

# PLANNING APPLICATION REPORT



**ITEM: 02**

**Application Number:** 13/00147/FUL

**Applicant:** Optimisation Developments Ltd

**Description of Application:** New food retail store and petrol filling station with associated car parking, cycle parking and landscaping (demolition of existing buildings)

**Type of Application:** Full Application

**Site Address:** ERRIL RETAIL PARK PLYMOUTH

**Ward:** Plympton Erle

**Valid Date of Application:** 05/02/2013

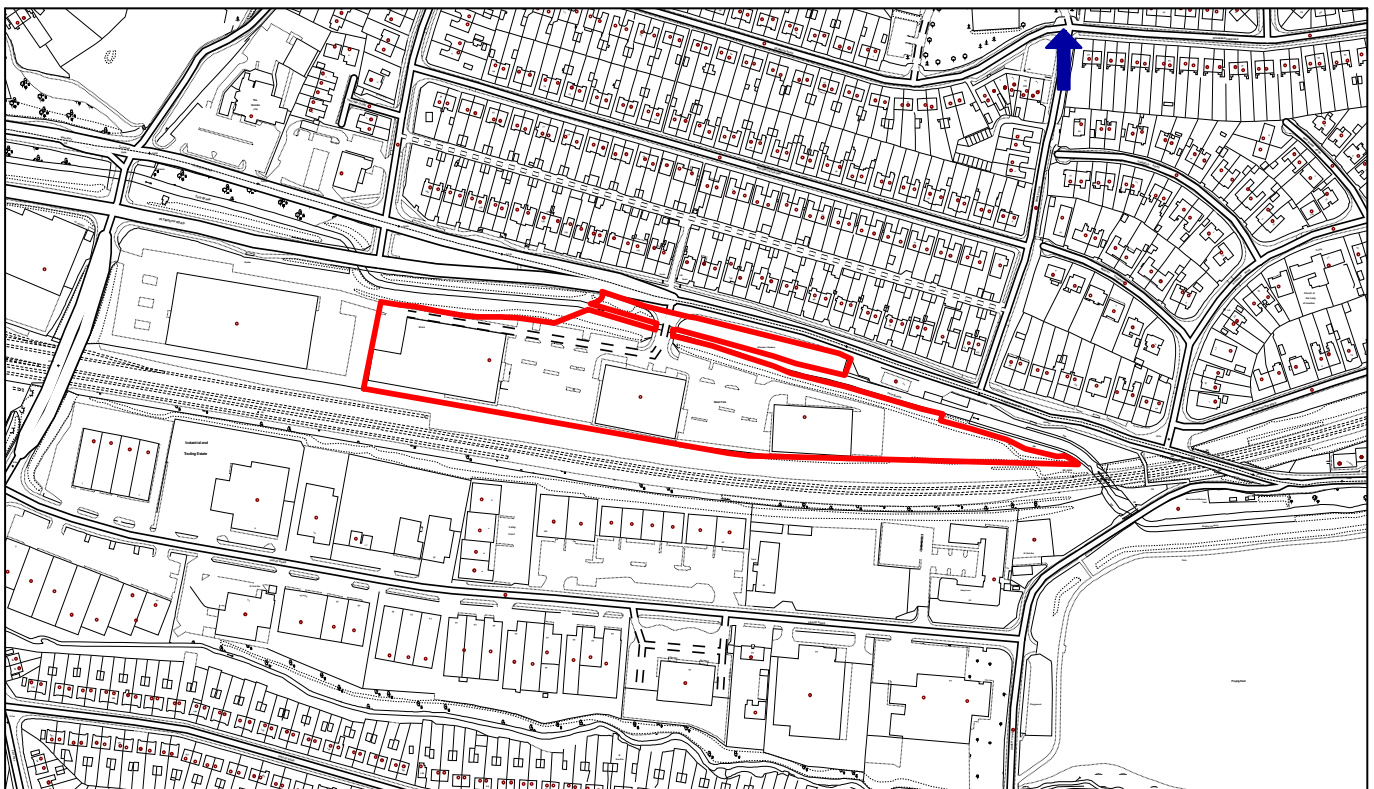
**8/13 Week Date:** 07/05/2013

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

**Case Officer :** Robert Heard

**Recommendation:** Grant Conditionally

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## **1.0 Site Description**

- 1.1 Errill Retail Park is situated on the southern side of Plymouth Road roughly half way between Marsh Mills and the commercial centre of Plympton. The retail park is accessed directly off Plymouth Road and is sandwiched between the Tory Brook, at the front of the site, and the main railway line at the rear. This application affects the whole site and therefore all 3 existing retail warehouse units, of which only one (unit 3) is currently occupied (Buyology).
- 1.2 The site is 2.4 hectares in size and is generally in an untidy state, with all 3 existing units currently being in poor condition. The character of the surrounding areas is mixed, there is residential development to the north and east of the site and commercial and industrial development to the south and west. The Ridgeway shopping centre is approximately 1km to the east.

## **2.0 Proposal Description**

- 2.1 It is proposed to demolish all 3 of the existing retail warehouses and erect a new Morrisons Supermarket, with associated petrol filling station, car parking, cycle parking and improved landscaping.
- 2.2 The proposed foodstore will be located at the west end of the site, roughly in the same location as the existing Buyology unit. It would measure 110 metres long by 55 metres wide and would comprise a sales floor, café, food preparation areas and a warehouse. First floor accommodation includes staff offices and amenities, plant and storage. The building is orientated so that the main entrance would be at the north eastern corner overlooking the public car park, with the service yard on the western side.
- 2.3 The proposed four island petrol filling station is positioned at the eastern corner of the site, in a similar position to the former Allied Carpet unit (unit 3). The 250 space customer car park occupies the centre of the site and comprises of 217 standard spaces, 20 disabled parking bays, 13 parent and toddler spaces and 22 motorcycle spaces.
- 2.4 The customer vehicular access/egress to the site would be via the existing access on Plymouth Road but with upgrades to signalise it and create an all movements junction. Service access to the warehouse of the Morrisons store would be from the existing service road in front of the former Megabowl unit to the west of the site.
- 2.5 Pedestrian access to the site will be improved by the proposed construction of a new footbridge over the Tory Brook adjacent to the existing vehicular access on Plymouth Road. The new signalised junction would have a controlled pedestrian crossing across the site access and a section of the footway on the southern side of Plymouth Road would be widened by 2 metres.

