

# PLANNING APPLICATION REPORT



**ITEM: 06**

**Application Number:** 11/01492/FUL

**Applicant:** Morston Assets Ltd

**Description of Application:** Change of use from leisure use to retail (class use A1) bulky goods/trade counter; and self storage (use class Sui Generis) (Renewal of planning permission 08/01178/FUL)

**Type of Application:** Full Application

**Site Address:** FORMER PLYMOUTH SUPERBOWL, COT HILL  
PLYMOUTH

**Ward:** Plympton Erle

**Valid Date of Application:** 09/09/2011

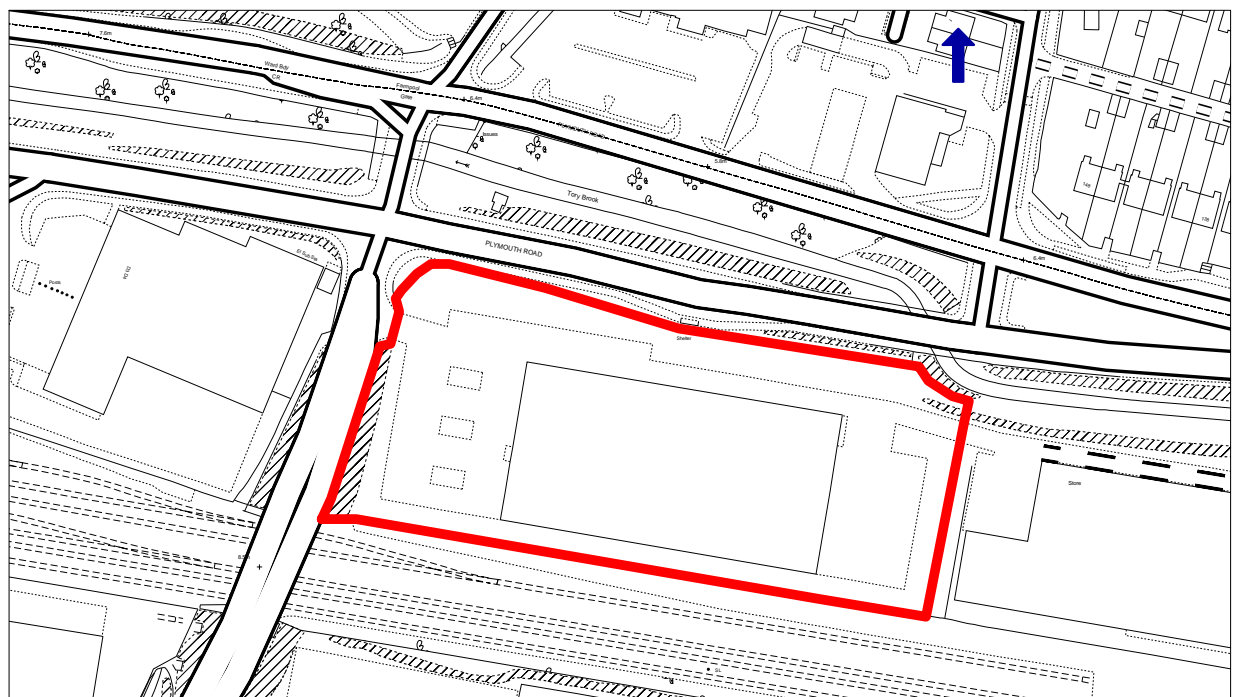
**8/13 Week Date:** **09/12/2011**

**Decision Category:** Major Application

**Case Officer :** Robert Heard

**Recommendation:** Grant Conditionally

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## OFFICER REPORT

### Site Description

The site is located adjacent to Errill Retail Park in Plympton immediately bordering 3 existing units of which only 1 is currently occupied (Buyology). It is currently vacant, being last occupied by Megabowl for a restricted leisure use that included ten pin bowling and billiards. The former Megabowl building is in a poor condition and comprises of a large single storey warehouse style building clad in corrugated metal.

