

# PLANNING APPLICATION REPORT



**ITEM: 2**

**Application Number:** 12/00515/FUL

**Applicant:** WM Morrison Supermarkets Plc

**Description of Application:** 1,415sqm extension to food store, including decked car park and access works

**Type of Application:** Full Application

**Site Address:** 282 OUTLAND ROAD PLYMOUTH

**Ward:** Peverell

**Valid Date of Application:** 23/03/2012

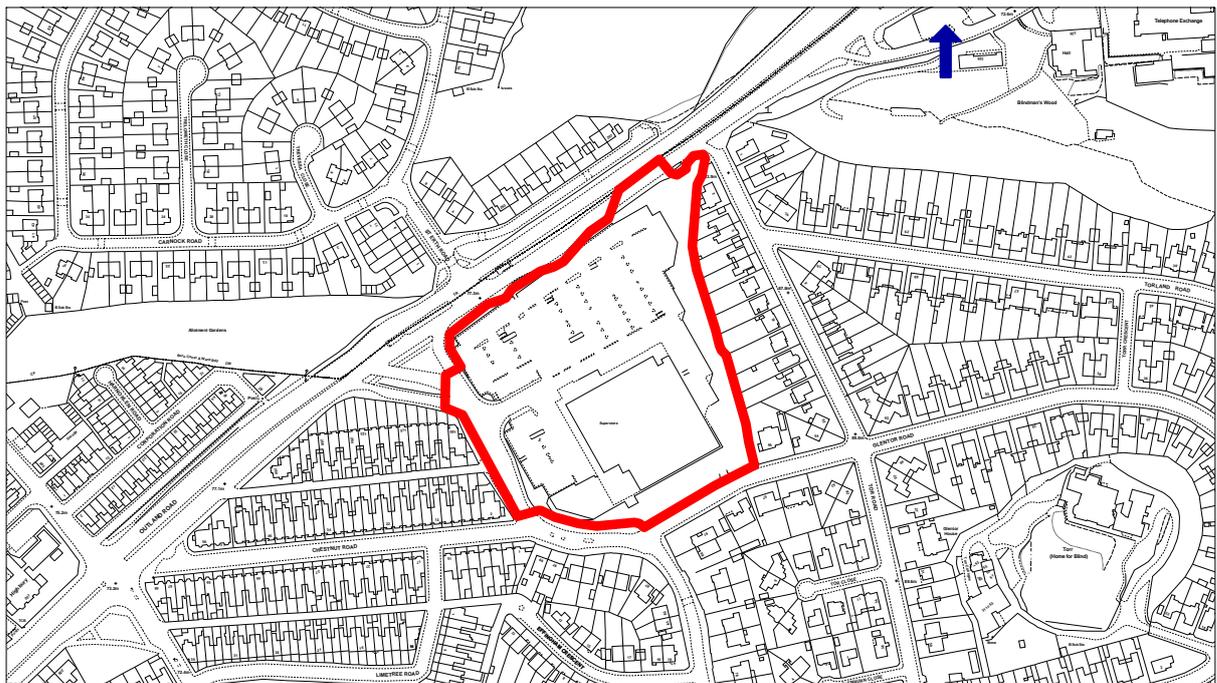
**8/13 Week Date:** **22/06/2012**

**Decision Category:** Major - 5 or more Letters of Representation received

**Case Officer :** Jeremy Guise

**Recommendation:** Refuse

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## **Site Description**

The application site comprises an area of approximately 2.4 hectares fronting onto Outland Road on the edge of the Peverell/Beacon Park area of the city. Formerly the site of 'Farleys Rusk' factory and a 'Safeway' supermarket, it is currently occupied by a Morrisons food store, associated customer parking, servicing and landscaping. The store building occupies the south eastern and central parts of the site with customer parking located to the north, between the store building and Outland Road, and on the western part of the site, adjacent to Tor Lane. Shared vehicular access, for customers and delivery Lorries, is from Tor Lane.

There is a row of tall leylandi trees along the eastern boundary, which screens the property from residential property in Tor Road to the east, and rows of much smaller trees, planted as part of the original landscape strategy in the car park. These trees are protected by a group Tree Preservation Order (TPO No 271 and 209). Levels fall within the site from east to west (approximately 5m) and from south to north (approximately 2m) in accordance with the surrounding topography.

The existing store building is essentially a flat roofed structure, but this is disguised by an element of roof plane, all around and on the conspicuous higher parts of the building, so that it appears, when viewed from ground level, as a pitched roofed building with decorative arches and an entrance portico.

The character of the surrounding area is dominated by Outland Road (A386), a dual carriageway which forms one of the main arterial route ways into the city. It leads from the Manadon traffic junction towards the city centre passing the 'Life Centre', a major leisure complex, Plymouth Argyle football ground, a 'park and ride' facility at Milehouse; and North Cross traffic intersections en-route to the city centre. Manadon junction is one of the busiest traffic junctions in the city. It is the point where traffic from the north of the city, Tavistock and Dartmoor communities is joined by traffic from the A38 'Expressway', the main east west route way through the city, and 'funnelled' into a major suburban road. Westbound traffic travels up from the junction, decelerating on its approach to the signalised junction, where it queues and filters into Tor Lane, a significant suburban link road to the south west. The store is located on the corner of this junction. The road network in the area is busy with traffic at most times of the day and evening. A bus stop and 'pelican' pedestrian crossing, immediately to the north of the store, provides non motorists with some access to the store and wider area. It is supplemented by another stop for northbound bus passengers on the opposite side of Outland Road and bus stops either side of Tor Lane for bus passengers travelling in east/west directions.

The area around the site is completely residential in character. On the opposite side of Tor Lane, and in Chestnut Road to the west, are larger Edwardian/ Victorian terraces. Houses in Glentor to the south; Tor Road to the east and facing Outland Road, and in St Erth Road to the north, are a mixture of detached and semi detached houses in reasonable sized plots, dating from the middle of the last century.