- 2.6 A new landscaping scheme is proposed and would deliver new planting within the customer car park, a new hedge along the full length of the southern boundary of the site and additional tree planting to the northern boundary.
- 2.7 A new customer car park occupies the centre of the site with the proposed petrol filling station being located at the eastern end of the site. The existing access point remains although it is proposed to be improved.

### **3.0 Pre-Application Enquiry**

MA/296/PRE – New retail store and petrol filling.

### **4.0 Relevant Planning History**

11/00564/FUL - Renewal of planning permission 08/00656/FUL for refurbishment works, including reconfiguration to form 2 retail units, amendments to external appearance of building and installation of mezzanine floor for retail sales and ancillary storage. PERMITTED.

10/00278/PRD – Complete works for refurbishment and extension to retail units with associated improvements, subject to planning permission 03/01773, with no restriction on the sale of goods. CERTIFICATE ISSUED.

10/00277/PRD – Complete works for refurbishment works including reconfiguration of unit 2 to form two retail units, amendments to external appearance of buildings and enhancements of external areas with works to trees subject to planning permission 056/0220, with no restriction on the sale of goods. CERTIFICATE ISSUED.

08/00656/FUL - Refurbishment works, including reconfiguration to form two retail units, amendments to external appearance of building and installation of mezzanine floor for retail sales and ancillary storage - GRANTED

07/00148/FUL - Installation of mezzanine floors in units 2A and 2B for retail sales and ancillary storage - GRANTED

05/02220/FUL - Refurbishment works, including reconfiguration of unit 2 to form two retail units, amendments to external appearance of buildings and enhancement of external areas with works to trees - GRANTED

03/01773/FUL - Refurbishment and extension to retail units with associated improvements - GRANTED

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

### **5.0 Consultation Responses**

Environment Agency

Support subject to conditions.

### Highway Authority

Support subject to conditions.

### Public Protection Service

Support subject to conditions.

## **6.0 Representations**

305 letters of support received, issues raised are:

- Increased employment and income into the area
- Improvement in landscaping and public realm
- Increase competition for local stores
- New road layout will improve local highway network

30 letters of objection received on the following grounds:

- Increase in traffic
- Plymouth Road more dangerous for cyclists
- Potential loss of small shops
- Significant impact upon Plympton Ridgeway District Centre

The issues raised above are discussed in detail below in the main analysis section of this report.

## **7.0 Analysis**

7.1 This application raises a number of key planning issues: the principle of the development and retail impact; design and layout matters; public protection issues and residential amenity; transport; nature conservation (impact on ecology and protected species); impact upon trees and landscaping and renewable energy. The planning history of the site is also an important issue and this is outlined below, followed by consideration of the other planning issues referred to above.

### 7.2 Planning History

7.2.1 The site has a complex planning history. Since the 3 existing units were first granted planning permission in the 1980s various planning applications and lawful development certificates have been granted at the site. These are listed in chronological order above in the planning history section of this report. The significance of these applications and the impact they have upon the use and appearance of the site is explained in more detail below.

7.2.2 The first applications granted at the site were an outline reference 82/33343 and a full application reference 84/0916. These applications granted permission for the erection of 3 non-food retail units. Conditions were imposed on both applications that prevented food sales and restricted

retailing to bulky goods products only. Since these original permissions were granted an application was granted under reference 03/01773/FUL which sought to sub divide unit 1 to form two units, sub divide unit 2 to form two units and to extend unit 3 by adding 604 square metres. No condition was imposed on this application to restrict the sale of food goods and therefore an unrestricted retail use was granted at the site for all 3 buildings. A technical start has been made to secure this permission.

- 7.2.3 In February 2006 a further application was granted under reference 05/02220/FUL for refurbishment works, including reconfiguration of Unit 2 to form two retail units, amendments to the external appearance of the buildings and enhancement of external areas with works to trees. Most of the alterations proposed within this application affect unit 2. A technical start has been made to secure this permission.
- 7.2.4 Permission was also granted in 2007 under reference 07/00148/FUL to install mezzanine floorspace in Units 2A (760 sq m) and 2B (800sq m). The total proposed additional floorspace amounted to 1560 sq m; however only 200sq m was proposed for retail shopping floorspace, the remaining was proposed for storage purposes.
- 7.2.5 In 2008, under reference 08/00656/FUL, planning permission was granted for refurbishment works to unit 2 including reconfiguration to form 2 units, amendments to the external appearance of the building and installation of a mezzanine floor for retail sales and ancillary storage. This unimplemented permission was renewed in June 2011 under reference 11/00564/FUL.
- 7.2.6 In April 2010, under reference 10/00278/PDRE a Lawful Development Certificate (LDC) was issued which confirms that evidence has been provided to demonstrate that work on permission 03/01773/FUL has started. This secures this permission. The LDC also confirms that a new chapter in the planning history of the site has begun and that the original consents for non-food retail no longer apply.
- 7.2.7 A further LDC was issued in April 2010 under reference 10/00277/PDRE which confirms that sufficient evidence has been provided to demonstrate that work on planning permission 05/0220/FUL has started. This secures the permission. As above, the LDC also confirms that a new chapter in the planning history of the site has begun and that the original consents for non-food retail no longer apply.
- 7.2.8 In summary, following the issue of the LDCs and planning permissions referred to above, the site is not constrained by any restrictive planning conditions that prevent the sale of food retailing at the site. All of the units also benefit from secured permissions that allow their extension and alteration which would significantly improve their appearance. This is considered to be the applicant's fall back position should this application not be approved, and it is a material consideration when considering the retail impacts and other planning implications of the proposed development.

### **7.3 Retail Impact**

- 7.3.1 The application proposes demolition of all 3 existing units at the site and the construction of a Morrisons food store of 5,364 square metres gross (2,718 sq.m net) floor space; a customer car park of 250 car parking spaces; a petrol filling station and upgrading of the existing retail park access with improvements to the existing signalised junctions.
- 7.3.2 According to the applicant's Retail Impact Assessment (RIA), of the retail floor area of the proposed foodstore, 80% would be dedicated to convenience goods sales and 20% to comparison goods sales, giving a convenience sales area of 2,174 sq., and a comparison sales area of 544 sq.m.
- 7.3.3 The site is not within a defined centre and is therefore considered to be out of centre for the purposes of any assessment against retail planning policy. The most recent planning policy advice on retail development is contained within the National Planning Policy Framework (NPPF), which sets out in paragraph 24 its sequential approach to retail development, requiring demonstration by the applicant that there are no town centre or edge of centre sites available and suitable for the proposed development. The sequential approach to site selection is also confirmed in Policy CS08 (Retail Development Considerations) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007), which states that developments outside of existing centres must also meet a proven need and be accessible by a choice of means of transport.
- 7.3.4 The Councils retail policy evidence base comprises of The Plymouth Retail and Centres Study (2012). This shows that the Plympton area has a low rate of retention of locally generated convenience expenditure compared to other parts of the City, as it is not currently provided with a large foodstore for the weekly bulk food shopping trip. It also shows that a number of the closest existing foodstores to the area are overtrading and that the main foodstores in Plympton are small in size with limited capacity to extend.

