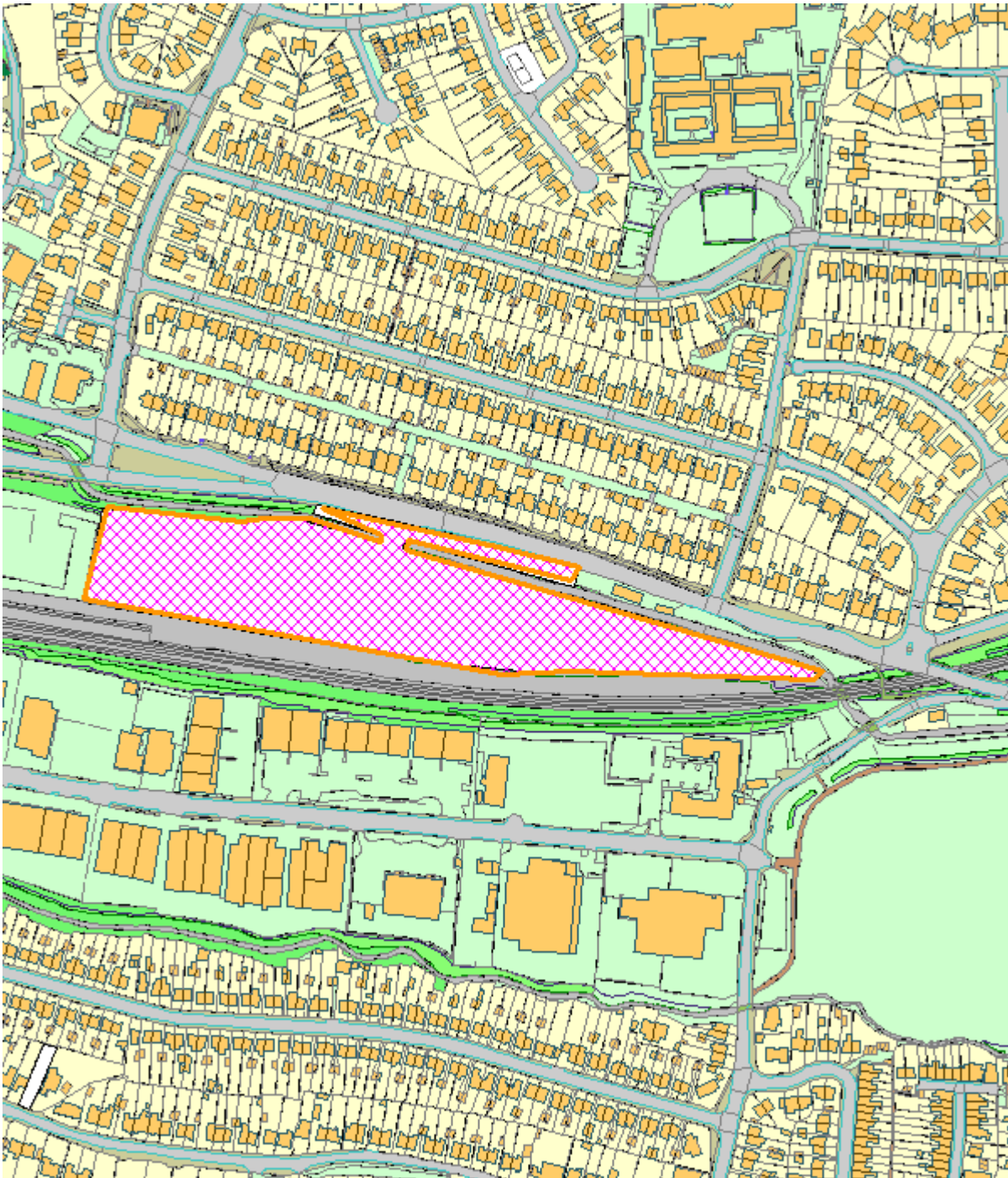


PLANNING APPLICATION OFFICERS REPORT



Application Number	21/02266/FUL	Item	01
Date Valid	01.02.2022	Ward	PLYMPTON ERLE
Site Address	Errill Retail Park, Plymouth Road Plymouth PL7 4JP		
Proposal	Demolition of Unit B, refurbishment and change of use of Unit C for use within Class B8 or as a builders' merchant (Sui Generis) with trade counter and showroom with secure service yard and revised parking arrangements, eastern extension of Unit A to provide enlarged and refurbished retail unit for continued use within Class E(a) along with enclosed external display area and new entrance feature, retention of servicing and access arrangements, reconfiguration and extension of customer car park and associated works		
Applicant	TJ Morris Limited		
Application Type	Full Application		
Target Date	03.05.2022	Committee Date	15.09.2022
Extended Target Date	30.09.2022		
Decision Category	Departure from Local Plan		
Case Officer	Ms Jess Vaughan		
Recommendation	Grant Conditionally		



This application has been brought to planning committee as the application is substantively contrary to a Development Plan site allocation policy and the Officer recommendation is to approve.

1. Description of Site

The application site is located approximately 1km to the west of Plympton Ridgeway District Centre on land south of Plymouth Road. The application site extends to circa 2.4 hectares and currently contains three separate retail buildings, two of which have been vacant for a number of years (former Co Operative (Homemaker) and Allied Carpets). The remaining unit has recently been made vacant by Buyology (a discount retailer) who were operating under a short-term lease. The total floorspace within these buildings is, 6,319sq m. The buildings are surrounded by hard-standing vehicle parking and service areas. To the west of the site is a Lidl foodstore.

The three units are currently vacant with two of the three units not being occupied for some time. They are significantly damaged and present a poor image to existing dwellings on the northern side of Plymouth Road and those travelling along Plymouth Road or the adjacent train line to the south.

In addition to the retail park itself, the application site comprises sections of the landscaped banks on either side of the Tory Brook, to the immediate north of the retail park. The banks are densely wooded which serves to filter and screen large parts of the retail park when viewed from the north.

Further retail and commercial uses are located within the surrounding area. This includes a Lidl foodstore immediately to the west, with commercial, further retail and quasi-retail uses located beyond Cot Hill. To the south, the application site is bound by an existing railway line, beyond which is Valley Road Industrial Estate, which includes a number of commercial and industrial uses.

The Retail Park is bound to the north by Plymouth Road and the Tory Brook runs along the northern edge of the site, beyond which are residential properties.

There is a single means of access/egress to the retail park from Plymouth Road via a bridge over the Tory Brook. Pedestrian access to the retail park is currently restricted to narrow pavements on either side of the main customer vehicular access, and a short footpath between the pavement on the southern side of Plymouth Road and the service road fronting the Lidl foodstore. The latter path emerges on Plymouth Road adjacent to a bus stop with shelter.

2. Proposal Description

The application proposes:

- Unit A (the western unit, former Buyology unit) will be retained but significantly remodelled. The gross floorspace of the unit will reduce slightly, from 3,035sq m to 2,830sq m, with the rear part of the building being demolished to make way for a garden centre area and external holding area. A similar amount of additional floorspace to that lost from the rear of Unit A will be replaced via a new extension to the east of the building. The remodelled building will remain in Use Class E(a) and is intended to be occupied by Home Bargains with new entrance features, retention of servicing and access arrangements, reconfiguration and extension of customer car park and associated works.
- Unit B (the middle unit, formerly Co Operative (Homemaker)), is proposed to be demolished.
- Unit C (the eastern unit, formerly Allied Carpets) will be retained and its use changed to Class B8/Sui Generis, with the intended use being as a builders' merchant, with a trade counter and showroom with secure service yard and revised parking arrangements.

The scheme proposes the following changes to the internal floor space across the three units:

- Unit A:

Current Use: Class E, formerly Buyology (3,035 GIA floorspace (sq m))

Proposed Use: Class E(a), Home Bargains (2,830 GIA floorspace (sq m))

Difference: -205 (sq m)

- Unit B:

Current Use: Class E (vacant) (1,881 GIA floorspace (sq m))

Proposed Use: To be demolished

Difference -1,881 (sq m)

- Unit C:

Current Use: Class E (vacant) (1,403 GIA floorspace (sq m))

Proposed Use: B8/sui generis (builders' merchant) (1,403 GIA floorspace (sq m))

Difference: 0

- Total difference: -2,086 (sq m)

A detailed breakdown of the existing and proposed floorspace at Unit A is as below:

- Floorspace to be removed: 1,242 GIA floorspace (sq m)
- Extension: 1,037 GIA floorspace (sq m)
- Change in floorspace -205 GIA floorspace (sq m)

The scheme proposes 177 car parking spaces, with vehicular access to the application site achieved via a priority junction arrangement with Plymouth Road, which is located at its northern boundary.

The proposals seek principally to retain and refurbish existing commercial floorspace with external alterations. A simple portal frame with an external skin of red brick at low level, with structural pier utilised as a feature and micro ribbed cladding above is proposed for both units.

The scheme provides a range of planting and landscaping, with tree planting along key routes and frontages, including within the car park, which help contribute to the sense of place and success of the overall form of the development.

3. Pre-application Enquiry

The site has been the subject of pre-application 21/01910/CONF. Before the pre-application could be completed, a full planning application was submitted. Officer's strongly advised the applicant to withdraw the application and continue with the pre-application due to in-principle objections of the proposal. However, the applicant wished to continue with the application and instead provided a response to the outstanding matters through the application process. The below summarises the key issues which were raised during the pre-application process before it was closed:

- Overall principle of development – within the Plymouth and South West Devon Joint Local Plan (JLP), the site is allocated for housing (PLY60.8). The pre-application proposal was considered to be contrary to adopted local planning policy.
- Compliance with retail policy – Officers questioned the definition that the site is edge-of-centre, the extent of the sequential test search and raised that an impact test was needed;
- Transport consideration – including access, parking and sustainability;
- Natural infrastructure – in-principle objection which could be overcome with changes to the design;
- Flooding and drainage issues; and,
- Design.

Following this, the applicant has worked positively with the local planning authority (LPA) towards the scheme, which is currently the subject matter of this application.

4. Relevant Planning History

The application site has an extensive and notable planning history. Following the original grant of planning permission in the 1980s (under planning permissions 82/03343/OUT and 84/00916/REM respectively), there were a number of permissions to refurbish and reconfigure the buildings within the site and the installation of mezzanine floors.