## **Proposal Description**

Full planning permission is sought for a 1,415sqm extension to the Morrisons food store including decked car park and access works.

Plans show the proposed store extended on the northern elevation, towards Outland Road, with a new glazed/wood clad entrance. The flat roofed front extension is shown with an overhanging roof supported on columns and would give the resultant store a modern appearance very different from the existing. However, the proposed extension would encroach upon the existing parking area, manoeuvring and customer drop off /loading would be lost. In order to ensure that there is not a net overall loss in the number of parking spaces, it is proposed to provide a decked car park on the north eastern part of the site, between the extended store and Outland Road.

The decked car park would provide 12 parking spaces, replacing in exact number those lost to the store extension, on two levels; with the upper level would be accessed via a ramp in the north west corner of the site. Several rows of TPO protected trees, planted when the store was first built, to provide landscaping for the surface car park, would have to be removed to create space for the proposed decked car park. To compensate for this loss, and provide some screening for the decked car park when viewed from Outland Road, the south western corner of the car park is chamfered with a 'Green living wall' feature. This is shown in the axonometric drawings that accompany the application with the corporate 'Morrisons' logo picked out in vegetation. A pedestrian access from the upper deck to the store entrance is shown provided in a 'circulation tower'.

The proposal includes two significant changes to the vehicular access to the site. Currently all vehicular traffic to the site, for staff, customers and delivery lorries, is off Tor lane. This application proposes alterations to the Tor Lane access, replacing the turning with a mini roundabout, and the provision of a new slip road direct off Outland Road. The slip road would provide westbound traffic using Outland Road with the option of an alternative entrance. All traffic would still have to exit the site via Tor Lane.

The proposal involves some minor changes to the internal parking demarcation to increase the on site vehicle queuing capacity at the access and a slight reduction in the overall number of spaces suitable for use by people with disabilities.

In the Design and Access statement that is submitted with the application, the applicant's agents state that the main reasons for the proposed extension is to:

- increase internal sales floor space to meet customer demand
- provide additional car parking to mitigate for that lost
- improve customer access to the site from Outland Road

The agents state: "The proposed extensions seek to minimize any potential impact on the existing amenity currently enjoyed by the occupiers of the adjacent residential property. The striking contemporary design will rejuvenate renewed interest in the store itself and will be regarded as a significant enhancement to this area as an existing retail destination."

The application is accompanied by: Geo-Environmental Desk Study; Tree Report; Design & Access Statement; Energy Statement; Transport Statement; Travel Plan; flood Risk Assessment; Retail Planning Statement; and Acoustic assessment of noise from refrigeration/air conditioning plant.

### **Pre-Application Enquiry**

Two formal Development Enquiry Service (DES) requests have been made:

**Early 2011** Morrison's were asked to consider relocation, involving rebuild, of the store to the northern part of the site to improve the appearance along Outland Road, an important gateway corridor into the city; to segregate deliveries/servicing from customer parking and to provide better natural light for the café. Rejected due to difficulty in maintaining trading during construction period

**Late 2011**, Morrisons reported that options for rebuilding the store on the Outland Road frontage of the site and separating the customer and delivery traffic had been considered, but had been rejected as too expensive. The scheme for a decked car park on the front, with appearance mitigated by a 'green wall', and alterations to the access arrangements was re-tabled. Reservations were reiterated and the applicant's advised to undertake a design consultation with the South West Design Panel.

**South West Design Panel** – Considered the pre-application proposal in November 2011 (note: the scheme was similar, but not exactly the same as the application submission). The Panel stated:

*We have no problem with a frontage extension of this store. We see the need for upgrading and we welcome your wish to modernise the appearance of the building.*

*The only alternative option appears to be redevelopment of the whole site. While you did not present this option in detail, we were sceptical that a street frontage solution would bring significant advantage in urban design terms. The Panel considers that a store set back behind a landscaped parking area is acceptable.*

*The extension approach brings the challenge of accommodating a commensurate increase in parking within a finite site and it is here the Panel would like to focus its guidance.*

*A partial deck will have an impact onto Outland Road and surroundings and it is worth taking considerable care to make the deck unobtrusive. You rightly seek 'to minimise its coverage of the front elevation of the building' but currently the deck seems to be sited arbitrarily and has an abrupt relationship to the store and the road. It is as if the deck had been plonked down, and the corner, particularly, obtrudes.*

*There are a number of ways you might mitigate this. However, we would encourage you to step back and consider the deck afresh as an opportunity not a problem. A square store need not necessarily adjoin a rectilinear deck. An imaginative approach working with the landscape, finessing ground levels, and respecting the road and the store could yield a design that would add interest to Outland Road and give your enlarged store more visual appeal.*

*We'd like you to free the geometry of the deck, firstly by relating its eastern edge more closely to the line of the quarry bank, and secondly by reconfiguring its western edge so that the plan of the deck assumes an 'L', or triangle, or grand-piano shape, with its base against part of the frontage of the store, and the pointed end of the deck, coming closer to, or right up to, the road frontage, where the level of the road is already rising. The entrance from Outland Road could sinuously follow a contour on the bank rather than bridge a gap and indeed might be combined with the up/down ramp. This freer geometry would help to reduce the impact of the deck on Outland Road, and give a more open view from the road towards the main frontage of the store.*

*An upper storey could even create further opportunities for the deck by reducing the footprint of the front extension. The upper floor could come to life with a café with views out and in. There could be a two-level entrance hall (and, we hope, a more generous staircase down to the trading floor).*

*If this approach requires the loss of more trees, then we'd suggest it would be acceptable to offset this by more planting on the Outland Road edge and in the parking areas. Planting on the upper deck is perfectly feasible, indeed we'd prefer to see plants growing from above and below to a green wall which would involve heavy maintenance (and would be unsightly if abandoned). A hole in the deck would make the lower level less oppressive and better ventilated.*