### **7.4 Sequential Test**

- 7.4.1 Despite the applicant's fallback position, for completeness, it is considered necessary to assess the application in accordance with the sequential test outlined within paragraph 25 of the NPPF. As stated, the location of the site is out of centre and not within or adjacent to an existing local or district centre. The applicant is therefore required to consider other sites as part of the sequential test approach. The applicant's RIA considers the impact of the proposed development on potential future District Centres at Weston Mill and Derriford as well as the existing Ridgeway District Centre in Plympton.
- 7.4.2 The District Centre proposed in the Core Strategy at Weston Mill (Policy CS07 Plymouth Retail Hierarchy) is intended to serve the west of the city. It is proposed to be anchored by a medium sized foodstore with complementary comparison goods shopping as part of a mixed use centre with education, leisure, community and residential uses. Medium sized

foodstores are typically 1,500 – 2,000 sq.m net. The applicant's RIA states that *'the need that the subject application aims to fulfil is for a large foodstore of around 2,700 sq.m net to address convenience expenditure leakage in the Plympton area, which is on the opposite side of the city'*. The conclusion reached is that a medium sized foodstore located at Weston Mill would fail to address the low retention of main food expenditure within the Plympton area as it would serve a different catchment area and would be considerably smaller and less attractive than other existing out of town food stores that are closer to the site than Weston Mill. Officers agree with this conclusion that Weston Mill is not an appropriate alternative site when applying the sequential test criteria to alternative site selection, as it would serve a different catchment area to a store located in Plympton. It should also be noted that at present no site has been identified for a new District Centre in Weston Mill.

7.4.3 A District Centre is also proposed at Derriford (Policy CS07 Plymouth Retail Hierarchy) to provide a hub for the north of the city. It includes provision for a major foodstore and complimentary comparison goods shopping, residential, office, leisure and food and drink uses. Large foodstores typically have a net convenience sales area in excess of 2, 500 sq.m. Although a site is likely to become available at Derriford and the scale of the convenience retail offer is broadly similar to that proposed within this application, a site at Derriford is not considered an appropriate alternative location. The main reason for this is that the new District Centre at Derriford is proposed to meet the needs of people living in the north of Plymouth, whereas the proposed development seeks to address the requirement for an improved main food offer within Plympton, in the east of the city. In their RIA, the applicant states that the *'proposals relate to different catchments, and a foodstore located at Derriford would not provide any real benefit to Plympton residents in respect of choice, or a reduction in the need to travel. Indeed, it would simply reinforce the point that Plympton, a dense neighbourhood of around 30,000 persons, is one of the few remaining areas of Plymouth that does not benefit from a conveniently located main foodstore offer.'* Officers agree with the applicant's conclusions that a new foodstore at Derriford would not meet the shopping needs of residents living in Plympton when applying the sequential test, as it would serve a different catchment area.

7.4.4 The nearest existing District Centre to the site is the Ridgeway Shopping Centre in Plympton, which is located approximately 0.75 miles to the east of the site. The applicant's RIA states that results of recent surveys show that the primary catchment area of the proposed Morrisons store would be Plympton, with only modest amounts of trade being derived from the surrounding areas. The RIA therefore focuses the search for alternative sites on Plympton Ridgeway, which is the main shopping centre serving the Plympton area. Officers agree that this is an appropriate approach given the low expenditure retention rate in Plympton confirmed by the 2012 Plymouth Retail Study.

7.4.5 The sites identified by the applicants as being potentially suitable locations for a new foodstore at the Ridgeway are as follows:

- Site 1 – car park adjacent to Co-op supermarket;
- Site 2 – Mudge Way car parks;
- Site 3 – Plympton Ridgeway car park.

- 7.4.6 Site 1 comprises a small surface car park of 33 spaces located on the western side of the Co-op store. It measures 0.076 hectares in size and is within the boundary of the District Centre. The site is not considered suitable by virtue of its size as it's not large enough to accommodate a large format foodstore. Whilst it is capable of providing a modest extension of the Co-op store, this would still not result in a large store that is considered necessary to meet the main food shopping demands of the population of Plympton. It would also result in the loss of the only parking facility located adjacent to the Co-op store. Whilst the Co-op has been trading at its current location for a considerable period of time, there have been no attempts to extend the store. Whilst the Co-op store at Plympton Ridgeway is larger than the group's average, it is too small to compete with other large foodstores in Plymouth for the weekly bulk food shopping needs of Plympton residents. Officers also note that the Co-op group specialises in convenience rather than main food shopping, and significant areas with the Plympton Ridgeway store are currently set aside for the sale of non food goods.
- 7.4.7 Site 2 comprises the two public car parks to the rear of the existing St Stephens Place development off Mudge Way. Together the two car parks provide 259 car parking spaces. This site is within the boundary of the District Centre and measures 0.56 hectares in size. Whilst these sites are larger than Site 1, neither is large enough to accommodate the proposed development. The car parks also provide parking for users of the District Centre and recent surveys show that it has high occupancy levels. The site is thus not considered appropriate for the development of a food store as it is not suitable or available, due to its limited size and role in providing parking for shoppers.
- 7.4.8 Site 3 comprises a public car park of 133 spaces on the northern side of Plympton District Centre. It measures 0.4 hectares in size and is within the defined District Centre boundary. However, this site is also too small to accommodate the proposal. Any development at this site would also have significant impacts upon the adjacent health centre and be restricted by existing residential development close to the northern boundary of the site. As with the other 2 sites, the car park is well used and the site is unlikely to become available. The site is thus considered inappropriate for the development of a foodstore.
- 7.4.9 Officers agree that the assessment of alternative sites above demonstrates that there are no alternative sites that are suitable or available for the proposed development of a large foodstore. The application site is therefore considered to be the most appropriate location to meet the needs that the proposed development seeks to fulfil. Whilst the site is out of centre, it is an established retail destination located centrally within Plympton on a key transport corridor with good public transport links and a frequent bus



service. The application is therefore considered by officers to be in accordance with both national and local retail policy and satisfies the sequential test assessment required by Policy CS08 (Retail Development Considerations) of the Core Strategy and paragraph 24 of the NPPF.