97/01133/ADV – Illuminated signs at site entrance – GRANTED

03/01773/FUL – Refurbishment and extension to retail units with associated improvements – GRANTED (All 3 units with an extension to Unit C (then Allied Carpets))

05/02220/FUL – Refurbishment works, including reconfiguration of unit 2 to form two retail units, amendments to external appearance of buildings and enhancement of external areas with works to trees – GRANTED (All 3 units with reconfiguration of Unit B)

07/00148/FUL – Installation of mezzanine floors in units 2A and 2B for retail sales and ancillary storage – GRANTED (Unit B only)

08/00656/FUL – Refurbishment works, including reconfiguration to form two retail units, amendments to external appearance of building and installation of mezzanine floor for retail sales and ancillary storage – GRANTED (June 2008) and renewed 11/00564/FUL (July 2011) – refurbishment and reconfiguration to form two unit (Unit B only)

10/00278/PRDE – Complete works for refurbishment and extension to retail units with associated improvements, subject to planning permission 03/01773, with no restriction on the sale of goods – CERTIFICATE OF PROPOSED LAWFUL DEVELOPMENT ISSUED (April 2010) (All 3 units)

13/00147/FUL – Demolition to provide a new foodstore (5,364 square metres (gross) / 2,718 square metres (net)), which at the time was intended to be occupied by Morrisons – GRANTED (May 2013) and subsequently lapsed (All 3 units demolished and new unit to be built)

5. Consultation Responses

DESIGNING OUT CRIME OFFICER – no objection, but provide advice and recommendations to be considered.

Following updated submission information: Nothing further to add.

ECONOMIC DEVELOPMENT – concerned re. the justification to locate a significant Home Bargains store at Errill Retail Park and the inadequacy of the sequential test.
Sequential test subsequently resubmitted to address these concerns.

ENVIRONMENT AGENCY – no objection, the proposed works do not affect the river corridor or flood defence assets.

HIGHWAY AUTHORITY – no objection subject to appropriate mitigation.

Following updated submission information: no additional comments

LEAD LOCAL FLOOD AUTHORITY - no objection subject to submission of additional information.

Following updated submission information: no objection, subject to additional information as to how and when the drainage system is to be managed and maintained.

LOW CARBON – no objection, subject to conditions.

Following updated submission information: no additional comments.

NATURAL INFRASTRUCTURE – in-principle objection to the removal of trees in the car park.

Following updated submission information: objection withdrawn due to additional trees added and with planting in the car park.

NETWORK RAIL - no objection. Note - as adjacent to their land they have included asset protection comments which is strongly recommended to the applicant to be actioned.

PUBLIC PROTECTION SERVICE – approval, subject to conditions/informatives re. delivery hours, hours of operation, noise, hours of construction and demolition and land contamination.

SOUTH WEST WATER – no objection. Note – no development will be permitted within 3 metres of the water main, and ground cover should not be substantially altered.

URBAN DESIGN – acceptable only with conditions re. replacement of existing planting within the parking area, suitable pavement and places for people, signage strategy and other green elements explored.

6. Representations

2 letters of support received:

- In favour of the plans
- Does not think a station would be a good idea
- A need for shops that go with Lidl
- Essential due to the demise of Buyology and storm damage
- Will create a higher quality shopping experience
- A logical place for a builder's merchant.

1 letter of objection received:

- A good spot for a train station which could be lost with this development
- A loss of potential to reduce car usage and will add to pollution in the area
- Reduce opportunity to increase commuter network for Plymouth.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, and Plymouth City Council's Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030. Additionally, the following planning documents are also material considerations in the determination of the application: The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020).

8. Analysis

1. This application has been considered in the context of the development plan (the Plymouth and South West Devon Joint Local Plan (JLP)), the National Planning Policy Framework (NPPF) and other material considerations as set out in Section 7, including the Plymouth and South West Devon Supplementary Planning Document (2020) (SPD) and the Plymouth Climate Emergency Action Plan 2019: Moving Towards Carbon Neutrality by 2030 (CEAP).

2. The following policies are relevant to the determination of the application: SPT1 (Delivering sustainable development); SPT5 (Provision for retail development); SPT6 (Spatial provision of retail and main town centre uses); PLY60.8 (Site allocations in Plympton and Plymstock - Errill Retail Park, Plymouth Road, Plymouth); DEV1 (Protecting health and amenity), DEV2 (Air, water, soil, noise, land and light), DEV16 (Providing retail and town centre uses in appropriate locations), DEV19 (Provisions for local employment and skills), DEV20 (Place shaping and the quality of the built environment), DEV23 (Landscape character); DEV26 (Protecting and enhancing biodiversity and geological conservation), DEV28 (Trees, woodlands and hedgerows), DEV29 (Specific provisions

relating to transport), DEV31 (Waste management), DEV32 (Delivering low carbon development) and DEV35 (Managing flood risk and water quality impacts) of the JLP.

3. The considerations relevant in the determination of this application are: the principle of the development and fall-back position; retail and town centre policy considerations; design and layout; amenity; ecology and biodiversity; highways; surface water drainage and flooding and low carbon and sustainability.

4. This planning application is the result of negotiations which have taken place during the application process with changes made to the landscaping and the design of the scheme. Additional supporting information has also been submitted with specific further information on the principle of the development, retail and flooding.

5. The application has been Screened under the 2017 EIA regulations and been concluded to not be EIA development.

PRINCIPLE OF DEVELOPMENT AND FALL-BACK POSITION

6. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (NPPF paragraph 2). In the case of an up-to-date development plan, such as the JLP, this is a high bar to overcome.

7. Although the supporting information submitted as part of this application references paragraph 4.241 of the JLP and the use of the word 'opportunity' to describe the allocation, this site is no different to any other allocation in the plan and the key words are in Policy PLY60 itself which clearly says that the sites listed in the policy are 'allocated for development'.

8. Within the JLP, the application site is allocated for housing (Policy PLY60.8). This application clearly does not accord with the development plan, so the question arises as to whether there are any material considerations that override the requirement for a planning application at Errill Retail Park to be determined in accordance with the development plan.

Context

9. Policy PLY60.8 allocates Errill Retail Park for 60 homes. The LPA was clearly aware of the site's planning history and existing uses when allocating the site for housing. In doing so, the LPA was using the JLP as a positive tool to promote change on the site. The positive use of local plans is something clearly encouraged in the NPPF (for example, paragraphs 15 and 16) and the JLP was found to be sound by planning inspectors. As an adopted and up-to-date local plan, the JLP policies carry full weight.

10. The LPA made a conscious positive choice to allocate the existing retail site of Errill Retail Park for housing. This was with the aims of: changing the character, nature and quality of the environment along this corridor which has suffered for many years from the creep of commercial uses; of using a brownfield site more effectively to help meet the city's housing needs up to 2034 whilst also supporting the district centre; and to ensure the focus of any new retail development would be by way of investment in its existing shopping areas, including the City Centre and the planned new Derriford District Centre.

11. Housing was considered to be the appropriate positive use of the site. It has sufficient depth for the delivery of a comprehensive and well-designed scheme. It is well-located, with residential development to the north and with a range of local facilities such as a convenience store (Lidl), green space (such as Underwood Recreation Ground, Woodford Park and Playground and Harewood Park) and public transport (Skewbridge bus stop on Plymouth Road) within walking distance.

12. Understanding the challenges of this site, and that it may take some time for the site to come forward for housing given its historical uses, the housing delivery trajectory considered by the JLP inspectors identified the 60 homes of Policy PLY60.8 as being delivered in 2030/31, outside of the 5 Year Housing Land Supply (5YHLS). It is important for a local plan to look beyond the current five year period in ensuring that it has, and will continue to have, a sufficient supply of housing sites.

13. This context was highlighted through the pre-application process and, in response, the principle of the development is considered in the submitted Planning and Retail Statement (PRS) and viability report. However, Officers were not convinced that the evidence provided sufficient weight that could alone be attached to these considerations to outweigh the full weight that needs to be given to the JLP site allocation. As explained in the initial pre-application response and repeated to the applicant, the LPA made a positive planning decision to allocate the site for housing, notwithstanding its planning history and viability challenges, and understood then that the site may be delivered later in the plan period and outside of the 5YHLS period. This position was accepted by the Planning Inspectors as sound.

14. As part of the negotiation for this application, the applicant took the opportunity to submit additional evidence on the planning balance.

15. In response, the material considerations which have been assessed in determining the planning balance of the principle of the proposed development are summarised below.

Fall-back position

16. In 2010 a Lawful Development Certificate (LDC) was issued by the Council which confirmed that a permission, originally granted in 2004, could be completed in full and that the completed development could be occupied with no restriction on the sale of goods across the three units. If this application is refused, the land-owner is able, in theory, to use the existing buildings on the site in accordance with the current permitted development rights and permitted development, a so-called fall-back position.

17. However, whilst it can be accepted that a fall-back position relating to the existing units on the site is a material consideration, it is considered that this be given limited weight for the following reasons.

18. Two of the three units (Unit B and Unit C), last occupied by bulky goods, have been vacant for several years and would require significant change and investment to bring the buildings back into use. During the time they have been vacant the landowner could have consulted the market to take advantage of any existing use rights, but for several years this didn't happen. No evidence has been provided to suggest that there is any retailer interest in the site apart from Home Bargains. Furthermore, although Unit A has, until recently, been occupied, this was on a short lease with the building itself in need of investment to bring it up to modern standards. The April 2010 LDC certificate was a material consideration in the decision to grant the previous consent for a Morrisons food store in 2013 (reference: 13/00147/FUL), but this has long since expired with no real prospect of any new permission coming forward in the light of the current development plan policies and the lack of any need for such a proposal. Local needs are now being met elsewhere, including at the adjacent Lidl and Aldi on Galileo Close.

19. It is significant that all the planning history pre-dates the adoption of the JLP, meaning that the LPA knew its planning history before taking the decision to allocate the site for housing. Despite objection to the allocation from the then land-owners, the planning inspectors found the allocation sound. Therefore, the fall-back position scenario, is considered to carry only limited weight.

Reuse of a prominent vacant brownfield site

20. The additional information, submitted by the applicant on 9 August 2022, highlights the benefits of the reuse of a prominent brownfield site. The application site is currently vacant and in a poor state of repair whilst the proposal principally seeks the reuse and extensive refurbishment of existing floorspace, rather than the creation of new buildings.

21. Officers conclude that this can be given some weight in the planning balance. The LPA is keen to optimise the use of brownfield sites, something that the JLP spatial strategy itself aims for (SPT1.3i - Delivering sustainable development) and, whilst the JLP itself anticipated a redevelopment for housing, since the JLP was examined, the Council has declared a climate emergency which is now a material consideration. Officers agree that building retrofit will often be a better option from a climate emergency perspective.