*The radical approach we suggest should lead to a scheme that looks pleasing and feels inevitable.*

### **Relevant Planning History**

The site has an extensive planning history (35 applications since 1974). Some predate the current supermarket use and others relate to signage and minor applications. The following are considered relevant:-

- Ref: 00/00379/FUL - Single storey side extension to retail sales area provide an additional 585 sq. metres of retail sales floor space. A total of 31 existing customer parking spaces will be lost. An additional 50 people will be employed. Granted subject to conditions Oct 2001
- Ref: 99/01067/FUL - Alterations to covered unloading bay area (amendment to previously approved scheme)
- Ref: 98/00780/FUL - Variation of Cond.13 & 14 of Notice No.643/90 to now permit Sun. trading & Sun. deliveries, revised (shorter) delivery hours Mon-Sat, alterations to enclose & landscape service yard, additional landscaping Approved Nov 1998
- Ref: 96/00743/FUL - Vary Condition 13 and 14 of Notice No. 0643/90 to now permit Sunday trading and Sunday deliveries, revised (shorter) delivery hours Monday-Saturday; alterations to increase height of boundary walls an Refused Dec 1996
- Ref: 96/00742/FUL - Variation of Cond.13 and 14 of Notice No.643/90 to now permit Sun. trading and Sun. deliveries, revised (shorter) delivery hours Mon-Sat, alterations to enclose and landscape service yard, and off site Withdrawn Dec 1996
- Ref: 93/00143/FUL - Variation of condition 13 of Notice ref NO.643/90 to allow for Sunday trading Granted Jun 1993

- Ref: 91/01241/REM - New access and highway improvements in connection with the outline permission Ref.0643/90 (dated Apr 1991). Granted Feb 1997
- Ref: 91/01372/REM - Erection of superstore with associated parking and service areas (approval of reserved matters) GRANTED Jan 1992
- Ref: 90/00643/OUT - outline application to develop industrial site by erection of a retail shop (47,050sqft) with car parking new access and highway improvements. GRANTED Jul 1990

## **Consultation Responses**

**Police Architectural Liaison Officer (PALO)** – The Devon and Cornwall Constabulary are not in a position to comment on this application at the present time due to the lack of information provided by the applicant. No mention can be found in this application on how the applicant proposes to comply with Council's Core Strategy Policy CS 32- Designing Out Crime.

At pre application discussions, concerns were raised over the proposed decked car parking. It was felt that this would be vulnerable to crime and anti social behaviour given its close proximity to the main road. Devon and Cornwall Constabulary would like to see the applicant give consideration to this by providing adequate lighting, CCTV linked to the stores main site and barriers placed at the entrance to the car park access routes, which can be closed off when the store closes. This will deter 'boy racers' and other such antisocial behaviour which could take place in this car parking area.

**Highways Agency** – Having considered the documentation supporting the planning application, it is apparent that the applicant has not considered the likely impact of the development on the operation of the Strategic Road Network. Given the site's close proximity to a sensitive junction on the A38(T), the Agency requires further information in this respect such that the acceptability or otherwise of the proposals can be considered.

In view of the above, an Article 25 Direction has been issued preventing the grant of planning permission for a period of 6 months to allow the applicant time to submit the necessary information.

In response to this consultation response, the Highways Agency has been provided with further information by the applicant's transport consultants. The Agency has confirmed, on 1 August 2012, that they are now content with the proposed additional traffic generation from the proposed store but remain concerned with access arrangements - and therefore maintain the Article 25 direction. They are seeking a 'Road Safety Audit'.

**Highway Authority** – The Highway Authority is unable to support the current proposal for the extension and intensification in the use of Morison Supermarket on Outland Road.

The proposal would extend the store into the car park, and would necessitate the provision of a two-storey decked car park at the front of the store to make up for the area of car parking lost by extending the building, but no overall additional car parking is being offered to serve the extension to the store.

At pre-application stage it was suggested that the new entrance into the car park directly from Outland Road (A386) be formed as a ramp. However, this application proposes direct access from Outland Road into the ground floor car park, without any of the essential provision for cars stacking and queuing. All vehicles would arrive at the ground floor and circulate around the car park looking for a parking space, which would give rise to an increased level of congestion at ground floor level. It is likely that cars would only go up to the upper deck if they could not find a parking space at ground level, which would add to any congestion, competition and parking demand on the ground floor, which in turn could cause further queuing and stacking. It is considered that the proposed new in only entrance from Outland Road would cause congestion and queuing, which could give rise to cars backing up and stacking at a point where forward visibility is liable to be poor. It could cause queues stretching back to the close by off-slip from the busy Manadon Interchange, which is directly linked to the Parkway Trunk Road, creating potential hazards and danger, particularly during times of peak demand and seasonal uplift. The proposed access from Outland Road is considered unsatisfactory.

Contrary to the pre-application advice provided, the proposal shows alterations to the vehicular entrance and exit to the store on Tor Lane, by changing a standard priority road junction to a mini-roundabout. Modelling; has been carried out in support of the proposed mini-roundabout but is not considered to be sufficiently robust to be relied upon. It is considered liable to overestimate the capacity of the junctions, and underestimate the likely detriment on the road network.

There are two causes of queuing and congestion on the highway in the vicinity of the supermarket entrance/exit on Tor Lane: congestion within the supermarket car park, and the at times lengthy queues on Tor Lane at the junction of Outland Road traffic signals. Neither would be resolved by the provision of a mini-roundabout which would simply redistribute existing and additional delays and queues.

The proposal shows a new and additional right turn lane within the car park. This, would assist the flow of traffic entering the popular and busy small side car park at the southwest corner of the site, and reduce the incidence of blocking that currently occurs there. The proposed additional new right turn traffic lane (coupled with a yellow box junction) would provide a short stacking lane which would help to ease the current congestion for cars entering the site. However, although helpful, it is not clear that this would be sufficient to deal with both the existing and increased demand associated with the extension of the store.