## 7.5 Impact Assessment

- 7.5.1 The NPPF, in paragraph 26, requires Local Planning Authorities to undertake an impact assessment where the proposed development is over £2,500 sq. m of floorspace, outside of the Town Centre and not in accordance with an up to date Local Plan.
- 7.5.2 The applicant's RIA assesses the proposed developments impact upon proposed and existing centres. The 3 proposed centres identified are Derriford, Weston Mill and Plymstock Quarry. As explained above in the Sequential Test section of this report, due to location and different shopping needs, the proposed development would not have an impact upon either the proposed District Centre at Weston Mill or Derriford. These centres will serve different catchment areas than a store located in Plympton.
- 7.5.3 The planned retail investment at Plymstock Quarry is for a new mixed use local centre that will include a supermarket of 2,000 sq. m gross. This local centre is intended to meet the needs of a new neighbourhood of approximately 1700 new homes at North Plymstock and would be located on the opposite side of the road to the existing Morrisons store in Plymstock. The new Local Centre and associated food store is proposed to meet the needs of the new community being created at Plymstock Quarry and not a wider shopping need, confirmed in Policy NP01 of the North Plymstock Area Action Plan. Any new foodstore likely to come forward at Plymstock Quarry would be primarily for 'top up' shopping. For this reason, it is considered that the proposed development would not have an adverse impact upon the planned investment at Plymstock Quarry.
- 7.5.4 The closest existing District Centre to the site is Plympton Ridgeway, which is situated approximately 1km to the east of the site and located within the primary catchment area of the proposed Morrisons store. However, according to the NMES household shopping survey undertaken in September 2011, only a very small proportion of residents in the Plympton area (7%) are using the existing Co-op (5%) and Iceland (2%) at Plympton Ridgeway for their weekly shopping trip. Instead, the survey indicates that these facilities are mainly used for top up shopping, and most trips for main food shopping are already taking place within large foodstores outside of the Plympton area.
- 7.5.5 The proposed foodstore that is the subject of this application would be geared towards weekly bulk food shopping and there is no reason why it would significantly affect the performance or attractiveness of existing shops located within Plympton Ridgeway, which is a healthy centre that has performed well in recent years compared to other centres in Plymouth. In officer's opinions, the proposed development would not compete directly with the top up orientated food shopping role of the District Centre. The

proposed foodstore would primarily compete with existing large stores where most main food shopping expenditure is leaking to – the Sainsburys at Marsh Mills and Tesco at Lee Mill, both of which are out of centre facilities that have no protection in terms of planning policy.

- 7.5.6 In relation to potential impacts upon Plymstock District Centre, similar issues apply. The District Centre, known as the Broadway, is not underpinned by a foodstore orientated towards main food shopping needs, and thus the proposed Morrisons foodstore would not compete directly with it.
- 7.5.7 Regarding Estover District Centre, the main shopping facility within this Centre is the existing Asda at Leypark Drive. This performs a main shopping role, and therefore there would be a modest level of trade diversion arising from the proposed development. However, the 2011 NMES study shows that the convenience element of this store is overtrading by a significant amount (circa £15m) and therefore the viability of Asda would not be threatened. Furthermore, the Asda store has a significant non food offer (Pharmacy, Post Office) and thus trade clawed back to the Plympton area by the proposed Morrisons store could result in spin off trade that would benefit similar services and non food shops currently being provided in Plympton Ridgeway District Centre.
- 7.5.8 In summary, it is considered that the existing foodstores within Plympton Ridgeway (namely Co-op and Iceland) are not meeting consumers main food shopping needs, and the result is that a significant proportion of people living in Plympton are travelling to stores outside of the area such as Tesco at Lee Mill, Sainsburys at Marsh Mills and Asda at Estover to undertake their main weekly food shop. Officers agree that residents in Plympton do not currently have the choice of using a large modern foodstore in their neighbourhood and this has resulted in shopping trips that are longer than necessary. It is considered by officers that the proposed development would be in accordance with paragraph 26 of the NPPF as there is no evidence that the application would have a significant impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and there is no evidence that it would give rise to significant impacts upon the vitality or viability of defined centres, taking into account the trade diversion implications of the proposed foodstore. It is considered that the application is compliant with policy CS08 (Retail Development Considerations) of the Core Strategy as there is evidence of a qualitative need for a large foodstore in Plympton and the proposal would not have a significant impact upon surrounding District and Local Centres.

## 7.6 Fallback Position

- 7.6.1 As explained in the planning history section of the main Analysis part of this report, the applicants benefit from a fallback position that has been established by Lawful Development Certificates issued by the Council under references 10/00278/PDRE and 10/00277/PDRE and previous extant planning applications reference 11/00564/FUL and 07/00148/FUL.

7.6.2 The effect of these LDCs and extant planning permissions is to confirm that the site is not restricted in terms of the range of goods that can be sold from all 3 existing units and to secure improvements and extensions to the existing units to improve their external appearance, sub divide them (if required) and extend their floorspace by the provision of mezzanine floors. The outcome of this is that the maximum number of units at the site in future could be 6, although the consents referred to above allow for a mix of different sized units as the applicant would not be required to sub divide all of the units if they felt that was not appropriate. Similarly, not all units have to be kept if the applicant felt that the site would be more attractive to retailers with just 2 units and not 3 as is the existing situation.

7.6.3 In order to present a realistic fallback situation, in their RIA the applicant has compared 3 different scenarios that could occur at the site if this application is unsuccessful. The scenarios compared are as follows:

- Scenario 1 - 6 units used for unrestricted non food retail;
- Scenario 2 - Morrisons in Unit 1 and unrestricted non-food retail in Unit 3;
- Scenario 3 - Morrisons in Unit 1 and a discount food use in Unit 3.