Economic benefits

22. The applicant has highlighted the economic benefits of the development, including that the employment created by the proposals is particularly well suited to the needs of local people with the most recent available data on job seekers suggesting that 44 per cent of those in the local area are seeking retail sales or customer services employment.

23. The case has also been made that the new floorspace would also generate a range of other economic benefits including:

- An average of 190 full time equivalent construction jobs which could be supported during the construction period;
- The floorspace which would support 145 jobs (headcount), which would be a mix of full time and part time roles;
- The employment could generate approximately £170,000 per year (gross) in employee spending – a proportion of which should be spent in the shops and services in the wider neighbourhood;
- As well as employment for local people, the employment could also generate approximately £2.2 million per year in Gross Value Added (GVA); and,
- The floorspace could be expected to generate business rate revenue of approximately £130,000 annually (gross).

24. Whilst the benefits of the prospective occupier of Unit A (Home Bargains) is also highlighted in the supporting documents, this is not itself a planning consideration and has been discounted.

25. It is considered that the economic benefits of the proposal should be given some weight in the planning balance. The proposed development will deliver a range of benefits for the local population and area it will serve. Although the economic benefits of the development would have been known at the time of the JLP examination, what has changed since is the significant worsening of economic conditions, linked to global situations such as the COVID-19 pandemic, inflation, and the cost of living crisis.

Improved consumer choice

26. The applicant has highlighted that the application will provide improved consumer choice for the benefit of local residents as Home Bargains is not currently represented in Plymouth and operates within the discount sector, providing quality goods at affordable prices helping residents with the ongoing cost-of-living crisis. However, operator-specific considerations are not the subject of planning decisions and so has not been given weight in the planning balance.

Sustainability

27. The applicant has highlighted the sustainability benefits of the scheme. As mentioned previously, building retrofit will often be a better option from a climate emergency perspective but

also, the proposals comply with the provisions of local planning policy (DEV32) through minimising the use of natural resources; taking account of projected changes in climate change, and the incorporation of a range of features to reduce carbon emissions, together with low carbon or renewable energy generation.

28. The applicant has considered further sustainability measures that could be incorporated within the scheme and is agreeable to install solar photovoltaic (PV) panels on the roof of proposed Unit A (c. 256 square metres of PV panels), meaning that the development achieves an 85 per cent reduction in CO₂ emissions when compared to the 2013 Building Regulation compliant baseline, with a 60 per cent reduction using renewable technology. This compares to the initial position of the proposal achieving reductions of 46 per cent and 21 per cent respectively.

29. Overall, the applicant is offering above policy sustainability measures and significant sustainability improvement, particularly when compared to the existing position. This is to be welcomed, particularly given the material consideration of the climate emergency, and this can be given extra weight in the overall planning balance.

Improved biodiversity and landscaping

30. The applicant has highlighted that improved biodiversity and landscaping will be delivered as part of this application, with the retention and increase of new trees improving the biodiversity net gain for the site from that initially identified (increasing by 380 per cent from the initial scheme).

31. However, whilst welcomed and noted that the application exceeds the number of trees required for replanting, this is not considered to be an additional material consideration to be considered in the planning balance. Increasing biodiversity net gain (DEV26) and avoiding the loss/deterioration of woodland, trees or hedgerows (DEV28) are already policy requirements and could be delivered within a housing scheme.

Deliverability

32. The applicant acknowledges that the site is allocated in the JLP for housing but questions the site's deliverability, highlighting the fact that the surrounding area is largely retail, that the site historically has always been retail, that the site has been largely vacant and underutilised for a number of years and that no housing scheme has ever come forward. This argument is used by the applicant to suggest that the site is not suitable for housing and that it is highly unlikely to ever be delivered as such.

33. The additional information then goes on to reference the JLP evidence, in particular the Plymouth Strategic Housing Land Availability Assessment (SHLAA) (February 2017) which acknowledged that the redevelopment of Errill Retail Park for housing was not viable, and the Planning Inspector's Report (18 March 2019) which, in the view of the applicant, expressed some doubt regarding deliverability.

34. However, the applicant's representation of the JLP evidence and the Inspectors' Report are not agreed with. The SHLAA evidence is high level and based on a snapshot in time, but the LPA was always clear that this site would be likely to come forward much later in the plan period, when the context would be different. If this application were to be refused and successfully defended at a potential appeal, then housing would become the obvious next option for a landowner to consider. Additionally, the Inspectors' report actually said that '*we are satisfied that those allocated within the PPA have been thoroughly assessed, are soundly based and are likely to be deliverable*' (para 73). Their only caveat related to rates of delivery, not the overall deliverability of the sites. Indeed, the JLP inspectors, who, whilst knowing the history and context of the site, found the plan, and thus the site allocation, sound, notwithstanding the history and context of the site.

35. This is not to say that there are no deliverability challenges for a housing development on the site, but given that the JLP had already allowed for this, the applicants arguments at best should carry very limited weight.

Viability

36. Linked to deliverability, up-to-date viability evidence has been submitted by the applicant (dated May 2022), which, according to the applicant, states that a residential scheme on the site is not viable and deliverable. In response, the LPAs Viability Officer has also acknowledged that a residential development on the site is not currently viable, on the basis that a simple reuse of the existing buildings for retail creates a benchmark land value against which viability is tested.

37. The viability assessment is a snapshot one, assuming a residential development to be delivered today. However, as mentioned, the JLP anticipates that the site does not come forward until late in the plan period (2030/31). Additionally, the reuse of the existing buildings for retail, creating a benchmark land value, has been the fall-back position for many years and the market has not delivered this. Furthermore, the Viability Officer found that a residential development could give a residual land value of £2.7m, which suggests that such a development could be profitable, even if not technically viable, given the theoretical value of the fall-back position. In this light, it is considered that the viability information should only carry limited weight in the planning balance.

Conclusion

38. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

39. Officers have considered: the JLP and its evidence base; the sites context, including the fall-back position and the additional information submitted by the applicant with regards to other material considerations, as detailed above. Overall, none of the material considerations identified above are considered in themselves to outweigh the need to determine the application in accordance with the development plan.

40. However, Officers are of the view that there have been significant changes in context since the JLP was adopted, most notably in relation to the climate emergency declaration and the economic context, and this does support the argument for an earlier development of this site rather than waiting for a future housing scheme. This is a finely balanced judgment, but given the sustainability credentials and economic benefits of the development, it is considered that in this case the material considerations do outweigh the policy conflict.

41. To ensure all benefits of the application are realised, a site related employment and skills plan is needed to support local employment and skills, as is a condition to ensure delivery of the solar panels on the roof of Unit A (the proposed Home Bargains Store).

RETAIL AND TOWN CENTRE POLICY CONSIDERATIONS

42. In considering the proposed scheme there are three key interrelated retail and town centre policy considerations. These are:

1. How the scheme impacts the spatial retail strategy as set out in the JLP;
2. The compliance with the sequential test; and,
3. The impact of the scheme on the vitality, viability and investment in the network of centres, both required by the NPPF and DEV16.

43. In considering these matters, Officers have sought the advice of Avison Young (AY) who provide retail planning advice to the Council. They have provided an advice report on the sequential considerations and also the impact assessment and it is considered in the Officer report below.

Retail strategy

44. The retail strategy for Plymouth is set out in policies SPT5 and SPT6 of the JLP.

45. SPT5 identifies that proposals which meet compelling 'qualitative' needs for retail development will be considered favourably and that the focus on the strategy is to continue the improvement of the overall provision of retail floorspace within the City Centre, to protect and strengthen its regional shopping role is central to this strategy.

46. SPT6 sets out that the provision of new retail floorspace and other main town centre uses will be positively planned for, having full regard to the sequential hierarchy of centres, as set out in Figure 3.7 (Retail hierarchy in Plymouth Policy Area centres).

47. DEVI6 then requires that development proposals, including retail and town centre uses, are considered in the context of their support for the spatial strategy of the local plan and the sequential hierarchy of centres. With regard to this hierarchy, the application site is considered to be out of centre.

48. When the planning application was originally submitted, it was accompanied by a Planning and Retail Statement (PRS), prepared by Quod (the applicant's agent) and dated January 2022. Following discussions with Officers, AY and Quod, a Planning and Retail Statement Addendum (PRSA), dated 20 April 2022, was submitted. This report takes into account the content of both of these documents, along with other submitted planning application documents such as the plans and drawings showing the proposed reorganisation of the application site. It also takes into account the most recent retail and town centres study prepared for the Plymouth Joint Local Plan (the 2017 Retail Study).

49. The submitted proposed floor and site layout plans do not indicate any sub-division of Units A and C and it is on this basis that Officers have proceeded with the assessment.

50. Policy SPT5 of the JLP sets out the provision for retail development across the JLP area based upon the findings of the 2017 Retail Study which shows a limited quantitative need for new retail floorspace across the Plan Area until after 2026. Figure 3.6 of the JLP breaks the calculated quantitative need over the plan period into 5 year periods. It shows that there is either negative or limited quantitative need until 2026 for both convenience goods and comparison goods over the whole Plan Area. Quantitative need only becomes available at 2026 and is still relatively limited at that point, particularly for convenience goods.

51. At pre-application stage, the applicant was advised that were there to be a clear planning need for the new retail development, then that would be a material consideration which might be capable of carrying some weight in relation to the overall planning balance. However, there is no currently evidenced quantitative nor qualitative need for the proposed development. This current stance has not been proven contrary within the pre-application, nor this application.

52. In this case, the application site is not located within a defined 'centre' and is seeking permission for 'main town centre' uses and on this basis, before a viewpoint can be provided on the schemes compliance with the spatial retail strategy, the specific consideration of the site context, sequential test and impact assessment needs to be considered.

Sequential test

53. All proposals which include 'main town centre uses' (as defined by the NPPF) in edge of centre locations, out of centre locations and the Derriford Commercial Centre require a sequential test. The role of the sequential test is to establish whether there are more sequentially preferable sites that the development should be located in within the catchment area and whether they are

suitable and available for the development. This includes those sites located within, and on the edge of, existing centres and as part of proposed/allocated centres.

54. Section 5 of the applicant's PRS provides an assessment of the main town centre land use element of the proposal (Unit A), which is supplemented by additional analysis in the PRSA. Below is Officer's analysis of the assessments.