During busy traffic periods, traffic queuing on Tor Lane waiting to turn left and right at the traffic signals onto Outland Road, can often be seen to block and prevent traffic from leaving the supermarket site, and turning right out of the site onto Tor Lane, toward Outland Road. This queuing at the signals during periods of peak demand is one of the main causes of the congestion within the vicinity of the site entrance/exits. There is no reserve capacity that might be utilized within in the signalised junction to help reduce the length of the queue there.

The traffic signal controlled corridor of Outland Road runs on a program known as SCOOT (Split, Cycle and Offset Optimisation Technique). SCOOT coordinates and maximizes efficiency by synchronizing signals on the Outland Road (A386) corridor to intelligently respond to demand fluctuations. During the green period vehicles discharge from the stop-line at the validated saturation flow rate. Therefore any restrictions of the flow of traffic turning right from Outland Road onto Tor Lane is likely to result in a detrimental impact on the safe flow of traffic on the major strategic transport corridor of Outland Road itself.

The proposed mini-roundabout would change the priority on the local road network and give an unwarranted equal priority to car park exit/entrance to the store, to the disadvantage the safe function of the highway network. It would be likely to result in unnecessary blocking, and invariably result in a detrimental impact to the safe flow of vehicles on Tor Lane and Outland Road, without providing any tangible advantage.

The mini roundabout would transfer some of the congestion currently experienced within the private supermarket car park out onto the highway network of Tor Lane and Outland Road.

The proposed mini roundabout on Tor Lane will give a reduction in queuing capacity for vehicles leaving Tor Lane to enter Outland Road and interrupt the flow of traffic turning right and left from Outland Road into Tor Lane; during busy periods this could cause the roundabout to 'lock up' meaning traffic will not be able to leave Outland Road (into Tor Lane) or Morrison's Car Park freely. The proposed mini-roundabout would restrict and interrupt traffic flows along Tor Lane, adding too existing congestion in peak periods due to a lack of capacity on the network, which would be liable to overspill onto the strategic A386 Outland Road corridor.

Deliveries. Due to the aspect and constrained size of the Morrison site there is no dedicated and segregated access and egress for delivery and service vehicles attending the site. Access and egress to the service yard is through the main entrance on Tor Lane and through the small customer car park at the south west corner of the site. The application indicates that currently the store generally has 12 deliveries per day, with up to 50% of those likely to be by large articulated lorries. The application indicates that up to a further 4 deliveries per day would be required to serve the enlarged store, and two of these might be by articulated lorries. So the enlarged store would need to accommodate a total of 14 deliveries overall (including up to 7 by articulated lorry). There is concern that the application has not included details of servicing requirements and failed to demonstrate how the site would manage the additional deliveries without giving rise to potential vehicle conflict and congestion.

Car parking. The car park deck only replaces the parking spaces lost by the extension of the store, and does not additional to support the increase in use. The application also indicates that an additional 40 part time staff would be employed at the enlarged store. However this application proposes to maintain the existing number of car parking spaces, without any additional car parking provision to meet the increased demand associated with the proposed users.

The application acknowledges that the proposed increase in the size of the store would give rise to an associate increase in car parking demand, but argues that the proposed increase in the size of the store would not result in a directly proportional increase in the number of new customers. The application further suggests that as a result of an improved offer, customers would buy more products and spend longer shopping at the store. The proposed enlarge café would also further encourage customers to spend longer at the store.

The increase in the size of the store will undoubtedly attract a pro-rata up-lift in new customers. Demand from new customers, plus demand as a result of customers spending longer in the store and using the cafe, will result in arrival and departure times overlapping more frequently and for longer periods. Additionally the application indicates that the increase in the size of the store would also result in an increase of 40 new part time staff employed at the store; this in addition to the existing 123 full time staff and 247 part time staff employed at the store. However, this application does not offer any increase in the number of car parking spaces to support the extension of the store. In this regard the proposal is considered to make an inadequate contribution to off-street car parking.

In conclusion, the proposed extension of the store would increase the number of customers, the associated number of vehicle trips, and the demand for car parking. The proposed new entrance from Outland Road is unsatisfactory; once in the site all vehicles would have leave via Tor Lane, and yet the proposal fails to make any provision to increase the vehicle capacity on Tor Lane and the signalised junction of Outland Road (A386). The proposal would fail to provide any satisfactory form of mitigation to meet the additional demand that would be generated by the enlarged store, and make an already poor situation during peak demands very much worse. The proposed mini-roundabout would not make up for the short fall in the capacity of signalized junction, but would simply unnecessarily displace congestion and a greater potential for conflict onto Tor Lane, to the detriment of the free flow of traffic and public safety on the highway.

The Highway Authority objects to the proposed alterations to the public road network. They are considered to be detrimental to highway safety and the free flow of traffic on the public highway. In view of this it recommends that the application be refused for the following reasons: overall unsatisfactory layout; insufficient car parking contribution to support the resultant increased parking demand; unnecessary interference with the free flow of traffic on the local highway network by the provision of a mini-roundabout to the detriment of highway safety and potential traffic flows on Tor Lane and Outland Road (A386); for giving rise to conditions likely to cause congestion, potential queuing, and danger on Outland Road in the westerly bound traffic lanes resulting from the proposed unsuitable new entrance into the supermarket car park. The proposal is considered to be contrary to policy guidance and Policies CS28 and CS34, and the policy intention to secure acceptable impacts on others and the environment.

**Public Protection Service** – overall recommendation for the above application: ‘no objection to the proposed development, subject to conditions’.