7.6.4 In scenario 1, six unrestricted retail units would provide 7,032 sq. m of retail floorspace. In scenario 2, Morrisons would convert the largest unit at the site (Unit 10) to a foodstore. Additional car parking would be provided by the demolition of Unit 2 and Unit 3 would be utilised for 2 unrestricted retail units with mezzanines. The total potential retail floorspace that could be provided under this scenario is 3,883 sq.m. Scenario 3 would be identical to scenario 2 but Unit 3 would be utilised for food retail purposes rather than non food floorspace. Use of Unit 3 by a discount food retailer is a possibility as stores such as Aldi and Lidl often choose locations next to mainstream foodstores. The applicants have provided a plan showing in detail how Unit 1 would be converted to a Morrisons store as part of Scenarios 2 and 3.

7.6.5 The fallback scenarios outlined above show that there are a number of outcomes that could take place at Errill Retail Park without the need for any further planning permissions to be obtained. The previous permissions and LDCs provide for significant improvements to the appearance of the retail units and flexibility about the range of goods that can be sold. The 3 scenarios that have been outlined above would deliver a much greater amount of gross retail floorspace than is proposed within this application. The application therefore presents an opportunity to reduce the built footprint of development on the site and reduce the amount of retail floorspace at Errill Retail Park, the use of which cannot be controlled. It also presents an opportunity to improve the existing access/egress arrangements, to control deliveries and hours of operation and to seek improvements to the local highway network so that it does not become congested. The granting of a new application at the site would also start a new chapter in the planning history of the site and the implementation of the scheme would supersede the existing LDCs and secured permissions, meaning that the

fallback position would no longer be extant or relevant to the degree that is now.

## 7.7 Design and Layout

- 7.7.1 The proposed foodstore will be located at the west end of the site, roughly in the same location as the existing Buyology unit. It would measure 110 metres long by 55 metres wide and would comprise a sales floor, café, food preparation areas and a warehouse. First floor accommodation includes staff offices and amenities, plant and storage. The building is orientated so that the main entrance would be at the north eastern corner overlooking the public car park, with the service yard on the western side.
- 7.7.2 The proposed four island petrol filling station is positioned at the eastern corner of the site, in a similar position to the former Allied Carpet unit (unit 3). The 250 space customer car park occupies the centre of the site and comprises of 217 standard spaces, 20 disabled parking bays, 13 parent and toddler spaces and 20 motorcycle spaces.
- 7.7.3 The building is located on the site so that there is maximum visual screening from the residential properties to the north, due to the existence of a natural screen of mature trees along the south side of the Tory Brook adjacent to the proposed store. The building height is lower than the tree line and the proposed supermarket will not impose itself on the natural view when seen from the residential area to the north.
- 7.7.4 The position of the building on the site makes maximum use of the existing access; long stacking lanes mean that it is unlikely that the internal road network will become congested. The buildings location also takes into account site screening from the surrounding areas, passive solar gains and views, whilst respecting the constraints of the adjacent main railway line. The café is positioned so that maximum overlooking and natural surveillance will be provided to the area to the north of the building alongside the Tory Brook, where dog walkers and pedestrians often pass. The site plan has been developed so that pedestrian and vehicular movements are segregated in order to provide a pedestrian friendly environment.
- 7.7.5 The design of the building responds to the immediate surrounding context. The main entrance and front elevation face the car park. The entrance is positioned on the north east corner of the building and expressed by a double height curved volume of curtain walling with curved Reglit glass panels, acting as a focal point to the building. The profile cuts back on plan towards the main building funnelling users to the main entrance doors. An elegant overhang of the roof form acts as a protective canopy to shield customers from the elements. Officers consider that this provides a clearly legible and elegant main entrance point. The rest of the front (east) elevation has a mix of glazing, composite insulated cladding panels and slate panelling. There is a strip of clerestory (high level) glazing to give the roof a floating appearance. The slate panels are mainly used at low level to provide what

officers consider is a high quality yet robust finish with composite cladding panels above to provide a contrast in texture and appearance to the slate.

- 7.7.6 A similar materials palette is proposed for the north elevation, which has generous levels of glazing at ground floor level to provide overlooking of the Tory Brook and introduce visually permeable sections to this elevation so that there is natural surveillance of public areas within the site, in accordance with the principles of secured by design. Ribbon windows are located at first floor level to provide natural daylight to staff facilities and further natural surveillance of the site.
- 7.7.7 The south elevation is not visible from any of the surrounding areas and is directly adjacent to the main railway line. A robust engineering brick is proposed at low level for this elevation with insulated composite cladding panels above which officers consider will not cause a distraction to the railway line. The treatment of the warehouse elevation (west) is similar and as this is the service side of the building openings are kept to a minimum as this elevation is the rear and will be well screened by planting.
- 7.7.8 The proposed petrol filling station is located at the opposite end (east) of the site to the superstore, and will be well screened from the surroundings by existing trees and shrubbery. The internal road network has been designed so that there is the potential for stacking by vehicles waiting to use the petrol filling station.
- 7.7.9 The proposed development includes landscaping enhancements with additional tree planting and soft landscaping introduced at the site in order to improve its appearance and enhance biodiversity. This is in accordance with Policy CS09 (Marsh Mills Retail Parks) of the Core Strategy which states that the Council will take into account the potential for proposals to enhance recognised shortcomings in the provision at Marsh Mills. These include the appearance of the parks, landscaping, access and egress and accessibility by modes of transport other than the car. Errill Retail Park is considered as one of the Marsh Mills retail parks despite its location in Plympton.
- 7.7.10 It is considered by officers that the proposed development would contribute positively to the area's identity and appearance, be easy to get to and move through and around, provide enhanced landscaping and contribute positively to the attractiveness of the local area. The design of the building is considered acceptable and the proposed materials palette helps to break up the massing of the elevations, introducing contemporary materials whilst ensuring compatibility with the existing townscape and local context.
- 7.7.11 In summary, it is considered that the application will provide a positive addition to the appearance of the area and help to improve local visual amenity. It is therefore compliant with Policies CS02 (Design) and CS34 (Planning Application Consideration) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

## 7.8 Public Protection Issues

- 7.8.1 The site currently has an unrestricted retail use and has also been previously occupied by bulky goods retailers. It is well screened from the nearest surrounding residential development by a dense band of mature trees and planting along its northern boundary. The nearest residential properties to the site, those located to the north on Plymouth Road, are a significant distance from the site and separated from it by a busy classified road. It is thus considered that the application would not have a significant impact upon the residential amenities of the existing properties on Plymouth Road, and that it is not contrary to Policy CS34 (Planning Application Consideration) of the Core Strategy, when considering residential amenity standards.
- 7.8.2 The Council's Public Protection Service (PPS) has been consulted and has raised concerns regarding noise, and is aware of current noise problems on other supermarket sites in the city. In order to mitigate any potential noise impacts arising from the development, the PPS has recommended that conditions are attached to any grant of planning permission in order to mitigate any noise impacts arising from the development.