55. As a starting point, Officers agree with the applicant that the sequential test needed to only concentrate upon the Class E(a) use in Unit A on the assumption that Unit C will be suitably controlled through condition requiring further details of the operation of the Class B8 / builders' merchant prior to Unit C being brought into active use. At the request of Officers, although usually relevant towards the end of the determination process, the applicant submitted a draft condition over the range of goods and format in Unit A which helped in this regard. The draft condition submitted is as follows:

"The Class E(a) retail floor space hereby permitted shall not exceed 2,830 square metres (gross) and shall be used for the sale of building materials, timber, joinery, decorating, plumbing and other associated bulky products for DIY maintenance and improvement; garden related products; furniture; carpets and floor coverings; health and beauty products, medicines, baby products; soft furnishings and household products; toys and games; pets , pet food and related products; home furnishings and ornaments; electrical goods; motor goods cycles, cycle products and accessories; seasonal products; food and drink products amounting to no more than 30% of the total floorspace; and other items ancillary to these products, and shall not be used for any other purpose including those set out in Class E of Schedule of the Town and Country Planning (Use Classes) Order 1987 or any other Order revoking, amending or reenacting that Order with or without modification"

56. This condition limits the retail goods permitted to be sold to reflect the nature of the proposed retail provider (i.e. a large format discount variety retailer), drawing a line under the open nature of the retail park.

57. Officers also agree with the applicant that the scope and extent of the assessment should be proportionate to the proposal in question and the applicant's general approach to the need to demonstrate flexibility in scale and format, including the need to concentrate upon the proposal in question and not an alternative. The applicant has taken into account the requirement for flexibility in relation to scale and format, and has assessed alternative locations on the basis of a smaller retail unit size of 2,322 square meters at ground floor (where the development proposed is 2,830 square meters) and alternative sites of at least 0.8 hectares (where the development proposed is on a site circa 2.4 hectares. The applicant has also included the following criteria:

- The provision of sales area on a single level. Multi-level store formats do not provide a viable trading position, not least because of the high proportion of customers who have been shown to undertake their shop using a trolley;
- The ability to sell all core goods ranges including food and drink;
- Located in a commercially viable location;
- Immediately adjacent, at grade, customer car parking with trolley bays; and,
- Adequate servicing arrangements capable of receiving deliveries by HGVs without customer conflict.

58. However, there is disagreement with the applicant over where the proposal sits within the hierarchy of centres. The applicant argues that the site comprises an edge-of-centre destination in retail planning terms, because it is located approximately 300 metres from the nearest defined local centre (Stone Barton). Officers consider that the site is out-of-centre and do not believe that the application site is approximately 300 meters from the nearest defined centre. Officers are also unconvinced that a site, separated from the nearest local centre by three rows of housing, is truly edge-of-centre as the site has no logical relationship to an existing centre and is considered to be

significantly dislocated. However, whilst the applicant maintains their position as part of the updated assessment (PRSA), alternative out-of-centre sites have been assessed in terms of availability and suitability.

59. With regards to the area of search for alternatives, the PRS solely focussed upon Zone 7 of the wider study area used within the 2017 Retail Study (which is the area of Plympton) on the justification that this was consistent with other areas of search deemed acceptable by the LPA in determining previous retail applications in the locality. Specifically the PRS refers to the granting of an adjacent foodstore (Lidl) and a non-food retail unit (Home Bargains) on the former Megabowl site in January 2015 (reference 14/01281/FUL) which was never implemented and planning permission being granted for an Aldi at Galileo Close in Plympton in October 2019 (reference 18/01234/FUL).

60. Whilst the approach to a retail development on an adjacent site may be a material consideration, the overall relevance, arguably, depends upon the characteristics of these schemes. The proposal referred to on the Megabowl site was for a foodstore (which is materially different to the current proposal) and also a retail store for the same operator (Home Bargains) as the current application. This latter element is of material relevance to the current proposal, although it is noted that it was 40 per cent smaller than what is proposed as part of this application.

61. Following an initial review of the PRS, it was raised that the catchment area of the current proposal may be wider than the zone used in the 2017 Retail Study (Plympton). Whilst the applicant did not agree, the PRSA nevertheless expanded the area of search based upon a 10-minute drive-time from the application site. The following centres were assessed by the PRS and PRSA:

- Plympton Ridgeway District Centre;
- Estover District Centre;
- Plymstock Broadway District Centre (in part);
- Stone Baton Local Centre;
- Colebrook Local Centre; and,
- Chaddlewood Local Centre.

62. Based upon the expanded area of search for alternatives, the following locations were assessed by the PRS and PRSA:

- Car Park adjacent to Co-op, Ridgeway Shopping Centre;
- Plympton Ridgeway Car Park;
- Mudge Way Car Park;
- Vacant units within Plympton Ridgeway district centre;
- Vacant units within local centres;
- Vacant units within Plymstock Broadway district centre; and,
- Vacancies within and at the edge of Estover District Centre.

63. With regards to the three car park sites in Plympton Ridgeway district centre, Officer's agree with the applicant that the first two (adjacent to the Co-op store and Ridgeway car park) car park sites are too small to accommodate the proposal (even taking into account flexibility in scale and format) and agree that the loss of the larger of the two car parks is likely to materially damage the health and attractiveness of the centre. A similar conclusion can also be drawn in relation to Mudge Way car park. It is potentially large enough to accommodate the proposed refurbished / reformatted Unit A and some adjacent car parking, although car parking provision to serve the remainder of the district centre would be significantly reduced.

64. Three vacant units within the defined district centre boundary have also been assessed, but they are too small to accommodate the proposed retail use in Unit A.

65. Vacant premises in Plymstock Broadway and Estover district centres have also been examined and Officers agree with the applicant that there are not any existing vacant units in either centre which can be classified as being suitable sequentially preferable alternatives.

66. Within the wider 10-minute drive time, there are also a number of existing retail parks which were also assessed, (Gateway Retail Park, Marsh Mills Retail Park and, Coypool Retail Park). The three retail park locations assessed in the applicant's PRSA are all in out of centre locations. The applicant's assessment dismisses each of these on the basis that they are not in sequentially preferable locations, presumably because the applicant considers the application site to lie in an edge-of-centre location. However, Officers consider it to lie in an out-of-centre location and therefore other out-of-centre sites can only be given a preference where they are more accessible and better connected in relation to nearby defined 'centres'. In the case of the three retail park locations assessed by the applicant, Officers do not consider that they are more accessible and/or better connected in relation to a defined centre than the application site and therefore can be dismissed for this reason. In addition, Officers agree with the applicant that the vacant units on these retail parks are too small to accommodate the retail use in Unit A in the applicant proposal (even taking into account flexibility).

67. In conclusion, the LPA is satisfied that the analysis within PRS and the extended analysis within PRSA, assisted by the submission of the draft condition over the range of retail goods to be sold from Unit A, demonstrates that there are no suitable and available sequentially preferable locations within the catchment of the proposal which can accommodate the main town centre land use within Unit A. As such, notwithstanding the lack of agreement with the applicant's definition of the site as edge-of-centre, it is considered that the sequential test can be considered to be passed.

Impact

68. It is important to understand what impacts the proposal could have on the network of centres. DEVI 6.3 states when an impact assessment is needed for edge of centre and out of centre locations. The floorspace thresholds are lower than those of the NPPF to ensure that there is no detrimental impact on the vitality and viability of existing centres and on existing, committed and planned public and private investment in centres, including proposed centres.

69. The applicant's original submission, including the PRS, did not include an impact assessment and, instead the PRS argued that because - (A) there is a proposed reduction in floorspace in Unit A (-205sq m) and across the whole of application site (-2,086sq m); and (B) due to the unrestricted retail floorspace across the existing three separate units of the site – there was no need to submit such an assessment.

70. However, Officers disagreed with this view, and the applicant was advised that an impact assessment would be needed in order to comply with policy DEVI 6 and national policy, given that the amount of retail floorspace associated with this application is above the locally-set impact assessment threshold (over 500 sqm for retail).

71. The applicant agreed to submit a proportionate assessment which was included within the PRSA.

72. National guidance states that it is important that the applicant is only asked to provide a proportionate and locally appropriate assessment, drawing on existing information wherever possible. As such, it was recommended that the applicant utilises evidence base information which has been submitted in support of the current planning application for retail and leisure development in Derriford (as part of the planned new district centre in the northern part of the city). This information includes up-to-date data on food and non-food shopping patterns across the city.

73. The methodology for the applicant's impact assessment is summarised as follows:
- The submitted assessment has adopted the same study area as the Derriford impact assessment and covers Zones 1-9 used in the 2017 Retail Study.
 - The base year for the assessment is the current year (2022), with a design year of 2025.
 - The applicant has used the latest economic / retail expenditure forecasts provided by Experian in Retail Planner Briefing Note 19 (2022).
 - The applicant's assessment has utilised the results of a household survey commissioned to inform the current planning application for retail and leisure floorspace within part of the planned new district centre at Derriford. The survey was conducted in 2021.
 - Following the establishment of existing shopping patterns, the applicant's submitted assessment moves forward to the assessment of the likely trading effects of the proposal. Two scenarios are provided: (A) the proposed redevelopment scenario whereby Home Bargains occupy the remodelled Unit A; and (B) a fall-back scenario which is based upon the retention of the existing units / floorspace.
74. In relation to the fall-back scenario, paragraph 6.7 in Appendix 2 of the PRSA suggests that this is a 'genuine fall-back position'. No further justification is provided and it is unclear how a 'genuine' fall-back can be claimed when: (A) Units B and C at the applicant site have been vacant for some time; and (B) no evidence has been provided to suggest that there is any retailer interest in the site apart from Home Bargains in its current format. Therefore Officer's consider that this fall-back position, is given limited weight based upon the lack of evidence supplied by the applicant.
75. Officers conclude, with advice from AY, that the applicant's forecast pattern of trade diversion to the convenience and comparison goods floorspace is reasonable and logical. Based upon this pattern of trade diversion and the forecast turnover of the remodelled Unit A, the proportionate amount of trade loss from defined 'town centres' in the Plymouth centre hierarchy is minimal and unlikely to materially affect the financial performance of these centres. Any impact on existing defined centres will be limited (-2.2 per cent or less by 2025).
76. The highest impact will be on Plympton Ridgeway District Centre. However, Plympton Ridgeway is a popular centre with a good mix of retail and services uses and a low level of vacancies. The centre benefits from its distance from the City Centre and it is not considered that the long-term vitality of the district centre will be undermined by the proposed development.
77. Below is an extract adapted from the PRSA (Table 2) showing the applicant's forecast pattern of trade diversion from existing stores and centres to the remodelled Unit A (Home Bargains)
- Anticipated Trading Effects of the Proposal (Convenience & Comparison Goods) – 2025*
- Plymouth City Centre (Turnover Derived from Centre 20.0%, Impact -0.5%)
 - Plympton Ridgeway District Centre (Turnover Derived from Centre 6.5%, Impact -2.2%)
 - Estover District Centre (Turnover Derived from Centre 2.0%, Impact -0.5%)
 - Transit Way District Centre (Turnover Derived from Centre 1.5%, Impact -0.2%)
 - Plymstock Broadway District Centre (Turnover Derived from Centre 1.5%, Impact -0.3%)
 - Ivybridge District Centre (Turnover Derived from Centre 1.5%, Impact -0.6%)
 - Roborough District Centre (Turnover Derived from Centre 1.3%, Impact -0.3%)
78. It is also noted that the household survey baseline data gathered in 2021 was at a time when the existing Unit A was in retail use. Therefore, whilst it is unlikely that there would have been a complete 100 per cent trading overlap between the previous and proposed use, there would have been some overlap (meaning that customers to the refurbished Unit A will likely come from the same place as previous) which, in turn, will make the impact estimates in the applicant's assessment marginal over-estimates.

