

PLANNING APPLICATION REPORT



ITEM: 02

Application Number: 12/02320/FUL

Applicant: Development Securities (Marsh Mills) Ltd

Description of Application: Full planning application for demolition of the existing hotel and development of a maximum of 7,900 square metres of A1 retail floorspace and a maximum 712 square metres of A3 Restaurant/café floorspace, with access parking, landscaping and associated works.

Type of Application: Full Application

Site Address: LEGACY PLYMOUTH INTERNATIONAL HOTEL, 270 PLYMOUTH ROAD PLYMOUTH

Ward: Moor View

Valid Date of Application: 17/01/2013

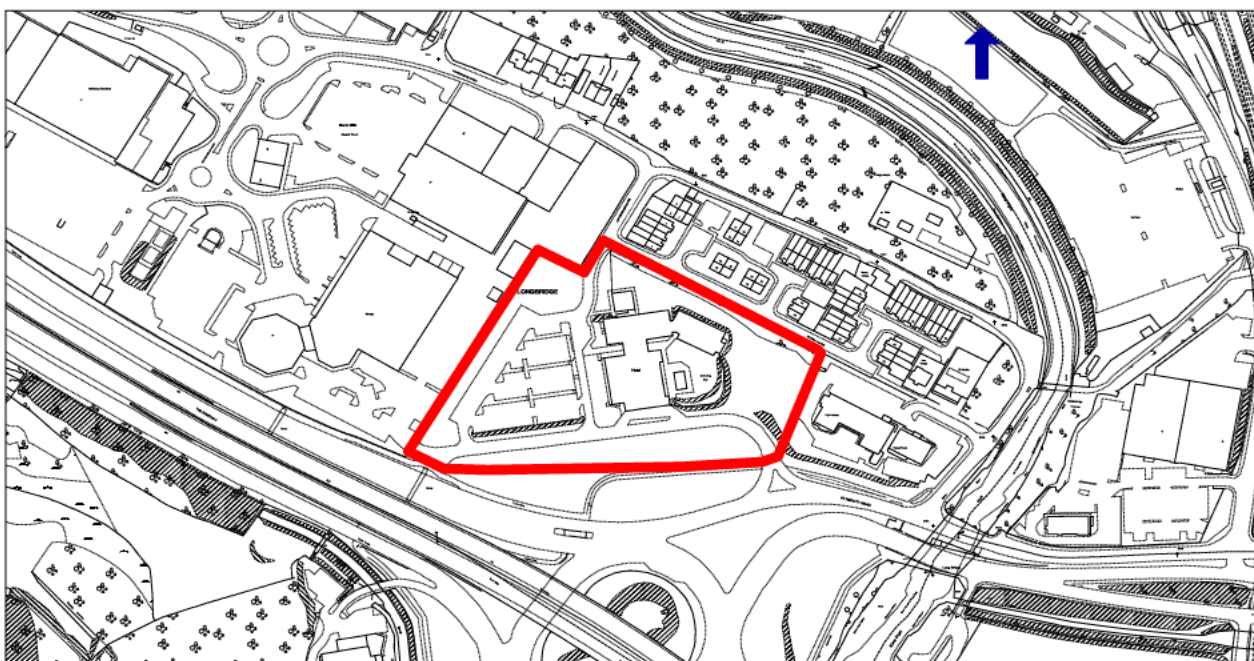
8/13 Week Date: **18/04/2013**

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

Case Officer : Mark Evans

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 16th December 2013

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Site Description

The Legacy Hotel occupies a site of approximately 2.1 hectares north of the principle junction into Plymouth from the A38 Parkway at Marsh Mills. The hotel was constructed in the 1980s and is formed by three blocks; a single storey structure with inner courtyard and mono-pitched roof located at the centre of the site with two linked, flat-roof blocks of three and four stories in height positioned to the north. The building has a simple materials palette of buff coloured brick, aluminium windows and metal cladding to the roof

Access is via an existing junction which provides a direct route on to the Marsh Mills roundabout. The access road extends along the front of the building to the car park located to the west.

A large area of soft landscaping occupies the front of the site, and contains a number of protected trees. Further grassed areas and planting extend around the remaining boundaries of the site.

The site is bounded by a simple, three-storey, red brick, commercial office development to the east and the large units of Marsh Mills retail park to the west. To the north of the site is residential development arranged around a series of parking courts which are orientated so the housing backs onto Marsh Close. These are principally two storeys and are of a similar dark red brick to the nearby office development.