As the applicant is stating that there is no alteration to trading hours or car park volume, the noise impact of either of these is negligible. Since submission, the applicants have supplied an addendum noise report that demonstrates that there will be no adverse noise impact upon the residential properties in Tor Road.

Having reviewed the Geotechnics Geo-environmental Desk Study that has been submitted with the application, PPS has concerns that the risks from contamination have not been fully addressed and considered. They are satisfied, however, that a remedial solution would be viable, should it be necessary, and therefore recommend conditions requiring the applicant to submit additional land quality information prior to commencement of the approved development.

Their concerns relate principally to the assumption that any contamination would have been dealt with during the construction of the Supermarket, without any supporting evidence. It is appropriate in the absence of evidence to the contrary to take a precautionary approach to land quality assessment. It would be acceptable to submit any assessments carried out during the construction of the Supermarket, however, if this information is not available they would require more substantial evidence than the assumptions presented in the above named report.

In addition they notice in section 4.1 Historical Site Usage that ponds and a leat are identified. Consideration should be given to whether or not there is a potential gas risk if these areas have been infilled.

### **Representations**

Surrounding neighbours have been notified of the application and two site notices posted. This has resulted in receipt of 18 letters of representation (LORs) including one from a local ward councillor and one that includes a 13-signature petition.

The comments and objections can be summarised as follows:

### Overdevelopment of Outland Road store

A bigger store will attract more customers, which will harm other local shopping areas. The store is already enormous and takes ages to walk around which for a good proportion of customers is very tiring. They already keep vast stocks, so it seems unnecessary to create so much extra space. It will cause disruption to customers whilst work is going on. Not sure where customers will park during construction. The additional retail area will increase customer volume and on site parking problems.

The proposed ramp would add extra component to heavy traffic flowed on southbound carriageway of Outland Road - creating a constant queue and bottleneck near a busy junction and traffic lights.

In principle, no general objection to imaginative and creative expansion works at supermarkets or anywhere else, but wonder if the proposal at Morrisons in Outland Road is the right development in the right place. Concerns as to its possible, added, detrimental effects on the residential locality.

### Traffic/congestion

This is a residential area that should not be subjected to more traffic. Object strongly the proposed new access will cause serious disruption to traffic using Outland Road which is already a very busy commuter route to the city centre, the existing access already causes serious problems on Tor Lane so access off Outland Road would cause tailbacks.

The proposal will add more congestion to the area. The proposed ramp would add extra component to heavy traffic flowed on southbound carriageway of Outland Road - creating a constant queue and bottleneck near a busy junction and traffic lights. The proposal will put pressure on the site's only exit on Tor Lane making it more hazardous than it is at present to through traffic and pedestrians.

The proposed roundabout will cause more traffic problems and cause gridlock on the junction of Tor Lane and Outland Road. The proposed application lacks detail on promoting the green agenda, failing to encourage local trade customers to walk, by not providing better crossing facilities.

The roundabout may solve existing problems with regard to egress but create others. Tor Lane, especially to northbound traffic, becomes congested at peak times and holidays.

There is no pedestrian crossing to get across Tor Lane. It is already the site of near-misses and collisions.

Increased difficulty in accessing with mobility scooters.

### Appearance

The large 'green frame' that will exist next to the entrance is unbelievably unsightly and it is questioned why it exists and why it is as bright and ugly. A two storey car park is an eyesore not suitable for a residential area.

Live next to the car park - hope no lights will be left on overnight as they will disrupt sleeping. Also would like to see low emissions and much of the lighting is unnecessary anyway.

It appears that the existing tree screening is to be removed which at the moment helps to reduce the noises from the existing car park. These trees are also shelter for various types of birdlife and the loss would have a serious impact on the wildlife in the area. The trees have matured nicely in the car park - object to the removal of any.

#### Noise and adverse impact on the amenity of local residents

This store has been a nuisance to many residents of the surrounding areas who have lost their quality of life from this store - for example over-turning a council decision for not allowing it to open on Sundays. The next move will be to open longer, and in this respect, concerned that once the raised car park is in place it will end up getting bigger and turning into a multi-story car park.

The applicant has failed to show that the ramp leading to the raised car park will not cause disturbance to local residents, such as at night time. Will headlamps be shining in to local properties during darker evenings? The proposed ramp to the upper tier is immediately behind houses and the effect of car alarms, headlights and normal car noises, car fumes would result in serious disruption. The tiered parking area would cause serious loss of privacy, overlooking bedrooms and gardens.

Residents are troubled by the noise from traffic using Tor Lane. Further work is required to determine the impact of the expansion of the store on traffic levels and whether additional traffic calming measures should be introduced.

The levels of noise and movement of vehicles using the service yard is concerning, especially the emptying of large metal rubbish containers. The expansion of the site will exacerbate these problems.

In addition to road traffic noise, residents have to endure high levels of additional noise seven days a week. Though there may be overlapping Environmental Services concerns, these issues can only worsen as the store becomes busier. The main sources of noise are as follows:

- a) Delivery vehicles' compressors in the loading bay.
- b) Reversing alarms as these vehicles manoeuvre. This can often take some time and can only be made worse if the yard is cluttered with bulky stored items. Storing goods and equipment in this way is a breach of condition 7, as laid down by the Planning Inspector, with reference to application no 98/0780, May 1999.
- c) Movement of pallet trucks etc. across hard surfaces during unloading and outside of unloading times.
- d) Operation of forklift trucks and use of the horn.
- e) Security alarms, often from customers' vehicles.

- f) Collection and delivery of commercial waste skips. This is an extremely noisy activity. By their nature and enclosed design these skips, especially when empty and subject to impact, reverberate and emit high levels of noise over a wide area.
- g) At 0500 hours, the hum and throb of noise from what appears to be a fan switching on, probably located on the roof of the Glentor Road side of the store.

