

ADDENDUM REPORT PLANNING COMMITTEE 21st OCTOBER 2010

Item: 6.5

Site: Wickes Unit (Block B), Friary Retail Park Exeter Street, Plymouth

Ref: 10/01160/FUL

Applicant: AXA P&C co AXA Real Estate Investment Managers UK

Pages: 75

The applicants have indicated that they consider proposed condition 2, limiting use to proposed DIY home improvement products, to be overly restrictive. The matter has been reconsidered, having regard to the use restriction condition imposed on the existing premises (see below), and the applicant's view is accepted. Your officers consider that it would be difficult to defend an argument that the new mezzanine floor should have a more restrictive use restriction than the existing ground floor, particularly having regard to the fallback position available to the applicants whereby the mezzanine floor that is confirmed by the certificate of lawfulness 06/00706/EXDE would only be restricted by the use restriction (and other conditions) already in place on the premises.

The conditional regime currently governing the Wickes unit (Block B) is that imposed by the Planning Inspectorate (September 1987).

- The premises shall not be used for the sale of food other than confectionary, intended to be consumed off the premises.
- The premises shall not be open for the sale of goods between 20.00 hours and 08.00 hours each day.
- No deliveries shall be made to the premises between 18.00 hours and 07.00 hours each day.

It is proposed that these conditions (listed 2 - 4, below) are substituted for tabled condition 2. The overall recommendation remains GRANT CONDITIONAL PERMISSION

(2) The whole premises, both the existing floor space and the proposed, shall not be used for the sale of food other than confectionary, intended to be consumed off the premises.

Reason: To ensure that the proposed development does not adversely impact on traffic movement/ parking or the vitality of the city centre in accordance with Policies CS07 and CS28 of the Adopted Core Strategy

(3) The whole premises, both the existing floor space and the proposed, shall not be open for the sale of goods between 20.00 hours and 08.00 hours each day.

Reason: To ensure that disturbance to local residents is minimised in accordance with Policies CS22 and CS34 of the Adopted Core Strategy.

(4) No deliveries shall be made to the premises between 18.00 hours and 07.00 hours each day.

Reason: To ensure that disturbance to local residents is minimised in accordance with Policies CS22 and CS34 of the Adopted Core Strategy.