79. The forecast level of financial impact is one of a wider range of factors when judging the overall impact on town centre vitality and viability. The assessment should also consider the health of centres and the level of trading overlap. It should also be noted that impact should be judged on the centre as a whole and not just the retail / leisure sectors which have the trading overlap with the proposal in question.

80. The largest of the centres is the City Centre which, over the past decade, has faced a number of challenges and is in mixed health. However, the small level of financial impact, coupled with the low level of trading overlap and the wide range of land uses which contribute to the City Centres overall health, means that this particular proposal is unlikely to have a significant adverse impact upon its health.

81. In relation to nearby district centres, specifically Plympton Ridgeway and Plymstock Broadway, Plympton is forecast to experience the higher level of proportionate financial impact. However, at circa -2 per cent, the level of trade loss is minimal. Although there is some reasonable level of trading overlap, it is considered that Plympton Ridgeway has a reasonably strong local catchment in this part of eastern Plymouth and this forecast level of overall impact is unlikely to have a significant adverse effect upon the centre. The same conclusion is also drawn for Plymstock Broadway and Estover District Centres.

82. Like the applicant, Officers are not aware of any planned or committed investment projects within the expanded (10 minute drive-time) that could be affected by this proposal. Existing investment is not covered by the PRSA, however, Officer's and AY conclude that the effect of remodelling Unit A to allow Home Bargains to occupy it is likely to have a minor adverse impact upon existing investment but is unlikely to be classified as significantly adverse, which is the test in paragraph 90 of the NPPF and based on local circumstances and judgement. Moreover, whilst Officer's do not consider significant weight should be placed on the applicant's alleged fall-back position, the current proposal will have a positive impact upon the control of the application site including the reduction in retail floorspace and the draft controls which are being suggested for Unit A.

83. As such, on balance, Officers conclude that there is unlikely to be a significant adverse impact upon nearby defined 'centres' and therefore the proposal meets the provisions of policy DEV16 of the development plan and paragraph 90 of the NPPF.

Overall conclusions

84. Plympton has seen a considerable and significant change within the convenience goods market in recent years, notably through the opening of 2,745 square meters (gross) of new floor space at Lidl on Plymouth Road (adjacent to this site) and the opening of 1,976 square meters of floor space at Aldi on Galileo Close.

85. It is important that the impact of the new floor space proposed as part of this application on the role and function of the retail hierarchy has been fully considered which is why advice was sought from AY and an extended sequential test and impact test were required to support this application.

86. Based upon the updated assessment and advice provided to the Council by AY, Officers consider that the impacts of the scheme are acceptable and the proposals are not likely to result in a significant adverse impact on the health, vitality and viability and investment of Plympton Ridgeway District Centre and the network of other district and local centres within the retail catchment area. Officers are furthermore satisfied that there are no sequentially preferable sites

87. Therefore, whilst the proposal would not necessarily help deliver the retail strategy given that the proposal is not strengthening the network of centres, Officers do not consider that the proposal

would undermine the strategy of the JLP and that the network of centres will still continue to function and serve their communities. In this regard Officers are satisfied that the proposal would not restrict, in accordance with SPT2, communities having access to vibrant mixed use centres. It is therefore, on balance, concluded that the proposal is acceptable in retail policy terms and does not conflict with the requirements of policies STP2, SPT6, and DEV16 of the JLP and the requirements of the NPPF. Influencing this conclusion are three factors: (A) the proposed reduction in the amount of retail floorspace at the application site; (B) the existing open retail use of the application site; and (C) the control over retail sales in Unit A offered by the applicant.

DESIGN AND LAYOUT

88. In considering the design and layout of the scheme, guidance in the NPPF, NPPG, national design guide and the policy requirements in DEV20 and Section 6 (place shaping) of the adopted SPD have all been considered.

89. In terms of the design of the buildings, the LPA are happy with the improvements proposed to the commercial units, especially when it comes to the quality of materials and the overall look and the design cohesion of the structures.

90. The proposed external envelope is a simple portal frame with an external skin of red brick at low level, with structural pier utilised as a feature and micro ribbed cladding above. A small parapet (continuation of the cladding) will hide the gutter and roof composite sheet. A pressed metal flashing will terminate the cladding to give a sharp finish to elevational aesthetic. The building scale, design and appearance is considered to be fitting for the site whilst respecting the materials of the local vernacular.

91. However, concern has been raised by urban designers re. some of the façade treatments which are considered to be bland and give the impression of long solid walls. The submission of samples of the suggested materials will be conditioned to ensure high quality and durability.

92. Officers have also raised concerns re. the height of the 4,200mm high weld mesh fence attached around the proposed Unit A (Home Bargains) and the impact the proposed height may have on the visual appearance of the site and nearby residential properties. Whilst the applicant has been agreeable to reduce the fence height to 2,400mm on Unit C (builder's merchants), such a reduction in fencing height is not considered possible around the proposed Unit A for security reasons. This fencing will be placed around the external garden centre, which will stock retail products, it is noted that the Designing Out Crime Officer highlighted the importance of providing secure perimeter fencing and Officers acknowledge that this may not be achievable by substantially lowering the fence height. Officers re-visited the site and reviewed the new landscaping plans, while the fencing remains high in areas, much of that fencing, particularly around Unit A, will be screened by proposed and existing trees / landscaping. This includes substantial vegetation and mature tree planting separating the application site from the existing residential properties fronting Plymouth Road. Screening will also be strengthened through the introduction of additional trees in the car park which have been negotiated through the application process. On balance, Officers are satisfied high weld mesh fencing around the two units would not cause significant visual harm to the area.

93. The aspiration to link the suggested scheme to the wider urban fabric is considered as a high priority for this scheme. While there are quite a few bus stops near the site, it is surrounded by lush green vegetation that obstruct the visual connection to these bus stops. Negotiated as part of the application, the applicant is agreeable to a signage strategy to support connectivity across the area and to encourage staff and visitors to use available public transport. However, whilst it was also put to the applicant to include a pedestrian and cycle link between the proposed retail unit and the neighbouring Lidl, any link would have to run adjacent to the proposed service yard, which will be

accessed via HGVs throughout the day. As such Officers concede that a pedestrian link may be unfeasible in this location.

94. Consideration has also been given to the site layout to ensure personal safety and to align with general 'Secured by Design' principles. This relates to ensuring that the layout for the development does not create an environment conducive to crime and to ensure staff and visitors to the site can move freely without risk of injury. To ensure this a site management plan will be required before occupation of either unit to cover: measures to reduce anti-social behaviour on site (including vehicle congregation in the parking bays at night); CCTV; lighting; provision of litter bins and a litter management plan, and security measures.

95. Further details were requested on the operational intention of the Class B8 / builders' merchant. At this stage, although there is interest, there is no confirmed occupier and the applicant is unable to provide further details at this stage. Notwithstanding this the planning application can be determined on the information received, the submitted drawings illustrate the proposed entrances to the unit and include the external elevations to the building, the applicant is agreeable to a condition requiring further details relating to the operation of the Class B8 / builders' merchant prior to this unit being brought into active use.

AMENITY

96. The proposal sits on a site which historically has been retail, separated from residential properties by the busy Plymouth Road to the north and by an existing railway line and Valley Road Industrial Estate to the south. Nonetheless, consideration of the scheme on residential amenity is an important consideration. In considering the impacts on amenity, policies DEV1 and DEV2 of the JLP and guidance in the adopted SPD are key considerations.

97. In terms of noise, the proposal will redevelop a currently vacant brownfield site, a noise assessment has been submitted by the applicant and, based upon the submitted reports, the public protection service have raised no objections. They have requested that a condition be attached to ensure that the noise emanating from the site (LAeqT) shall not exceed the background noise level (LA90) at any time as measured at the façade of any residential properties within the vicinity, this includes noise from plant and refrigerated vehicles / units and will be conditioned. Disturbance will also be minimised by conditions restricting the hours of operation, delivery, construction and demolition.

98. In terms of other impacts on the surrounding residential amenity, there will be little visual impact as much of the site, including the proposed fencing, will be screened by proposed and existing trees/landscaping.

99. A site waste management plan, demonstrating how the demolition, construction and operational phases of the development will minimise the generation of waste has not been submitted. This will be required by condition, as well as a code of practice.

100. As such and given the consideration above, the schemes impact on amenity is considered to be acceptable in the context of policies DEV1, DEV2, the adopted SPD and NPPF, subject to appropriate conditions which would manage impacts to an acceptable form.

ECOLOGY AND BIODIVERSITY

101. Ensuring the development is acceptable in ecological terms is an important consideration in terms of the development of the site. In this regard policies DEV26, DEV27, DEV28 and the guidance of the SPD are relevant.

102. A Preliminary Ecological Appraisal to support the planning proposals on the site has been submitted to support the application. The site is located within 10 kilometres of 6no. internationally designated sites: Plymouth Sounds and Estuary SAC/Marine SAC; South Dartmoor Wood SAC; Dartmoor SAC; Tamar Estuary Complex SPA/Marine SPA; Start Point to Plymouth Sound & Eddystone Marine SAC and, Blackstone Point SAC. Of these, Plymouth Sound and Estuary Special Area of Conservation (SAC) is located 7.2 kilometres from the site, but is connected to the application site by Tory Brook, which enters the Plym River downstream. With the expected industry standard pollution prevention methods, no impacts are predicted and the Environment Agency have not raised any objection to the development. The Construction Environmental Management Plan (CEMP) submitted as part of this application is deemed acceptable and will be conditioned to provide appropriate guidelines, designed to mitigate any risk of pollution during the construction and demolition phases.