The site is surrounded in the immediate vicinity by surface car parking and the vehicular entrance/exit is located in the north-west corner of the site, very close to the busy junction of Cot Hill and Plymouth Road. The site is bounded by Plymouth Road to the north and a railway track to the south, with a belt of mature trees acting as a separation buffer from both the road and railway.

### Proposal Description

This application seeks to renew planning application 08/01178/FUL which was for change of use from leisure use to retail (Use Class A1) bulky goods/trade counter; and self storage (Use Class Sui Generis).

It is proposed to sub divide the building into 7 smaller, different sized units and make external improvements to the façade of the building with improvements to the parking forecourt and landscaping at the site.

### Relevant Planning History

97/0687 – Alterations to premises including formation of new bar entrance. PERMITTED.

91/0886 – Change of use of retail warehouse to ten pin bowling centre with ancillary facilities. REFUSED. APPEAL ALLOWED.

### Consultation Responses

#### Environment Agency

No objections

#### Highways Agency

No objection subject to conditions

#### Highways Authority

No objection subject to conditions

#### Public Protection Service

No objections

## **Representations**

None received.

## **Analysis**

As stated above, this application seeks to renew planning application 08/01178/FUL which was granted subject to conditions by the planning committee in December 2008. It proposes to change the use of the existing Megabowl building in Plympton to bulky goods/trade counter retail (Use Class A1) with an element of self storage (*sui generis*). It is also proposed to sub divide the building into 7 different sized units and make external improvements to the façade of the building and external areas.

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.

There has been no change in local planning policy since the previous application was granted and no change in circumstances at the site. The Draft National Planning Policy Framework 2011 states that there will be a presumption in favour of sustainable development and does not introduce any legislation that conflicts with the previous recommendation of approval. Therefore the issues that were relevant to the consideration of the previous application are the main issues relevant in the consideration of this application. The following report is therefore taken from the previous report to committee in relation to planning application 08/01178/FUL and addresses the main planning issues, being the impact of the proposed change of use, highways and design issues.

## **Use**

The application proposes to change the use of the building from a restricted D2 use (for a ten pin bowling centre and ancillary facilities only) to a dual use of bulky goods retail (A1) and self storage (*sui generis*). The building has been empty now for a number of years but the current (last) use as a ten pin bowling centre was granted on appeal by the Planning Inspectorate, following refusal by the Local Planning Authority of a planning application to change the use from retail to leisure.

The retail part of the application is proposed (by the applicants) to be restricted to trade counter and bulky goods operators. Bulky goods predominantly involves the sale of large electrical goods, DIY and garden goods. Examples of businesses considered to be bulky goods operators are Comet, B&Q and Homebase. Trade Counter sales mainly sell to the trade but also to members of the public. Operators include Screwfix, Plumcenter and Tiles R Us. Of the 7 units proposed, 6 are proposed for retail and 1 for self storage. Self storage is a relatively new use that has

been popular in other countries for a number of years. It is for use by members of the public who do not have the space available at home to store all of their belongings.

With regards to policy, CS08 (Retail Development Considerations) of the City of Plymouth Local Development Framework Core Strategy (2007) is relevant. This sets out the requirements for new retail development, which should:

- Meet a proven need;
- Be appropriate in scale and function to its location;
- Be fully integrated into the existing shopping centre;
- Comply with the sequential approach to site selection;
- Not have an unacceptable adverse impact on the vitality and viability of the City Centre or surrounding district and local centres;
- Help maintain and develop the range of shops to meet the needs of the local community.

Concerning need, the Plymouth Shopping Study confirms that there is significant floor space requirement for additional comparison provision within the city. The summary even states that 'by 2016 there should be capacity for further significant development in the city or four new 'Marsh Mills size' developments.' It should also be noted that the site is located within an existing retail park that has previously been allocated for retail use. However, notwithstanding this, there is considered to be a proven need for the proposed development.