### 7.9 Highways Issues

- 7.9.1 With regards specifically to highways issues, the application proposes a new signalised junction with minor changes to the highway network, 250 car parking spaces (13 parent and child, 20 disabled) and 22 motorcycle spaces. In order to encourage staff to cycle and walk to the store the store will provide cycle stands, showers, changing facilities and lockers.

### 7.10 Pedestrian Access

- 7.10.1 The fronting footways along Plymouth Road are considered to be of a satisfactory standard to serve safe pedestrian movements at the older 1.8 metre standard width, although currently there is some overgrowth along the rear of the footway.
- 7.10.2 The application proposes to construct a new pedestrian footbridge over the Tory Brook, adjacent to the existing bridge deck. It is considered that the position of the application site on the south side of Plymouth Road does not encourage people to walk to the proposed supermarket, as Plymouth Road itself forms a barrier between the application site and the nearest residential conurbation to the north of Plymouth Road. Equally, though, it is accepted that pedestrian trips to supermarkets tend to be quite low, and the vast majority would arrive by car.

### 7.11 Vehicle access and Highway Alterations

- 7.11.1 The customer access and egress to the supermarket and the petrol filling station would be via the existing (currently restricted movement priority) ramped junction over the Tory Brook onto the Classified B3416 Plymouth Road. Plymouth Road is a strategic movement corridor, and right turns out of the application site are currently banned for reasons of highway safety, and

apparently in view of a previous related accident occurring there. The application proposes to put (all-movement) traffic signals at this road junction to serve the supermarket use.

- 7.11.2 The access/egress over the Tory Brook is by a raised bridge deck with a short ramp up from the carriageway on Plymouth Road, the gradient of the ramp acts to naturally slow down the smooth and convenient flow of vehicles into and out of the application site, which would slightly reduce the capacity of any traffic signals there. The applicant had considered making adjustments to the level of the carriageway on Plymouth Road to reduce the gradient of the ramp, but has subsequently considered that the extent of the required work would by comparison give little efficiency gains.
- 7.11.3 To help to allow additional traffic movements and delays associated with the proposed new Morrisons supermarket use and the signalised junction, the application seeks to slightly extend the dual traffic lanes on Plymouth Road, as shown on the submitted application drawings, with a view to gaining a small improvement in capacity. The application drawings indicate 3 metre wide traffic lanes, which would be the minimum acceptable width on the Classified Plymouth Road.
- 7.11.4 The proposed new signalised junction has been progressed on the strict understanding that any and all associated traffic signal controls and equipment would be accommodated within the Highway Maintainable at Public Expense (public highway).

## 7.12 Deliveries and Servicing

- 7.12.1 Unlike the existing Retail Park, where servicing and deliveries are via the Plymouth Road entrance/exit, the proposed larger Morrisons supermarket building would build-over the existing service road that currently runs along the north side of the existing 'Buyology' building. And thereafter all deliveries and servicing of the Morrison's store would be through the adjacent (to the west) currently vacant ex bowling- alley site, and via its junction onto the road network at Cot Hill.
- 7.12.2 It is understood that the access/egress through the adjacent site to Cot Hill was closed off to traffic following the closure of the bowling-alley, although the application site has access rights there. The adjacent bowling-alley use has long since discontinued and the site now has an existing permission (11/01492/FUL) for sub-division to accommodate non-food retail and warehousing/storage. The situation regarding the access and egress at the adjacent ex bowling alley site was noted during the pre-application process, and is acknowledged in the application details.
- 7.12.3 Some highway alterations are likely to be required on Cot Hill to ensure safe entry and exit by delivery lorries. These alterations will be informed by wheel tracking plans that are required by condition. In particular setting-back the footway and extending the central reservation will be required. Such

requirements will form part of any off-site highway works and be subject of a Section 278 highway agreement.

- 7.12.4 The application details indicate that the gates at the Cot Hill entrance into the adjacent site will need to be set back, so a lorry could stand and wait for the gates to be opened without obstructing Cot Hill. Alternatively the gates might need to be opened at certain times to allow unhindered entry by delivery and service vehicles. The details of how this might be achieved and managed (including whether the position of the gates could be altered) are required as part of a Delivery and Servicing Management Plan, secured by planning condition. The proposed Morrisons petrol filling station would be serviced via the altered Plymouth Road junction, where wheel tracking plans indicate that turning movements for tankers would be quite tight with little room for error.

### 7.13 Customer Car Parking

- 7.13.1 Car parking standards are expressed the Development Guidelines Supplementary Planning Document (SPD). It provides guidance on the level of parking for cycles, cars, and disabled badge holders. The parking guidance indicates that generally for a food store of this size the expectation would be one parking space per 14 square metres of gross floor, although the number of parking spaces might be reduced in consideration of the level of accessibility of the application site. The application site would be expected to provide a maximum of 383 parking spaces, which when discounted by 35% for accessibility, equates to approximately 250 parking spaces, as proposed. Therefore officers consider that the car parking provision is just acceptable, according to Council guidance.
- 7.13.2 The length of the access road between the entrance and the filling station would be approximately 125 metres, and a further 25 metres to the first car parking spaces. This would provide a good length of road to allow for queuing whilst entering and leaving the supermarket. It is recommended that Double Yellow lines be put down along the length of the private access road as a visual deterrent to help prevent inappropriate parking there, and to assist the free flow of traffic within the site, including the tankers supplying the proposed Filling Station.

### 7.14 Traffic Generation and Trips

- 7.14.1 The application indicates that the vast majority of customers to the Morrisons supermarket would be expected to come from the Plympton area itself and arrive by car, which is generally the case with a supermarket use. The petrol filling station would of course be expected to generate and attract additional traffic and customers to the application site on its own account, separate and in addition to the food-store customers.
- 7.14.2 Plymouth Road is the main movement corridor and arterial route for local traffic serving the suburban district of Plympton, and providing the main road link to Marsh Mills interchange and the A38, the City Centre and beyond.



Plymouth Road is already a busy road that at times becomes congested. The site entrance is situated on a section of the road where there are numerous junctions, with three existing linked sets of signalised junctions close to each other; along with a signal controlled pedestrian crossing point to the east.