103. The site is also located within the Impact Risk Zone of Plymouth South and Estuary SAC and Billacombe Site of Special Scientific Interest, as the proposed works are for the commercial repurposing of an existing retail park, it is not considered that the development will directly or indirectly impact any designated or non-designated site and no further action is recommended.

104. The application site consists predominantly of hardstanding with three existing commercial units with small areas of scattered natural vegetation (including introduced scrub) with scattered Tree Preservation Order (TPO) semi-mature trees (reference 00/00330TPO). The north and east of the site consists of a large area of semi-improved neutral grassland, semi-natural broadleaved woodland, hedgerow, scrub and a line of mature scattered TPO trees along the bank of the Tory Brook.

105. Officers welcome the plans of habitat enhancement on site, new habitats will be maintained to encourage biodiversity including 185 linear metres of new native hedgerow and 800 meters squared of wildflower grass verges. A Landscape and Ecological Management Plan (LEMP) has been submitted and will be conditioned to ensure the interests of the retention, protection and enhancement of wildlife and features of biological interest are adhered to and to ensure that satisfactory landscaping works are carried out.

106. However, whilst Officers welcomed the plans of habitat enhancement on site, the TPO not only includes the band of trees to the north and south of Tory Brook and the band of trees between the existing retail unit and Cot Hill to the west of the application site, but also many of the trees within the existing car park. To facilitate the re-development proposals, 19no. individual trees require removal from the car park, all subject to TPO, something which the Natural Infrastructure Team held an in-principle objection to. The reason why the trees were originally placed under a TPO was to provide a good visual amenity to the otherwise 'sea of tarmac'. Through negotiation the applicant has agreed to provide an additional 11no. new trees within the car park within SilvaCell tree pits. These changes result in the total number of new trees to be planted to 49no. trees, an uplift of 30no. trees over and above the existing provision. This provision of new trees compares to the suggestion by the Natural Infrastructure Team in previous correspondence that 35no. new trees are required to mitigate the proposed loss of trees. The proposals now go over and above the recommended level of new trees that should be provided. In addition, the proposed location of the additional trees will assist in improving multiple factors such as the visual appearance of the car park, drainage and reducing heat islands in the immediate vicinity.

107. As such and given the consideration above, the schemes impact on ecology and biodiversity is considered to be acceptable in the context of policies DEV26, DEV27 and DEV28 and the guidance within the SPD.

HIGHWAYS

I 08. Vehicular access to the application site is achieved via a priority junction arrangement with Plymouth Road, which is located at its northern boundary. Servicing and delivery vehicle access is achieved via the same arrangement, with the internal retail park network providing routes to the service yards of each retail unit.

I 09. Plymouth Road is a single carriageway road which is located to the north of the application site and runs in an east to west alignment. It is subject to a 30mph speed limit – enforced by operational and permanent speed cameras – and has an approximate width of 8 meters. To the west, it becomes a dual carriageway and forms the major arm of its priority junctions with Larkham Lane and Cot Hill, in addition to providing a link towards Longbridge, Crabtree and Plymouth City Centre. Whereas, to the east, it provides a link to the suburb of Plympton and remains a single carriageway.

I 10. As part of this application, 177 total parking spaces are proposed, of which 20 are oversized for disabled / parent and child parking. 8 no number cycle spaces (4 hoops) are proposed for both customers and staff, as annotated on the site plan. The car parking to the site has been positioned to allow the customer to see vacant spaces when driving into the site.

I 11. The site, an existing retail location, is located within a wider retail / commercial area and is considered a sustainable location. Local transport links via bus routes connect the local residents to the site and retail park and Plymouth Road benefits from delineated cycle lanes both eastbound and westbound within the vicinity of the application site.

Internal vehicle layout and access

I 12. The access to the site from Plymouth Road is considered to be in poor condition. The gradient into the site is very steep and as a result grounding often takes place. In addition, the access relies upon a relatively short right turn lane with reduced stacking capacity which can result in vehicles stacking back onto Plymouth Road. Due to the steep gradient, it's likely those using the access would be required to make it at a reduced speed which necessitates longer gaps in the on-coming traffic on Plymouth Road. To ensure adequate access to the site, it is recommended the right turn lane be extended in length by removing the hatching and relining an extended right turn lane under Section 171 Access to Site Permit.

I 13. In relation to the servicing arrangements for the proposed Unit A (Home Bargains) the servicing arrangement caters for a HGV to enter, turn and exit the site. There is also a further access to the service yard to Unit A achieved from Plymouth Road through the car park of the neighbouring Lidl unit. The servicing is unchanged from that of the existing in terms of size and arrangement, therefore the servicing layout and arrangement is deemed acceptable.

I 14. A visibility splay demonstrating adequate visibility will be required and is requested through a further details condition.

I 15. The site fronts onto Plymouth Road with footways which are considered to be of a satisfactory standard to serve safe pedestrian movements at 1.8 metres width.

I 16. Whilst it was discussed that an adequate pedestrian link from Errill Retail Park to the Lidl Site be provided given the location of the west bound bus service and the number of vehicles using this right of access, as per discussion above, any link would have to run adjacent to the proposed service yard, which will be accessed via HGVs throughout the day. As such Officers concede that a cycle/pedestrian link may be unlikely to be feasible in this location.

I 17. The plan proposes three crossings within the site which is considered to be acceptable. However, the Local Highway Authority have expressed some concerns relating to the south of the

site where there is no provision for pedestrian movements. Therefore, it is recommended that a pedestrian footway be implemented along the existing grass verge. The footway would ensure pedestrian safety whilst customers move around the site.

Parking and cycle provision

118. In line with local policy, the car parking demand associated with the development for Unit A is 141 car parking spaces (calculated at 1 space per 20m² of gross floor space). The plan proposes the reconfiguration of the site in order to provide a total of 177 car parking spaces which includes the provision for customer parking, staff parking, allocated disabled parking and parent parking spaces. Whilst 177 is an over provision of parking, this is not deemed necessarily grounds for refusal in this instance.

119. The proposed retail unit makes use of the existing loading and unloading bay. The loading and unloading area appears constrained and therefore, there is some concern regarding how usable and practical the bay is. However, the HGV tracking plans appear to demonstrate adequate turning within the loading/unloading bay.

Proposed builders merchant:

120. The application includes the change of use of the smaller most eastern unit from retail to a builders' merchant with trade counter and showroom with secure service yard. The car parking demand associated with the builders' merchant is 20 car parking spaces (calculated at 1 space per 70m²). The application details 16 car parking spaces which is a slight under provision of parking.

121. Arguably, the types of vehicles visiting the builders' merchant are likely to be vans or pickup trucks and therefore, it is considered additional space may be required for the car parking spaces. This is currently not reflected on the plans and therefore additional details have been requested via condition to ensure adequate space and parking provision.

Accessibility

122. Level access will be provided to the building which is suitable for wheelchair users and ambulant disabled people. The new entrances to the units will have automatic entrance doors provided that will be appropriately designed to allow access by all users.

Sustainability

123. The application currently does not detail the provision for electrical vehicle charging or adequate cycle parking (only 8 are currently proposed). In line with the JLP SPD, electrical vehicle charging and adequate secure cycle parking is required as part of this application. As a minimum, the Local Highway Authority would expect this to include some provision for rapid charging points and cabling. In addition, cycle parking requirements are set out as 25 per cent of the indicative car parking demand. Therefore, a reasonable provision of cycle parking spaces are required to serve the development and 8 at the moment is insufficient, this additional provision will be required via condition.

Travel plan

124. A framework travel plan has been submitted before the occupants of one of the units has been identified. As such it is has not been possible to include mode shift targets for the new units but there is an indication that these will be in line with a 5 per cent shift from single occupant car journeys to sustainable modes of transport.

125. As the site is well served by bus services along Plymouth Road, is close to residential areas of Plympton and can be accessed on foot and by bike it is likely that there will be a high level of sustainable travel to the site by staff in particular and potential customers which would make the target of a 5 per cent shift achievable.

126. As such following the completion of the base line travel surveys that are contained in the action plan set out in the document that a higher mode shift target could be agreed.

127. The range of measures identified to promote sustainable travel are rightly directed at staff as this is the group that it will be easiest to influence the travel behaviours of. As such these measures, from the employee information packs to the provision of on-site facilities to support sustainable journeys, will help to deliver the mode shift targets when these have been set following the initial travel survey.

128. Although the document sets out an approach to delivering sustainable travel to the site, there are some areas that need to be addressed before the framework travel plan is agreed, again these will be agreed via condition.

Highways network considerations

129. Overall, the net trip impact assessment set out in the Transport Statement indicates that the proposed redevelopment is expected, on the basis of the strength of the open retail fall-back position, to result in a decrease in traffic attraction of approximately 352, 627, and 566 two-way vehicle trips in the weekday AM, PM and Saturday peak periods respectively. The net traffic impact identified suggests a substantial decrease in vehicle movements during the weekday AM, PM and Saturday peak period. Therefore, the traffic associated with the development proposal is not considered to have a severe impact on the safety or operation on the local highway network.

130. Whilst a representation was received re. the site being a good spot for a train station, to reduce car usage and increase the commuter network in Plymouth, Officers can only consider the proposals put forward and the plan allocation, a train station does not form part of either of these and therefore it is not a consideration for this application.

Highways conclusion

131. Given the considerations set out above, it is considered that the scheme is acceptable in relation to highways and access matters, subject to the submission of additional details which are secured via condition.

SURFACE WATER DRAINAGE AND FLOODING

132. Ensuring that the site itself, proposed occupiers and users are safe from flood risk is a key consideration, as well as ensuring that any displaced surface water does not impact surrounding properties. This is important to ensure that the requirements of the NPPF, policy DEV35 and the guidance in the SPD are met. A flood risk assessment and drainage strategy was submitted as part of this application, which has been reviewed by Officers and the Lead Local Flood Authority (LLFA), as well as additional information submitted by the applicant.