In terms of scale and function, the application includes the reuse of an existing building that is of an appropriate scale for the area and has previously been used for retail purposes. The function is considered acceptable in this location, the site adjoins Errill Retail Park which is designated for the type of uses proposed at the site. With regards to being fully integrated into the existing centre, whilst the site does not fall within a defined shopping centre (ie. district or local) it is located on an existing retail park that forms part of the larger 'Marsh Mills Retail Parks' cluster. Policy CS09 (Marsh Mills Retail Parks) seeks to enhance the retail offer at the existing retail parks in the Marsh Mills area and the application is in accordance with this vision by widening the retail offer at these sites.

Concerning the sequential approach, text within the Core Strategy states that 'Marsh Mills is the primary area of retail warehousing type provision within the city's retail hierarchy.' As already stated, the site has previously been used for retail purposes and there is a predominance of retail uses surrounding the site. Moreover, it is located within an established out-of-centre retail area and is thus considered acceptable under the sequential approach to site selection.

It is considered that the proposal will not have an adverse impact upon the vitality and viability of the City Centre or surrounding district and local centres. It is recognised within the Core Strategy that Marsh Mills is the primary area for retail warehousing in the city and therefore the ideal location for bulky goods and trade counter sales uses. The proposal will also add to the retail offer in the area (and to

the city) and will therefore help to maintain and develop the range of shops to meet the needs of the community.

In summary, the proposed development is of a scale and format that is in keeping with the rest of the retail parks at Marsh Mills and the combination of bulky goods and trade counter sales will widen the range and quality of stores in the locality. As has been demonstrated, there will be no adverse impact upon the City Centre or to the local shopping hierarchy. The application is therefore considered compliant with policies CS08 (Retail Development Considerations) and CS09 (Marsh Mills Retail Parks) of the City of Plymouth Local Development Framework Core Strategy (2007).

### **Design**

As has been stated, the application proposes to retain and reuse the existing building on the site. However, significant alterations are required for its conversion to retail use. A contemporary approach to the external appearance has been taken, incorporating features and materials that also reflect a commitment to sustainability.

The proposals include the re-cladding of the entire building with modern materials by replacing the current corrugated tin with smoother, clearer external panels made from colour coated steel faced composite that will significantly improve the external appearance. New glazed entrances are introduced along the length of the west entrance, as well as on the east and south elevation to add interest to the external appearance and provide a crisp, modern appearance that helps to enhance local visual amenity.

The design utilises extensive areas of glazing in order to improve transparency, to increase visibility of the interior from outside and create natural surveillance of the surrounding areas from within the building. The large glazing panels will also allow natural light to penetrate the interior which could reduce the need for artificial lighting. In terms of design, glazing is a contemporary material that improves the external appearance and blends well with the steel composite panels proposed for other external areas. The facades of the building have been designed to create a clean and contemporary appearance with the main elevations being balanced and well proportioned.

With regards to sustainable design, it is proposed that the existing steel frame and rails will be retained to the extent that they can be incorporated into the new cladding system. The steel cladding proposed is completely recyclable and can be dismantled for re use in future construction. The composite panels to the buildings envelope are formed entirely of rock wool insulation with a skin of steel each side, making them thermally highly efficient in comparison with more traditional heavy construction materials and methods. The applicant has also stated a commitment to incorporate sustainable design into some of the smaller elements of the development, including rainwater harvesting for flushing toilets, inclusion of rooflights to increase provision of natural light and photocell controls to turn off lighting in areas of the sales floor where daylight levels are sufficient. A condition requesting further details of sustainable construction methods is considered appropriate to ensure that the building and construction take into account issues of sustainable resource use.

The application is considered compliant with policies CS02 (Design) and CS20 (Sustainable Resource Use).