Proposal Description

Full planning application for demolition of the existing hotel and development of a maximum of 7,900 square metres of A1 retail floorspace and a maximum 712 square metres of A3 Restaurant/café floorspace, with access parking, landscaping and associated works. Re-advertised due to re-siting of the development by 10 metres to enable the existing tree boundary on the north of the site to be retained.

The proposal is for the construction of 5 new retail units, arranged as two large A1 units of 2,360 sq metres, two slightly smaller A1 units of 1,590 sq metres and one small A3 restaurant/café. The retail units will be positioned to the west of the site with the larger units being sited towards the rear. The proposal will have a stepped building line to allow for the creation of a service yard to the rear which is accessed off Marsh Mills. The development adopts a simple design approach, similar to other retail parks in the area. Canopies, high level signage and translucent, multi-walled cladding will be utilised to add interest and break up the large elevations. A total of 308 parking spaces will be provided with new soft landscaping proposed to the north, east and south.

Following concerns expressed regarding the loss of much of the existing landscaping and trees on the northern boundary of the site, which screen the development from the adjoining residents of Marsh Close, revised plans have been received which re-site the buildings by 10m in a southerly direction to enable the main band of this

landscaped boundary and associated tree planting to be retained. A condition is recommended to ensure this planting is retained and managed in situ.

Pre-Application Enquiry

A formal pre-application, MA/455/PRE, was submitted for the site on 9th March 2012. A response was provided on 24th May 2012 which concluded (based on the information submitted at that time):

“The proposal would contribute to growth and development of Plymouth but officers consider it to be of the wrong type at this location. It is for retail uses at a site that is not within an existing or planned district or local centre or one of the three retail warehouse parks in the Marsh Mills area. If permitted it would not conform with NPPF paragraphs 23 - 27, could harm the vitality and viability of the city’s existing and planned centres and have an adverse impact on the Plymouth’s retail hierarchy conflicting with Core Strategy policies CS06 and CS08. There are concerns about the effects of the A3 and A5 uses on the highway network that could be contrary to Core Strategy policies CS28 and CS34.

A sound Flood Risk Assessment with adequate mitigation measures could demonstrate that the flood risk and surface water drainage issues could be overcome. Officers have concerns about the proposed design and site coverage with limited space for landscaping, tree planting and net biodiversity gain that could harm visual and residential amenity. Notwithstanding the main retail objections on the principle of the development if your client were to continue to make an application, any submission would have to try to address these issues.”

Relevant Planning History

99/01123/ADV – Provision of new flag pole and re-siting of existing flag pole – Granted conditionally

94/01044/ADV – Illuminated welcome sign – Granted conditionally

94/00748/ADV – Illuminated welcome sign – Withdrawn

86/01831/FUL – Construction of new entrance/exit road and alterations to car park – Granted conditionally

81/00058/FUL – Erection of 101 bedroomed hotel (amendment to approved plans) – Granted conditionally

79/02608/FUL – Erection of 125 bedroomed hotel including 12 staff bedrooms – Granted conditionally

Consultation Responses

Environment Agency

No objections subject to conditions

The Environment Agency consider that this proposal will be acceptable only if planning conditions are included to ensure the delivery of appropriate floodplain compensation and surface water drainage as well as the satisfactory management of any unsuspected contamination which may be encountered during development.

Highways Agency

Originally issued a holding objection preventing the granting of planning permission for 6 months.

Following receipt of additional information the Highways Agency has lifted the Holding Objection.

Whilst the Transport Assessment (TA) submitted with the planning application and the subsequent additional information is not considered to provide a comprehensive assessment of the impact of the proposals on the A38 (T), on balance, it is considered unlikely that the proposals, as presented, including the proposed mitigation of Marsh Mills, would result in a severe impact on the A38.

The proposed mitigation at Marsh Mills is contained in paragraph 5.2.6 of the submitted TA which states:-

“By way of mitigation in order to improve the capacity of the junction further (beyond the optimised results indicated above), it is proposed that the development will fund the installation of MOVA at the junction via S106 contribution”

The Highways Agency therefore supports the development subject to condition.

Highways Authority

Recommends approval subject to conditions.

Police Architectural Liaison Officer

Devon and Cornwall Police advise that in its current design and layout they are opposed to the granting of planning permission. No reference has been made in any of the submitted documents explaining how the developer will comply with council policy CS32 – ‘Designing Out Crime’. Furthermore, there was no mention either of ‘Safer Places’ - The Planning System and Crime Prevention, nor any mention of building to ‘Secured By Design’ standards.

Public Protection Service

No objections subject to conditions. (A number of conditions are recommended to address land contamination, ventilation and odour equipment and deliveries).