133. The application site falls within Flood Zone 1, and is considered to be at a low risk from fluvial or tidal flooding. Existing flood defences exist to the north of the site, parallel to Tory Brook (which falls within Flood Zone 3). The area immediately to the south of the Application Site, parallel to the train line, falls within a mix of Flood Zone 2 and Flood Zone 3.

134. In term of drainage, the site is located in a Critical Drainage Area where the Environment Agency considers the existing drainage to be at or close to capacity. Public sewer records indicate there are no surface water sewers in the vicinity of the site. A flood risk assessment and drainage strategy has been submitted for the development that proposes to discharge surface water at an attenuated rate to the adjacent watercourse using an existing outfall. Two surface water drainage systems have been proposed whilst surface water run-off from the parking area is proposed to pass through an oil filtration system to remove hydrocarbons. Modelling results have been submitted to

support the design standard of 1 in 100 year return period with a 40 per cent allowance for climate change and a raised landscaped area has been proposed across the south boundary of the site in order to contain exceedance flows. No objection to the development has been raised by the LLFA, but further details will be required and secured via condition re. how and when the drainage system is to be managed and maintained.

135. South West Water have advised that there is a public water main in the vicinity and that no development will be permitted within 3 meters of the water main and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant.

136. In terms of flood risk and drainage, the scheme is acceptable subject to a condition requiring further details of how and when the system is to be managed and maintained.

LAND CONTAMINATION

137. Given the site's previous use, it is important to ensure that the potential for land based contamination is considered in accordance with the policy requirements of DEV2. A Geo-Environmental and Geo-Technical Preliminary Risk Assessment has been submitted in support of the application by the applicant. The Desk Study has identified potential geotechnical risks and constraints that should be further understood and addressed. A Phase II Interpretative Ground Investigative Report will be required to present the findings of the ground investigation, an updated Conceptual Site Model (CSM), and a review of the geotechnical considerations and geo-environmental risks. This will be required via condition.

LOW CARBON AND SUSTAINABILITY

138. Ensuring new development is sustainable is a key consideration as set out in Policy DEV32 of the JLP and the NPPF, it is also important to note that the Council has declared a climate emergency.

139. The application proposals are supported by a Sustainability Statement (incorporating an Energy Statement) prepared by Envision, which was updated in August 2022, which identifies opportunities to minimise the use of natural resources; taking account of projected changes in climate change; the incorporation of a range of features to reduce carbon emissions together with low carbon or renewable energy generation. The Statement has been reviewed by colleagues in the Low Carbon Team who agree that the submitted details will adhere to policy DEV32. The Statement sets out energy efficiency measures generating a 25.35 per cent improvement over Building Regulations and renewable energy measures (Air Source Heat Pumps) generating a 22.13 per cent improvement in carbon savings over Building Regulations.

140. In response to the Low Carbon's request for additional details on the location of the heat pump, this has been confirmed to be provided within the service yard of the proposed retail unit, as shown on the proposed site plan (within the proposed pump house).

141. On balance, in terms of low carbon and sustainability, taking into account Officer's review of the Sustainability and Energy Statement and the fact that the proposed development seeks to reuse existing buildings and that the applicant is agreeable to install solar photovoltaic (PV) panels on the roof of Unit A (proposed Home Bargains), the scheme is acceptable and measures will be conditioned.

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 by virtue of its use and location is not liable for Community Infrastructure Levy.

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 not required due to the nature and size of proposal.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

As noted in the Officers report both units will be accessible to all.

13. Conclusions and Reasons for Decision

This application has been considered in the context of the development plan, the National Planning Policy Framework (NPPF) and other material considerations as set out in Section 7, including the Plymouth and South West Devon Supplementary Planning Document (2020) (SPD) and the Plymouth Climate Emergency Action Plan 2019: Moving Towards Carbon Neutrality by 2030 (CEAP).

The following policies are relevant to the determination of the application: SPT1 (Delivering sustainable development); SPT5 (Provision for retail development); SPT6 (Spatial provision of retail and main town centre uses); PLY60.8 (Site allocations in Plympton and Plymstock - Errill Retail Park, Plymouth Road, Plymouth); DEV1 (Protecting health and amenity), DEV2 (Air, water, soil, noise, land and light), DEV16 (Providing retail and town centre uses in appropriate locations), DEV19 (Provisions for local employment and skills), DEV20 (Place shaping and the quality of the built environment), DEV23 (Landscape character); DEV26 (Protecting and enhancing biodiversity and geological conservation), DEV28 (Trees, woodlands and hedgerows), DEV29 (Specific provisions relating to transport), DEV31 (Waste management), DEV32 (Delivering low carbon development) and DEV35 (Managing flood risk and water quality impacts) of the JLP.

The key considerations that have been considered are: the principle of the development and fall-back position; retail and town centre policy considerations; design and layout; amenity; ecology and biodiversity; highways; surface water drainage and flooding and low carbon and sustainability.

In this regard, Officers consider the proposal is in principle acceptable and that the schemes' design, layout and landscape creates a good quality proposal for the site and wider area. That in relation to the amenity of the surrounding area, subject to appropriate conditions the scheme is considered acceptable in preserving the residential amenity of the surrounding properties. In terms of land contamination, flood risk and drainage, Officers are satisfied that the proposals are acceptable subject to conditions. The same is the case for low carbon and sustainability, subject to the details being secured by planning conditions.

In terms of the principle of the development and the fall-back position, whilst none of the material considerations identified are considered in themselves to outweigh the need to determine the application in accordance with the development plan, Officers are of the view that there have been significant changes in context since the JLP was adopted, most notably in relation to the climate emergency declaration and the economic context, and this does support the argument for an earlier development of this site rather than waiting for a future housing scheme. This is a finely balanced judgment, but given the sustainability credentials and economic benefits of the development, it is considered that in this case the material considerations do outweigh the policy conflict.

In terms of the retail and town centre considerations, Officers are satisfied that without more than a reasonable degree of flexibility to the proposed scheme, there are no potential sequentially preferable sites which are suitable and available in the Primary Catchment area and consider that the sequential test can be considered to be passed. In terms of Impact, the proposals are unlikely to have a significantly adverse impact on the network of centres and that in relation to the retail strategy, on balance the proposal in this location is not considered to be demonstrably harmful to the overarching strategy.

In terms of Highways and Highways Network Considerations, Officers are satisfied that, subject to conditions and additional information being submitted to ensure safety and the standards within the SPD regarding cycle parking, EV charging and Travel Plans are met, the proposal is acceptable.

As such, having considered the above in detail and Officers having taken account of the NPPF and local planning policy and guidance, it is concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 01.02.2022 it is recommended to Grant Conditionally.

15. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Existing elevations Unit A 9263 - 105 Rev A received 24/12/21
Existing site plan 9263 - 101 Rev A received 24/12/21
Existing Site plan Unit A 9263 - 102 Rev B received 24/12/21
Existing plan Unit B 9263 - 103 - received 24/12/21
Existing plan unit C 9263 - 104 - received 24/12/21
Existing elevations Unit B 9263 - 106 Rev A received 24/12/21
Existing elevations Unit C 9263 - 107 Rev A received 24/12/21
Proposed floor plan unit A 9263 - 111 Rev B received 24/12/21
Proposed floor plan unit C 9263 - 112 Rev A received 24/12/21
Proposed roof plan unit A 9263 - 114 Rev A received 24/12/21
Proposed roof plan unit C 9263 - 115 - received 24/12/21
Proposed elevations unit A 9263 - 116 Rev A received 24/12/21
Proposed elevations Unit C 9263 - 117 Rev A received 24/12/21
Proposed external works details 9263 - 120 - received 24/12/21
Proposed Site Plan 9263 110 Rev J received 01/09/22
Location Plan 9263 - 100 - received 02/02/22
Baseline Habitat 02022022 - received 02/02/22

Proposed Habitat 02022022 - received 02/02/22

Landscaping Scheme Area 1 A5260-07 Rev F received 01/09/22

Landscaping Scheme Area 2 A5260-08 Rev F received 01/09/22

Reason:

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

2 CONDITION: COMMENCE WITHIN 3 YEARS

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 CONDITION: EMPLOYMENT AND SKILLS PLAN (ESP)

PRE-COMMENCEMENT

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

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

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

4 CONDITION: EXTERNAL MATERIALS BUILDING

PRE-COMMENCEMENT

Prior to development, samples and/or pictures of the proposed façade treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved details.

Reason: To ensure that a suitable, high quality and uniformed form of development takes place that establishes a character and design approach for the site in accordance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2019, the National Design Guide and Chapter 12 of the NPPF, 2019.

Justification: To ensure the materials used are of high quality and are durable.

5 CONDITION: SITE WASTE MANAGEMENT PLAN

PRE-COMMENCEMENT

No development shall take place, including works of demolition, until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan should demonstrate how the demolition, construction and operational phases of the development will minimise the generation of waste and shall be adhered to throughout the construction period.

Reason: To protect the residential and general amenity of the area from noise and dust caused during construction and avoid conflict with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan, 2019.

Justification: To protect the residential and general amenity of the area from noise and dust caused during construction.

6 CONDITION: CODE OF PRACTICE

PRE-COMMENCEMENT

No development shall take place, including works of demolition, until a Code of Practice has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. Noise and vibration from equipment and activities associated with construction including any piling.
- ii. Hours of work.
- iii. Measures to control the emission of dust and dirt during construction including wheel washing facilities.
- iv. A scheme for recycling / disposing of waste resulting from the development.
- v. Pest Control
- vi. Contamination and materials management where applicable

Reason: To protect the residential and general amenity of the area from noise and dust caused during construction and avoid conflict with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan, 2019.

Justification: To protect the residential and general amenity of the area from noise and dust caused during construction.

7 CONDITION: ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)

PRE-COMMENCEMENT

No development shall take place until the developer has arranged for the right turn lane to be extended in length by removing the hatching and relining an extended right turn lane under Section 171 Access to Site Permit. The development shall not be brought into use until the extension of the right turn lane has been implemented in accordance with the details previously submitted for approval in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

Justification: To increase the stacking capacity on Plymouth Road for the right-hand turning.

8 CONDITION: FURTHER DETAILS

PRE-COMMENCEMENT

No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority:

- Visibility Splay.
- Amendments to the builders' merchant car park.
- Provision of pedestrian footway along the South of the car park.
- Provision of pedestrian footway from Errill Retail Park to the West bound bus stop.
- Address comments in relation to the Travel Plan.
- Adequate provision of cycle parking.
- Adequate provision of electrical vehicle charging points.