#### Litter

Since the opening of the store, the area has been affected by increasing amounts of carelessly discarded paper and plastic products. There can be no doubt that much of this originates in Morrisons because their name is written on it. If the store expands, litter will inevitably increase. Whilst acknowledging that Morrisons are not directly responsible for this anti-social behaviour, sensibly located litter bins around the site would be helpful.

#### **Analysis**

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.

The key issues in this case are:

- The principle of a retail extension to this store (Policies CS01, CS07 and CS08 of the adopted Core Strategy)
- The design and appearance of the proposed extension (Policies CS02, CS20, CS22, CS32 and C34 of the adopted Core Strategy, and the adopted Design Supplementary Planning Document)
- Adequacy of access and parking arrangements (Policies CS28 and C34 of the adopted Core Strategy)
- Loss of TPO protected trees (Policy CS18 of the adopted Core Strategy)
- Impact on the amenities of neighbouring properties (Policy CS34 of the adopted Core Strategy)
- Measures to off set the impact of the development (Policy CS33 of the adopted Core Strategy, and the adopted Planning Obligations and Affordable Housing SPD)

The application is also considered in the light of the National Planning Policy Framework 2012.

#### **The principle of a retail extension to this store**

Policies CS01 (Development of Sustainable Linked Communities); CS07 (Plymouth Retail Hierarchy) and CS08 (Retail development considerations) are relevant to the assessment of the principle of retail extension to this supermarket.

Policy CS01 sets the overall framework for a plan led system, Policy CS07 sets out the hierarchy of district centres, local centres and retail parks whilst Policy CS08, the most relevant to this application sets out the retail development considerations.

Policy CS08 (Retail Development Considerations) states:

*The Council will enable the enhancement of consumer choice and strengthening of the vitality, viability and accessibility of the district / local centres by supporting new retail development which;*

- 1. Supports the delivery of the spatial planning vision and strategy as set out in this Core Strategy.*
- 2. in relation to development on the edge of district or local centres, or out-of-centre locations, meets a proven need.*
- 3. is appropriate in scale and function to its location.*
- 4. Is fully integrated with the existing shopping area, except in the case of new centres where these are proposed.*
- 5. Complies with the sequential approach to site selection, which prioritises development in existing centres, then edge-of-centre sites, and only then out-of-centre sites which are accessible by a choice of means of transport.*
- 6. Will not have an unacceptable adverse impact, including cumulative impact, on the vitality and viability of the City Centre and surrounding district and local centres.*
- 7. Helps maintain and develop the range of shops to meet the needs of the local community within the centre.*

The proposal is for a 1,415 square metre retail extension to an existing store. It is an extension to a stand-alone store that is not located in any of the shopping centres. Morrisons claim the existing store is 'overtrading' as evidenced by complaints they receive about aisle width and pressure on the car park. They also state that the extension will provide a better shopping experience leading to increased spend from existing customers, rather than an increase in customers.

The claim about overtrading is accepted. There is an acknowledged shortfall in food retail provision in the west of the city which is reflected in the Core Strategy policies on the proposed new centres are Derriford and Western Mill. However, these 'planned' increases in retail capacity, along with the expanded Tesco at Transit Way (currently under construction), need to be taken into account before any conclusion can be reached that the proposed extension to Morrisons would not adversely impact on the retail hierarchy.

Your officers are satisfied with the applicant's assertion that the extension will not jeopardise Plymouth's retail hierarchy, or the Derriford District Centre. Consequently there is no, in principle, objection to the proposed extension on retail hierarchy grounds.

### **The design and appearance of the proposed extension**

Policies CS02 (Design), CS32 (Designing Out Crime), & CS34 (Planning Application Considerations) are relevant to the assessment of the design and appearance of the proposed development.

Policy CS02 (Design) states:

*New development should be well designed to respect the character, identity and context of Plymouth's historic townscape and landscape and in particular Plymouth's unique waterfront, its moorland setting and the settlement pattern.*

*New development should also:*

- 1. Promote the image of the city, thorough enhancement of international, city and local gateway locations and key approach corridors.*
- 2. Promote important local and longer –distance views.*
- 3. Contribute positively to an area's identity and heritage in terms of scale, density, layout and access.*
- 4. Be flexible to respond to future social, technological and economic needs.*
- 5. Be easy to get to and move through and around , providing recognisable routes , interchanges and landmarks that are well connected to public transport , community facilities and services of individual communities and neighbourhoods in the city.*
- 6. Have public and private spaces that are safe, attractive, easily distinguished, and accessible and complement the built form.*
- 7. Incorporate car parking that is integrated with the existing public realm and other pedestrian and cycle routes.*
- 8. Ensure a balanced mix of uses that work together and encourage sustainable living.*
- 9. Provide active ground floor frontages where located in the City Centre, local or district centres.*
- 10. Be accessible to all users*
- 11. Be safe, uncluttered, varied and attractive.*

Outland Road (A386) is one of the main arterial route ways into and out of the city. The set back of the existing store building from the frontage is, along with the shared customer/delivery vehicle arrangements, seen as the main urban design weakness of the current layout. The store lacks frontage presence and the shared access is less than ideal in terms of safety. At the pre-application stage, the applicants were asked to consider redeveloping the whole site: relocating the building to the front and segregating the delivery/serve traffic from the customer traffic. They have considered this suggestion, but concluded that it would be too expensive. In the current application they have reverted to their original idea of extending the store to the front, adding a decked car park - to compensate for the loss of parking - and remodelling the store (NB the folksy clock tower is seen as passé and part of the old Safeway corporate image). The proposal involves loss of TPO protected trees on site and off-site street trees. In order to minimise the impact of the proposed structure and mitigate for the loss of the trees, it is proposed to partly 'bury' the lower deck, using the fall in levels, from east to west and to provide a green living wall, chamfered at an angle.