- 7.14.3 The junction at the site access would be re-designed to accommodate the proposed traffic signal layout. The capacity and efficiency of the junction would be maximised by the extended two-lane layout, and also electronically by linking the proposed new signalised junction to the existing junction network controls and up-grading all with new microprocessors. The traffic modelling work undertaken suggests that the proposed alterations on the highway network would be sufficient to manage the increased traffic generated by the proposed supermarket and filling station on an average day.

#### 7.15 Fall back Scenario

- 7.15.1 The application suggests that it would be appropriate to consider potential alternative options for the use of the application site, which the application refers to as the Fall Back Position. The details of the fallback position are explained above in the Retail Impact section of this report. It describes three potential alternative scenarios with the re-use of existing up-graded buildings at the site, in consideration of the extant permissions and the associated certificates of lawful use. The fall back options would not be required to implement traffic signals at the junction of Plymouth Road. The lawful use certificates do therefore not take account of the highway and transport impact of the open food sales use established by the issuing of the LDCs previously referred to and could therefore have a negative impact upon the surrounding highway network.

#### 7.16 Conclusion

- 7.16.1 The applicant entered into pre-application discussions with the Council prior to submitting this application, and the applicant has sought to demonstrate (within the scope of reasonable highway alterations and the proposed traffic signal function) that the expected average daily traffic increase could be accommodated without causing significant congestion on Plymouth Road.
- 7.16.2 Due to the level of traffic that uses Plymouth Road and the complexities of the traffic signal arrangements and traffic modelling, coming to a view on the impact of this proposal on the road network has not been a straight forward matter. However it is considered by officers that the proposed supermarket development, purely from a Transport perspective, is on balance acceptable, subject to conditions to secure details and necessary mitigation.
- 7.16.3 The applicant will also be required to enter into a Section 278 Agreement with the Local highway Authority in order to undertake the associated off-site highway works which would be subject of further auditing

## 7.17 Trees

- 7.17.1 The site is subject to Tree Preservation Order No.330. The application proposes that approximately 40 protected trees will be lost internally within the site, mainly category 'C' specimens of Birch that currently break up the car parking of the existing site but also includes 5 category 'B' trees. However, 70 new trees are proposed in the landscape concept plan.
- 7.17.2 The main belt of protected trees fronting Plymouth Road and on either side of the Tory Brook are to be retained (some lie inside the application site and some outside) and in terms of public amenity these are the most important to retain. Most of the trees to be removed are less prominent due to their location within the existing car park and are not thriving due to their limited rooting areas. The new extra heavy planting proposed will compensate for their loss.
- 7.17.3 The application is therefore considered acceptable on tree grounds and compliant with Policy CS18 (Plymouths Green Space) of the Core Strategy, providing a standard tree protection condition is attached to secure and protect the existing trees at the site.

## 7.18 Sustainability

- 7.18.1 Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010 – 2016.
- 7.18.2 In order to meet the requirement of Policy CS20 it is proposed to have 105 kwp of solar photovoltaic panels installed on the roof of the proposed superstore. These will be almost flush with the roofline so will only have a very minimal visual impact. Photovoltaic Panels generate electricity from light and their energy source is therefore sunlight, meaning that they do not require fuel to operate and produce no air pollution or hazardous waste. The use of Photovoltaic Panels is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

## 7.19 Biodiversity

- 7.19.1 The applicants have submitted an Extended Phase I Habitat Survey Report, Biodiversity Enhancement Strategy and Ecological Protection Plan. These documents outline a strategy that retains, protects and enhances wildlife and biodiversity at the site, ensuring that a net gain in biodiversity is achieved in accordance with Policy CS19 (Wildlife) of the Core Strategy. A condition is attached in order to secure the benefits and gains outlined in the applicants Biodiversity Enhancement Strategy and Ecological Protection Plan.

## 7.20 Human Rights

7.20.1 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.

## **8.0 Section 106 Obligations**

8.1 As already stated in this report, the site contains 3 existing retail warehouse units that benefit from extant planning permissions to be significantly upgraded, and an LDC that secures the sites use for non-restricted retail use. These consents can be implemented without the requirement for the owner to pay contributions to the Council to mitigate impacts that might arise as a consequence of any of the existing extant planning permissions being undertaken. The application also proposes a net loss in retail floorspace at the site, when comparing the proposed development with the existing situation and extant permissions. It is therefore not considered appropriate to seek planning obligations in this case. Improvements to the highway network that are referred to in the Highways section of this report will be secured by a Section 278 Agreement.

## **9.0 Local Finance Considerations**

9.1 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.

## **10.0 Equalities & Diversities issues**

10.1 Officers consider that adequate provision has been made within the design and layout of the site to meet the requirements of mobility impaired visitors and an acceptable amount of disabled parking bays are proposed within the site, close to the store.

## **11.0 Conclusions**

11.1 The proposed development will provide a supermarket in Plympton, an area that does not currently benefit from close proximity to a large foodstore and residents are thus travelling outside of the area to carry out their weekly

food shop. The application will bring new employment to the area and the applicant has a commitment to employ local people.

- 11.2 Through the sequential test approach, the applicant has demonstrated that there will be no adverse impact from the proposal on planned or existing District Centres. The impacts of the proposal on the surrounding highway network are considered to be, on balance, acceptable and the design of the scheme is welcomed and will provide improvements in local visual amenity at the site.
- 11.3 The application is considered to comply with the aims of policies CS02, CS18, CS28, CS33, CS34 the Design SPD, Development Guidelines SPD and Planning Obligations and Affordable Housing SPD and the NPPF and it is thus recommended for approval subject to conditions.