### **Highways**

The existing access and egress is from Cot Hill and close to the signalized junction with Plymouth Road. This current arrangement is not satisfactory and can be extremely hazardous, particularly when vehicles are turning right either into or out of the application site. The application proposes that the existing access/egress on Cot Hill be changed to allow for left in vehicle manoeuvres only with a new vehicle exit formed onto Plymouth Road, being exit only and designed so as to prevent vehicles from entering the site at this point. A one way system is proposed to be introduced providing access and egress for all vehicles via a one way gyratory route through the site.

Pedestrian access and permeability to the site has been improved by the up grading of pedestrian footpaths into the site that would provide a 3 metre wide footpath link. There is an existing pedestrian crossing point over Plymouth Road just outside the application site but no such facility at the Cot Hill junction. However, a new uncontrolled pedestrian crossing point is proposed that utilises a central pedestrian refuge across the junction of Cot Hill as part of the application and this would allow pedestrians to cross the road between the phases of traffic signals, without detriment to the signalized junctions.

The application proposes 125 car parking spaces and cycle parking for visitors in the form of cycle hoops. An articulated lorry could enter and drive through the site and a service bay is proposed to accommodate unloading during day time hours.

Following negotiations at pre-application stage, the application is made in accordance with the advice of the Councils Highways Officer, who is supportive of the application subject to grampian conditions to ensure that the proposed highway improvements are provided prior to occupation of the development. An informative alerting the applicants of the need to enter into a Section 278 Agreement with the Highway Authority as landowners to secure the highway alterations proposed is also attached. The application is considered compliant with Policy CS28 (Local Transport Considerations) of the City of Plymouth Local Development Framework Core Strategy (2007).

### **Other Issues**

The proposal incorporates improvements to landscaping at the site. Tree belts are proposed to be augmented by additional species where gaps have appeared and existing landscaped areas are retained and improved by way of new shrub and small tree planting.

There are no significant issues of residential amenity to consider, the nearest residential properties are on the northern side of Plymouth Road about 200 metres away. This separation distance, and the fact that a busy road acts as a buffer, ensures that the application will not impact upon the nearest residential properties amenities.

No letters of representation have been received

## **Section 106 Obligations**

None required.

## **Equalities & Diversities issues**

None raised.

## **Conclusions**

This proposal to renew an existing planning permission to change the use of the former Megabowl building on land adjacent to Errill Retail Park to bulky goods/trade centre retail units plus self storage is considered to have a number of physical, social and economic benefits.

The design and external appearance will be vastly improved by the introduction of sleek steel composite panels blended with large areas of glazing in order to create a contemporary design approach using modern materials. Seven new units will be created that will bring a vibrant mix and wider range of uses to the Marsh Mills shopping area and proposed works to the highway will improve access/egress at the site and also pedestrian links and permeability.

For the reasons outlined above in this report, it is recommended that the application be approved, subject to conditions.

## **Recommendation**

In respect of the application dated **09/09/2011** and the submitted drawings 1571-04A, 1571-07F, 1571-08A, 1571-09B, 1571-11, 1571-12A, 1571-13A, 1571-16A, SPPI405.1F, 2166.10C and accompanying Design and Access Statement, Transport Statement, Planning Statement and Retail Assessment.,it is recommended to: **Grant Conditionally**

## **Conditions**

### **DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

(1) 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.

### **APPROVED PLANS**

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1571-04A, 1571-07F, 1571-08A, 1571-09B, 1571-11, 1571-12A, 1571-13A, 1571-16A, SPPI405.1F, 2166.10C.

Reason:

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

#### DETAILS OF NEW JUNCTION

(3) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

#### Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PROVISION OF SIGHT LINES

(4) No work shall commence on site until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before the development is first brought into use.

#### Reason:

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

#### PRESERVATION OF SIGHT LINES

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

#### Reason:

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

#### CAR PARKING PROVISION

(6) The development shall not be occupied until space has been laid out within the site in accordance with the Approved plan for a maximum of 125 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

#### Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CAR PARKING RESTRICTION

(7) No part of the site shall at any time be used for the parking of vehicles other than that part specifically shown for that purpose on the approved plan.