There are strong urban design reservations about this approach. Decked car parks, by the nature of the function they perform, have large openings, lighting and upper decks that elevate vehicles, and amplify noise. The scope for screening the appearance by using the difference in levels is would be partly successful at the eastern end, although the proposed ramp is of concern. But it is clear that much of the existing mature trees and vegetation will need to be removed to provide for the Outland Road access.

The current proposals significantly erode the existing mature perimeter landscape treatment, with the introduction of the new access from Outland Road, together with the introduction of a decked car park. The proposed development would result in the loss of important trees, both TPO protected trees within the site and trees in the adjacent highway together with landscape planting. These trees and landscape planting make a significant positive contribution to the landscape amenity of the area. This loss increases the visual impact of the surface car park together with opening up views to the proposed decked car park and would adversely affect the appearance of the store and character of the surrounding area, along this gateway approach into city.

The principle of the decked car park is not agreed in this location, as it obscures a large part of the main building frontage and reduces the clear definition of public space and lacks active frontage onto the street. Whilst the use of the green wall system (if it can be successfully established, managed and maintained) could partially reduce its visual impact, it is still considered to have a negative impact to this street corridor particularly when illuminated, as it would need to be for personal security. One significant concern relating to the potential safety and management issues of decked car park, and areas such as the upper deck, ramp and area under deck, where anti-social behaviour or nuisance could arise, including out of hours. Despite requests for further information/ amendments regarding security, this has not been provided and therefore this is a specific reason for refusal.

It is therefore considered that the proposed deck car park by virtue of its height, visual impact and detailing would adversely affect the appearance of the store and character of the surrounding area, along a key approach corridor to the city. As such it would be contrary to Policies CS02 and CS34 of the of the Core Strategy which require proposals to incorporate car parking that is integrated with the existing public realm and the Design SPD, including sections 2.17 to 2.19. The proposed decked car park does not create an active frontage onto the street, which is set out in the Design SPD, including sections 5.7 to 5.9, 5.12 and 6.12.

#### **Adequacy of access and parking arrangements**

Policies CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the Core strategy are relevant.

*Policy CS28 - The Council will develop and promote a high quality and sustainable transport system for the city and reduce the need to travel through spatial planning and design , including the following elements (particularly point 4)*

*4. Demand management. Development proposals will be assessed in relation to car parking standards set out in the Council's Car Parking Strategy. These are maximum level of provision fro different types of proposal. These standards will be applied with I n the context of the capacity of the local road network and need to promote the city for economic development, support shopping areas , safeguard residential amenity and ensure highway safety.*

*Policy CS34 - Planning permission will be granted if all relevant considerations are properly addressed. These considerations include whether the development:*

- 8. Provides for safe and satisfactory access and making a contribution to meeting the parking requirement arising from the necessary car use.*

Both the Highways Agency and Highway Authority have set out in some detail in their consultation responses how the proposals give rise to concerns about highway safety, sub-standard access, adequacy of parking, and traffic impacts particularly upon the strategic road network. In these circumstances it is clear that the proposals do not meet the policy requirements set out in policies CS28 and CS34 and that the application is as submitted unacceptable.

Since submission there has been some dialogue with the applicants in relation to highway issues and some clarification of positions has occurred – but views on the acceptability of the proposal remain apart. Furthermore it is not clear that there are amendments that could be made to the scheme to satisfy the Highways Agency and Highway Authority.

### **Loss of protected trees**

When the site was first developed, the car park was laid out in a series of rows interspersed with aisles. With trees planted between the rows of spaces to soften the impact of what would otherwise be a large expanse of tarmac. Some of trees have died, but most have survived and some have tried becoming semi mature part screening the store and softening the impact of the car park as intended. These trees are protected by a Tree Preservation Order (TPO). In the event that this application was to be approved most of the trees, along with three along the Outland Road frontage, adjacent to the proposed ramped access would have to be removed.

Policy CS18 (Plymouth's Green Space) states:

*The Council will protect and support a diverse and multi- functional network of green space and waterscape, through:*

- 4. Using its planning powers to safeguard important trees and hedgerow, and to secure provision for soft landscaping where appropriate, as part of development*

The proposal will result in a significant amount of trees protected by TPO No 271 and 209 being lost. This order was made following the redevelopment of the former Farleys factory site by Morrisons. More of the existing trees fronting Outland Road were lost than should have been due to an error in the site survey. It was therefore considered appropriate to ensure the new landscaping, particularly along the Outland Road frontage was protected for the future. This has now matured well and contributes significantly to the amenity of Outland Road. The area of landscaping on the eastern boundary provides a buffer/screen between the stores parking and the houses behind and again has matured well.

The planting within the existing parking area has also matured but some have been more successful than others. The internal landscaping is not as visible from outside the site, although it is obviously of benefit to those using the store, it could therefore be argued that it has less wider public amenity benefit.

The area of loss that is of most concern are those trees on the Outland Road frontage that will be lost due to the new entrance road and the area of trees to the east that will be affected by the ramp to the upper deck. The loss of protected trees forms another reason for refusal being contrary to CS18.

### **Impact on the amenities of neighbouring properties**

The site is surrounded on all sides by residential property. Policy CS34 (Planning Application Considerations) particularly points 4 and 6 are relevant to consideration of the impact upon neighbouring properties; they state:

*4. Is compatible with its surroundings in terms of style, siting, layout, orientation, visual impact, local context and views, scale, massing height, density, materials and detailing.*

*6. Protects the amenity of the area, including residential amenity in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.*

However, on three sides, roads separate the site from residential property; it is only on the eastern side where the site adjoins the rear gardens of property in Tor Road. Currently tree screening provides visual screening and absorbs noise from the car park.

### **Section 106 Obligations - measures to offset the impact of the development**

The proposed development would make additional demands upon both local and strategic highway infrastructure. In the absence of proportionate contributions to mitigate the impacts of these demands either existing provisions will be stressed or the wider community will meet the cost. As such the proposal is contrary to Policy CS33 (Community Benefits / Planning obligations) of the adopted Core Strategy and the adopted Planning Obligations and Affordable Housing Supplementary Planning Document.

