---

**Item No 121**

**Application Number:** 16/01166/FUL **Applicant:** Mr and Mrs Souness  
**Application Type:** Full Application  
**Description of Development:** Flat-roofed single storey side/rear extension. Resubmission of application 16/00698/FUL  
**Site Address** 87 ELBURTON ROAD PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 21/07/2016  
**Decision:** Grant Conditionally

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**Item No** 122

**Application Number:** 16/01266/GPD **Applicant:** Mrs Rachel Hanley-Wildman

**Application Type:** GPDO Request

**Description of Development:** A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.6m, has a maximum height of 3m, and has an eaves height of 3m.

**Site Address** 6 FINCHES CLOSE PLYMOUTH

**Case Officer:** Mike Stone

**Decision Date:** 14/07/2016

**Decision:** Prior approval required

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**The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City**

Application Number **15/00288/FUL**  
Appeal Site **85 CITADEL ROAD PLYMOUTH**  
Appeal Proposal Alterations and extension to form a single residential unit at level 2  
Case Officer Aiden Murray

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 10/06/2016

Conditions  
Award of Costs Awarded To

Appeal Synopsis

This appeal, and the accompanying Listed Building Consent refusal appeal, were both dismissed.

The Inspector agreed with the Council that the proposal would be detrimental to the appearance of the property and the character of the area in general.

It would also be clearly apparent from viewpoints along Citadel Road and from Elliot Street. The Inspector therefore concluded that the proposals would fail to preserve the special architectural interest of the listed building and supported the Council's policy objections.

The Inspector considered the Council's appeal costs claim, submitted on the basis that a similar development at the property had been dismissed on appeal only relatively recently, but decided that the scheme was sufficiently different from the previous scheme to render these latest appeals reasonable.

Application Number **15/00289/LBC**  
Appeal Site **85 CITADEL ROAD PLYMOUTH**  
Appeal Proposal Alterations and extension to form a single residential unit at second floor  
Case Officer Aiden Murray

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 10/06/2016

Conditions  
Award of Costs Awarded To

Appeal Synopsis

This appeal, and the accompanying Planning Application refusal appeal, were both dismissed.

The Inspector agreed with the Council that the proposal would be detrimental to the appearance of the property and the character of the area in general.

It would also be clearly apparent from viewpoints along Citadel Road and from Elliot Street. The Inspector therefore concluded that the proposals would fail to preserve the special architectural interest of the listed building and supported the Council's policy objections.

The Inspector considered the Council's appeal costs claim, submitted on the basis that a similar development at the property had been dismissed on appeal only relatively recently, but decided that the scheme was sufficiently different from the previous scheme to render these latest appeals reasonable.

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