Reason:

In the opinion of the Local Planning Authority the level of car parking provision should be limited in order to assist the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CYCLE PROVISION

(8) The development shall not be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for a minimum of 10 bicycles to be parked.

Reason:

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

#### CYCLE STORAGE

(9) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LOADING AND UNLOADING PROVISION

(10) Before the development hereby permitted is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

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

#### USE OF LOADING AREAS

(11) 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:- a. damage to amenity; b. prejudice to public safety and convenience, and c. interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### STAFF TRAVEL PLAN

(12) The development hereby permitted shall not be occupied until a Staff Travel Plan (STP) has been submitted to and approved in writing by the Local Planning Authority. The said STP shall seek to encourage staff to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the STP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved STP.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### EXTERNAL MATERIALS

(13) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CODE OF PRACTICE DURING CONSTRUCTION

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

Reason:

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

#### **BULKY GOODS RETAIL/NO FOOD SALES**

(15) Notwithstanding the permitted use falling within Class A1 of the Town and Country Planning (Use Classes) Order 2006 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), Units 1A, 1B, 2, 3, 4, and 5 hereby approved shall not be used for the retail sale of goods other than DIY, electrical goods, carpets, furniture, auto accessories, as a garden centre or for trade counter bulky goods sales.

#### **Reason:**

The use of the site for the sale of goods other than those specified would be contrary to Policy CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### **USE RESTRICTION**

(16) Unit 6 hereby approved shall be used for self storage only.

#### **Reason:**

The use of the site for the purpose specified is considered acceptable, but a proposal to use the site for any other purposes could be contrary to Policy CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### **FURTHER DETAILS**

(17) No development shall take place until details (including size, materials and finish) of the proposed bin stores shown on the plans hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the bin stores shall be permanently retained.

#### **Reason:**

To ensure that these further details are acceptable to the Local Planning Authority and that the proposed bin stores are retained in the future, in accordance with Policy CS02 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### **LANDSCAPE MANAGEMENT PLAN**

(18) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

#### **Reason:**

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SUSTAINABLE RESOURCE USE

(19) Prior to the commencement of any development, a report identifying how a minimum of 15% of the development's predicted carbon emissions will be off-set by on-site renewable energy production methods that shall be implemented on site, shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the predicted carbon savings which result from this shall be above and beyond what is required to comply with Part L of the Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason: To comply with Policy CS20 of Plymouth's LDF Core Strategy and in accordance with Government advice contained within PPS22

#### PEDESTRIAN/CYCLE ACCESS

(20) The building shall not be occupied until a means of access for pedestrians and cyclists has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007

#### CODE OF PRACTICE DURING CONSTRUCTION

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

Reason:

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

#### DESK STUDY

(22) A Desk Study and Site Reconnaissance, in addition to any assessment provided with the planning application, which includes a preliminary conceptual site model identifying plausible pollutant linkages as a basis for assessing risks. The Desk Study and Site Reconnaissance must determine the need and scope for further investigation and site characterisation. The written report is subject to the approval in writing of the Local Planning Authority.

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### SITE CHARACTERISATION

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- 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'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### SUBMISSION OF REMEDIATION SCHEME

(24) 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(25) 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. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 22, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 23, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 24.

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### INFORMATIVE: HIGHWAY WORKS

(1) The highway works associated with the development will require the developer to enter into a Section 278 Agreement with the Highway Authority before any works are permitted on the Highway. The highway alterations will need to satisfy the requirements of an independent Safety Audit before they can be implemented and also on completion of the alterations.

## Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be the impact of the proposed use, design and highways issues, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS08 - Retail Development Considerations
- CS09 - Marsh Mills Retail Parks
- CS20 - Resource Use
- CS02 - Design
- NPPF - Draft National Planning Policy Framework 2011