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 DEV29 of the Plymouth and South West Devon JLP 2019.

Justification: To ensure resident and visitor safety and to ensure sustainable modes of transport is adequately available to, from and within the site.

9 CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

PRE-COMMENCEMENT

The development works hereby proposed shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The said CTMP shall be submitted prior to the commencement of the highway works and shall include details relating to the detailed programme of works, details of construction vehicle movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles and contractors parking arrangements. The highway works hereby proposed shall be carried out strictly in accordance with the approved CTMP.

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

Justification: To ensure resident safety and that the traffic impacts associated with the construction phase of the works does not lead to adverse impacts upon the operation of the Local Road Network.

10 CONDITION: HIGHWAY DILAPIDATION SURVEY

PRE-COMMENCEMENT

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

Reason: To ensure that any damage to the existing highway infrastructure arising from the construction of the proposed development is properly recorded and addressed by the developer on completion of the works in the interests of the safety of all users of the highway in accordance with Policy DEV29 of the Plymouth and South West Devon JLP March 2019.

Justification: To ensure resident safety and that any damage done to the existing highway infrastructure arising from the construction of the proposed development is properly recorded and addressed by the developer on completion of the works in the interests of the safety of all users of the highway.

II CONDITION: CONTAMINATED LAND

PRE-COMENCEMENT

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

Section 1: Site Characterisation

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

The report of the findings must include:

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2: Submission of Detailed Remediation Scheme

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

Section 3: Implementation of Approved Detailed Remediation Scheme

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

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

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

Section 4: Land Quality - Reporting of Unexpected Contamination

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

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

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

Reason: To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policies DEVI and DEV2 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

Justification: To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 CONDITION: FLOOD RISK AND DRAINAGE DETAIL

PRE-COMENCEMENT

Prior to the commencement of development the following information should be submitted to and approved by the Local Planning Authority as part of the detail of the final drainage strategy:

- Details should be submitted of how and when the system is to be managed and maintained.

Once approved the development shall be undertaken and managed in accordance with the approved detail.

Reason: As required by the Plymouth Local Flood Risk Management Strategy to make the development and surrounding area safe from flooding and ensure appropriate drainage measure are in place in accordance with Policy DEV35 and the guidance in the NPPF.

Justification: To ensure the development and surrounding area are safe from flooding.

13 CONDITION: SOLAR PANELS ON UNIT A

PRE-OCCUPATION

Prior to the occupation of Unit A, details of the amount, location and specification of the solar photovoltaic (PV) panels on the roof of Unit A shall be submitted to and approved in writing by the Local Planning Authority, the agreed solar panels shall be in place prior to occupation and shall be retained for the life of the development.

Reason: To ensure a sustainable form of development is secured and to ensure compliance with the requirements of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan, 2019 and the NPPF.

14 CONDITION: UNIT C RESTRICTION ON USE

PRE-OCCUPATION

Prior to the occupation of Unit C, further details of the operation of the Class B8 / builders' merchant shall be submitted to and approved in writing by the Local Planning Authority. The operation of the unit shall accord to the approved details at all times.

Reason: To ensure the impact of the proposed Unit is as assessed and would not have a significant adverse impact of the network of centres and in accordance with SPT5, SPT6, DEV16 Plymouth and South West Devon Joint Local Plan 2019 and Chapter 7 of the NPPF.

15 CONDITION: SIGNAGE STRATEGY

PRE-OCCUPATION

Prior to the occupation of either Unit, a signage strategy detailing signage and wayfinding elements should be submitted to and approved in writing by the Local Planning Authority. The strategy should include a programme for implementation which must be adhered to.

Reason: To ensure that the development supports connectivity across the area in accordance with Policies SPT2, DEV20 and DEV29 of the Plymouth and South West Devon Joint Local Plan, 2019, the National Design Guide and Chapter 12 of the NPPF, 2019.

16 CONDITION: SITE MANAGEMENT PLAN

PRE-OCCUPATION

Prior to the occupation of the first unit on site a Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority providing details of:

- o Measures to reduce anti-social behaviour on site (including vehicle congregation in the parking bays at night);
- o CCTV;
- o Lighting (including under canopies and on key routes);
- o Provision of litter bins and litter management plan; and,
- o Security.

Once approved the site shall be managed in full accordance with the approved management plan thereafter.

Reason: To protect the general amenity of the surrounding area and in accordance with policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

17 CONDITION: CAR PARKING PROVISION

PRE-OCCUPATION

The buildings shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the approved details and that area shall not thereafter 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 Policy DEV29 of the Plymouth and South West Devon JLP 2019.

18 CONDITION: DEFIBRILLATOR PROVISION

PRE-OCCUPATION

Prior to the occupation of any building details of the location and specification of a Public Access Defibrillator and associated signage shall be submitted to and approved by the Local Planning Authority. Once approved the defibrillator and signage shall be installed and maintained in accordance with the approved detail prior to the opening of the building and be registered with the South Western Ambulance Service Federation Trust (SWASFT) or any other body responsible for their location and recording.

Reason:

In accordance with the requirements of Policy DEV 1 of the Joint Local Plan and to aid in the protection of Public Health Defibrillators.

19 CONDITION: LANDSCAPE ECOLOGICAL MANAGEMENT PLAN

The development hereby permitted shall be carried out in accordance with the submitted Landscape Ecological Management Plan (LEMP) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the retention, protection and enhancement of wildlife and features of biological interest and to ensure that satisfactory landscaping works are carried out, in accordance with Policies SPT12, DEV20, DEV23 and DEV26 of the Plymouth and South West Devon Joint Local Plan, 2019 and Government advice contained in the NPPF paragraphs 170, 174 & 175.

20 CONDITION: NO SUB-DIVISION OF UNITS A AND C

Notwithstanding the provision of section 55 (2) (i) of the Town and Country Planning Act 1990 and the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any provision equivalent to the Act or Order in any statutory instrument revoking and re-enacting the Act or Order with or without modification, Unit A and Unit C hereby approved shall be permanently retained as single units and shall not be subdivided to create additional unit(s).

Reason: To ensure the impact of the proposed Unit is as assessed and would not have a significant adverse impact of the network of centres and in accordance with SPT5, SPT6, DEV16 Plymouth and South West Devon Joint Local Plan, 2019 and Chapter 7 of the NPPF.

21 CONDITION: UNIT A RESTRICTION ON USE

The Class E(a) retail floor space hereby permitted shall not exceed 2,830 square metres (gross) and shall be used for the sale of building materials, timber, joinery, decorating, plumbing and other associated bulky products for DIY maintenance and improvement; garden related products; furniture; carpets and floor coverings; health and beauty products, medicines, baby products; soft furnishings and household products; toys and games; pets , pet food and related products; home furnishings and ornaments; electrical goods; motor goods cycles, cycle products and accessories; seasonal products; food and drink products amounting to no more than 30% of the total floorspace; and other items ancillary to these products, and shall not be used for any other purpose including those set out in Class E of Schedule of the Town and Country Planning (Use Classes) Order 1987 or any other Order revoking, amending or re-enacting that Order with or without modification.

Reason: To ensure the impact of the proposed Unit is as assessed and would not have a significant adverse impact of the network of centres and in accordance with SPT5, SPT6, DEVI6 Plymouth and South West Devon Joint Local Plan, 2019 and Chapter 7 of the NPPF.

22 CONDITION: DELIVERY HOURS

Due to the proximity of residential properties, deliveries to the premises and refuse collections should be restricted to the following times: -

- Monday to Saturday 7:00 - 22.00hrs
- Sundays and Bank Holidays No deliveries/refuse collection.

Reason: To protect the residential and general amenity of the area from disturbance from noise at unreasonable hours and to avoid conflict with Policies DEVI and DEV2 of the Plymouth and South West Devon Joint Local Plan, 2019.

23 CONDITION: HOURS OF OPERATION

Hours of operation are restricted to the following times;

Unit A -

- Monday - Saturday 7:00 - 23:00hrs
- Sundays and Bank Holidays 10:00 - 16:00hrs

Unit C -

- Monday - Friday 6:00 - 20:00hrs
- Saturday - Sunday 7:00 - 16:00hrs

Reason: To protect the residential and general amenity of the area from disturbance from noise at unreasonable hours and to avoid conflict with Policies DEVI and DEV2 of the Plymouth and South West Devon Joint Local Plan, 2019.

24 CONDITION: NOISE

The noise emanating from the site (LAeqT) shall not exceed the background noise level (LA90) at anytime as measured at the façade of the any residential properties within the vicinity. This includes noise from plant and refrigerated vehicles / units.

Reason: To protect the residents from unwanted noise, after occupation of the building to avoid conflict with Policies DEVI and DEV2 of the Plymouth and South West Devon Joint Local Plan, 2019.

25 CONDITION: HOURS OF CONSTRUCTION AND DEMOLITION

Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: To protect the residential and general amenity of the area from noise emanating from the business and avoid conflict with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan, 2019.

26 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

The development hereby permitted shall be carried out in accordance with the submitted Construction Environmental Management Plan (CEMP) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the new drainage system and water environment is protected during the construction and demolition phases and avoid conflict with Policy DEV35 of the Plymouth and South West Devon Joint Local Plan, 2019.

27 CONDITION: USE OF LOADING AREAS

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

Reason: To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:-

- i. Damage to amenity;
- ii. Prejudice to public safety and convenience, and
- iii. Interference with the free flow of traffic on the highway; in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

28 CONDITION: ENERGY AND SUSTAINABILITY

The development hereby permitted shall be carried out in accordance with the submitted Sustainability and Energy Statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sustainable form of development is secured and one which reduces natural resource use and is adaptable to Climate change and in accordance with the requirement of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan, 2019.

INFORMATIVES

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

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).

2 INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. No work within the public highway may commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 & 38 of the Highways Act 1980 entered into. The applicant should contact Plymouth Highways for the necessary approval.

3 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant, including pre-application discussions, and has negotiated amendments to the application to enable the grant of planning permission.

4 INFORMATIVE: SOUTH WEST WATER

The developer's attention is drawn to the comments and/or requirements of South West Water, a copy of which will have been sent direct to the applicant or the applicant's agent.

5 INFORMATIVE: NATIONAL RAIL

The developer's attention is drawn to the comments and/or requirements of National Rail, a copy of which will have been sent direct to the applicant or the applicant's agent.

6 INFORMATIVE: SIGNAGE STRATEGY

The signage strategy will not give consent for advertising material this controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007 and the applicants should obtain any necessary consent separately.