### **Local Finance Considerations**

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. In this case, the application does not propose housing development and will therefore not generate any New Homes Bonus contributions for the authority. Therefore the development plan and other material considerations, as set out elsewhere in the report, are the only matters to be taken into account in the determination of this application.

### **Equalities & Diversities issues**

The number of spaces capable of being used by people with disabilities is shown reduced slightly from 22 to 20. The number of 'parent and child' spaces also reduced slightly from 20 to 15.

## **Conclusions**

The applicants have made a convincing case that the existing store is 'overtrading' and that the proposed extension can be accommodated within the Plymouth Retail Hierarchy without adverse impact upon the viability of existing and planned local and district shopping centres. But this is only part of the overall planning consideration and it certainly does not provide sufficient justification for allowing overdevelopment of this tight suburban site.

Physically the site is compact and constrained. It is surrounded by established residential property and accessed via one of the major arterial routeways into the city. This proposal fails to demonstrate that adequate access and parking can be provided. The form of development proposed, a decked car park in front of the extended store, involves removal of a significant trees and vegetation and is considered to be contrived and unattractive. There is no overriding imperative to satisfy the existing overtrading situation by allowing this proposal.

## **Recommendation**

In respect of the application dated **23/03/2012** and the submitted drawings PL01; PL02; PL03; PL04; PL05; PL06; PL07; PL08; PL09; PL10; PL11; PL12; PL13; PL14, it is recommended to: **Refuse**

## **Reasons for Refusal**

### **ADDITIONAL TRAFFIC MOVEMENTS GIVING RISE TO HIGHWAY SAFETY CONCERNS**

(1) The proposed development is likely to result in an increase in the number of vehicular movements taking place at and in the vicinity of the application site. The Local Planning Authority considers that the increase in vehicular movements arising from development would give rise to conditions likely to cause:

- (a) prejudice to public safety and convenience;
- (b) interference with the free flow of traffic on the highway; and
- (c) unwarranted hazard to vehicular traffic;

which is contrary to policies CS28 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### **SUB-STANDARD ACCESS**

(2) The Local Planning Authority considers that the proposed access arrangement on Outland Road and the mini roundabout on Tor Lane is unsuitable for its intended use and is therefore likely to give rise to issues of personal and highway safety. Vehicular movements arising from the development would give rise to conditions likely to cause:

- (a) prejudice to public safety and convenience;
- (b) interference with the free flow of traffic on the highway; and
- (c) unwarranted hazard to vehicular traffic;

which is contrary to policies CS28 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### INADEQUATE PROVISION OF PARKING

(3) No adequate provision is proposed to be made for the parking of cars of persons working at or visiting the development. Vehicles used by such persons would therefore have to stand on the public highway giving rise to conditions likely to cause:

(a) damage to amenity;

(b) prejudice to public safety and convenience; and

(c) interference with the free flow of traffic on the highway;

which is contrary to policies CS28 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### INADEQUATE AND UNSATISFACTORY DETAILS

(4) The Local Planning Authority considers that the submitted details of the said development are generally inadequate and particularly unsatisfactory in regard to the potential traffic impacts of the proposals, both on and off site, and there is therefore insufficient evidence to show that the development will not be contrary to policies CS28 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### INADEQUATE INFORMATION ON IMPACT ON STRATEGIC ROAD NETWORK

(5) The impact of the proposed development upon the Strategic Road network, and in particular the sensitive junction at A38(T), has not been properly considered. In the absence of this information, the Local Planning Authority is not satisfied that the proposal will not have an adverse impact upon the strategic road network. As such, the proposal is contrary to policies CS01, CS28 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LACK OF STRATEGIC INFRASTRUCTURE MITIGATION

(6) The proposed development would make additional demands upon both local and strategic highway infrastructure. In the absence of proportionate contributions to mitigate the impacts of these demands, either existing provisions will be stressed or the wider community will meet the cost. As such, the proposal is contrary to policy CS33 (Community Benefits/Planning Obligations) of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and to Plymouth's adopted Planning Obligations and Affordable Housing Supplementary Planning Document.

#### ADVERSE IMPACT ON STREET SCENE/CITY APPROACH CORRIDOR

(7) The proposed decked car park, by virtue of its height, visual impact and detailing, would adversely affect the appearance of the store and character of the surrounding area, along a key approach corridor to and from the city. As such, it would be contrary to policies CS02 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007, which require proposals to incorporate car parking that is integrated with the existing public realm, and to Plymouth's adopted Design Supplementary Planning Document, including sections 2.17, 2.18, 2.19.

## LOSS OF TREES/ LANDSCAPE

(8) The proposed development would result in the loss of important trees, both protected (Tree Preservation Order) trees within the site and trees in the adjacent highway, together with landscape planting. These trees and landscape planting make a significant positive contribution to the landscape amenity of the area and would adversely affect the appearance of the store and character of the surrounding area, along a key approach corridor to and from the city. As such, their removal would be contrary to policy CS02 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and would have an adverse impact upon Plymouth's green space, contrary to policy CS18 of the said Core Strategy.

## ABSENCE OF SECURITY MEASURES

(9) In the absence of details of measures to secure the decked car park/ramp and prevent anti-social behaviour, especially when the store is shut, the proposal fails to satisfy the requirements of policy CS32 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## Relevant Policies

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

- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS07 - Plymouth Retail Hierarchy
- CS08 - Retail Development Considerations
- CS18 - Plymouth's Green Space
- CS20 - Resource Use
- CS22 - Pollution
- CS01 - Sustainable Linked Communities
- CS02 - Design
- SPD2 - Planning Obligations and Affordable Housing
- SPD3 - Design Supplementary Planning Document
- NPPF - National Planning Policy Framework March 2012