### **Recommendation**

In respect of the application dated **05/02/2013** and the submitted drawings (PL)01+- Site Location Plan, (PL)02- Existing Site Plan, (PL)03+- Proposed Site Plan, (PL)04- Proposed GF Plan, (PL)05- Proposed FF Plan, (PL)06- Proposed Roof Plan, (PL)07- Proposed Elevations, (PL)08- Proposed Site Sections, (PL)09- PFS GA Plan and Elevations, (PL)10- Lighting and CCTV (PL)11- Trolley Shelter Details, (PL)12- Proposed Site Layout Coloured, (PL)13- Artist impression Sheet 1, (PL)14- Artist impression Sheet 2, (PL)15- Artist impression Sheet 3, (PL)16 Totem Details, 1216-11-07C Landscape Concept, 1216-11-08A Planting Plan, 1216-11-09A Planting Plan, 1216-11-10 Planting Plan and accompanying Design and Access Statement, Retail Planning Statement, Landscape Design Statement, Flood Risk Assessment, Sustainable Energy Statement, Habitat Survey, Biodiversity Enhancement Strategy, Ecological Protection Plan, Travel Plan, Transport Assessment, Tree Survey and Geoenvironmental Appraisal.,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: (PL)01+- Site Location Plan, (PL)02- Existing Site Plan, (PL)03+- Proposed Site Plan, (PL)04- Proposed GF Plan, (PL)05- Proposed FF Plan, (PL)06- Proposed Roof Plan, (PL)07- Proposed Elevations, (PL)08- Proposed Site Sections, (PL)09- PFS GA Plan and Elevations, (PL)10- Lighting and CCTV (PL)11- Trolley Shelter Details, (PL)12- Proposed Site Layout Coloured, (PL)13- Artist impression Sheet 1, (PL)14- Artist impression Sheet 2, (PL)15- Artist

impression Sheet 3, (PL)16 Totem Details, 1216-11-07C Landscape Concept, 1216-11-08A Planting Plan, 1216-11-09A Planting Plan, 1216-11-10 Planting Plan.

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.

#### CONTAMINATED LAND

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

#### Section 1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
    - adjoining land
    - groundwaters and surface waters
    - ecological systems
    - archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Section 2. Submission of Remediation Scheme

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

### Section 3. Implementation of Approved Remediation Scheme

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

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

### Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

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

#### Reason:

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

### CODE OF PRACTICE DURING CONSTRUCTION

(4) 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.

### GROUND FLOOR LEVEL OF BUILDING

(5) No development approved by this permission shall be commenced until the ground floor level of the proposed supermarket building and petrol filling station building to 'mAOD' datum has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved level.

Reason:

To ensure the ground floor of the buildings are sufficiently elevated above the flood level in the Tory Brook, in accordance with Policy CS21 (Flood Risk) of the City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SURFACE WATER DRAINAGE

(6) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Details of the drainage during the construction phase
- Details of the final drainage scheme
- A plan for the future maintenance and management of the system.

Prior to operation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

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

#### EXTERNAL MATERIALS

(7) No development shall take place until details 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.

#### DETAILS AND SPECIFICATION OF MECHANICAL PLANT

(8) Prior to the commencement of development, details of the specification and design of any mechanical plant shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of the occupiers of nearby residential properties and to comply with policies CS22 and CS34 of Plymouth City Council's Local Development Framework.

#### NOISE LIMITS FROM MECHANICAL PLANT

(9) The noise emanating from mechanical plant shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

#### Reason:

To safeguard the amenities of the occupiers of nearby residential properties and to comply with policies CS22 and CS34 of Plymouth City Council's Local Development Framework.

#### HOURS OF DELIVERY AND REFUSE COLLECTION

(10) No deliveries shall be taken at or dispatched from the site outside the hours of 6am until 10pm Monday - Saturday, nor at any time on Sundays, Bank or Public Holidays.

#### Reason:

To safeguard the amenities of the occupiers of nearby residential properties and to comply with policies CS22 and CS34 of Plymouth City Council's Local Development Framework.

#### OPENING HOURS

(11) The use hereby permitted shall not be open to customers outside the following times: 2100 hours to 0800 hours Mondays to Saturdays inclusive and 1600 hours to 1000 hours on Sundays and Bank or Public Holidays.

#### Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PEDESTRIAN/CYCLE ACCESS

(12) The building shall not be occupied until a means of access for the development 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.

#### DETAILS OF NEW JUNCTION

(13) No development shall take place 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.

#### ACCESS/HIGHWAY IMPROVEMENTS (14)

(14) The use hereby permitted shall not commence until the proposed access and improvements to the existing highway shown on the approved plans have been completed.

Reason:

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

#### CAR PARKING PROVISION

(15) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CYCLE PROVISION

(16) The building shall not be occupied until space has been laid out within the site in accordance with the approved plan for 28 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

#### LOADING AND UNLOADING PROVISION

(17) Before the building hereby permitted is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site, and a HGV service vehicle management plan shall be submitted to and approved in writing by the Local Planning Authority, to control the access, routes and times, of service vehicles attending at the site. The development shall be undertaken in accordance with the approved details.

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.

#### TRAVEL PLAN

(18) The use hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users 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 Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of the commencement of the use the occupier shall operate the approved Travel Plan.

#### Reason:

The Local Planning Authority considers that 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. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

#### LANDSCAPE DESIGN PROPOSALS

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

#### Reason:

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

#### SOFT LANDSCAPE WORKS

(20) Soft landscape works shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e. bare root/container grown or root balled, girth size and height (in accordance with the HTA National

Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

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.

#### LANDSCAPE WORKS IMPLEMENTATION

(21) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

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

#### LANDSCAPE MANAGEMENT PLAN

(22) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing 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.

#### DETAILS OF BOUNDARY TREATMENT

(23) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## BIODIVERSITY

(24) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Biodiversity Enhancement Strategy and the Ecological Protection Plan (both dated March 2013) for the site.

### Reason

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

## JAPANESE KNOTWEED

(25) Unless otherwise previously agreed in writing with the Local Planning Authority, prior to development commencing, a Japanese Knotweed Eradication Strategy shall be submitted for approval by the Local Planning Authority. This strategy shall be implemented in full until Japanese Knotweed is eradicated from the site.

### Reason

To ensure that the application complies with the requirements of Schedule 9 of the Wildlife and Countryside Act, 1981 and with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF.

## SUSTAINABLE RESOURCE USE

(26) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority details of the location of the renewable energy production methods set out in the Sustainable Energy Statement by b:ssec dated 5th December 2012. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided 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 ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within the NPPF.

## EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

(27) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any

pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

© The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are protected during construction work and thereafter are properly maintained, if necessary by replacement.

#### INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

(1) No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth Transport and Highways for the necessary approval.

#### INFORMATIVE: CONDITIONAL APPROVAL (2)

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

#### INFORMATIVE: CODE OF PRACTICE

(3) The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for

contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and

c. Hours of site operation, dust suppression measures and noise limitation measures.

### **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 that the proposed development will have on the existing Ridgeway shopping centre, local visual amenity and the surrounding highway network, 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 (2) 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
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS07 - Plymouth Retail Hierarchy
- CS08 - Retail Development Considerations
- CS09 - Marsh Mills Retail Parks
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS20 - Resource Use
- CS21 - Flood Risk
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- NPPF - National Planning Policy Framework March 2012