Representations

Twenty letters of representation have been received objecting to the development, which raise the following issues:

- (i) The proposal is for “out of centre” development which does not pass the necessary sequential test having regard to the presence of existing vacant units in the city centre.
- (ii) The applicant considered a three year period up to 2016 a suitable time frame for the sequential test. However, guidance suggests that a reasonable time period is defined with reference to the urgency of the need. There is no identified quantitative need in the period up to 2016 and no evidence has been provided to demonstrate over what timeframe any need might arise.
- (iii) A 10-year time frame is considered a more suitable time horizon to provide a robust sequential test.
- (iv) The vacant former Comet unit at Coypool Retail Park demonstrates the lack of need for further bulky goods retail floorspace.
- (v) The development will undermine the vitality and viability of the city centre.
- (vi) The development will exacerbate existing concerns regarding the current retail parks at Marsh Mills including access, inter-connection and the physical landscape.

Policy CS09 of the Core Strategy does not apply to this development. The policy relates to the existing retail parks at Marsh Mills and does not promote the creation of new retail floorspace or a fourth retail park.
- (vii) A “bulky goods” restrictive condition would not be sufficient to prevent harm to the city centre, a number of national retailers e.g. John Lewis at Home, Argos, Mothercare could still occupy the units.
- (viii) The proposal would increase the attractiveness of Marsh Mills as a retail destination and thereby reduce footfall in the city centre.
- (ix) The development is contrary to the Plymouth Retail and Centres Study 2012 which suggests that further out-of-centre comparison retail floorspace should be resisted.
- (x) The proposal will deter investor confidence and investment in key sites in the city centre as set out in the City Centre and University Area Action Plan 2010.
- (xi) The applicant’s Retail Statement makes unrealistic assumptions which suggest that the impact on the city centre will not be significant. These assumptions are unsubstantiated.

- (xii) The Retail Statement fails to take in to account the potential impact on the allocated Laira Bridge site.
- (xiii) If the application were to be approved, strict conditions should be imposed to limit the size of the units, stop further subdivision and prevent any mezzanines. The type of goods to be sold should also be controlled more strictly.
- (xiv) The economic development benefits expressed by the applicant should be properly considered in the context of recognised methods for assessment. The Employment Densities Guidance states that factors of displacement etc. should be taken in to account to reflect the potential economic impact on other retail locations.
- (xv) The development will contribute to existing congestion/traffic problems at Marsh Mills roundabout
- (xvi) The development will increase traffic along the one-way section of Longbridge Road
- (xvii) The service area will cause disturbance to properties in Marsh Close with deliveries/refuse collections likely to take place at unsociable hours
- (xviii) The loss of soft landscaped areas will increase surface run-off and may lead to potential flooding.
- (xix) Any loss of trees would remove vital habitat currently home to a range of birds.
- (xx) The current trees on site provide a useful screen to the site and their removal would be detrimental to the occupiers of Marsh Close and result in a loss of privacy.
- (xxi) The proposed car park will result in increased noise for residents in Marsh Close along with car fumes.
- (xxii) The retail units will overshadow and result in a loss of light to properties in Marsh Close.
- (xxiii) Marsh close will get used as an overflow car park for the development at peak times of the year.
- (xxiv) The car park will be the subject of anti-social behaviour e.g. cars racing around late at night
- (xxv) There are already too many retail units in the area.
- (xxvi) The development has failed to take in to account the existing cycle track which runs alongside the entrance to the hotel.

(xxvii) The cycle storage provided is in a remote location and is not secure.

Prior to re-advertising, one letter of representation has been received in support of the application, which raises the following issues:

- (i) The plans for tree retention and planting are generally acceptable
- (ii) It will be essential to secure an enforceable commitment to maintenance and management.

Following receipt of revised plans which re-site the development by 10m in a southerly direction to enable the majority of trees and shrubs on the northern boundary of the site to be retained and screening the development from the adjoining residents of Marsh Close the application was re-advertised. 35 further standard letters of representation have been received which object to any plans to remove the trees on the northern boundary of the site.

Two additional letters of representation have been received, one in support of the application (on the basis that the development will give a boost to the area, improving an unattractive, underused site, creating much need jobs, providing investment to traffic infrastructure and acting as a suitable landmark to Plymouth), and one raising similar concerns to those already covered within this report.

Further revised plans which are expected to demonstrate that the existing landscaped boundary will be retained will be submitted in time to be presented to Planning Committee.

Analysis

1. This application turns on Policies CS01 (Sustainable Communities), CS02 (Design), CS05 (Development of Existing Sites), CS06 (City Centre), CS07 (Plymouth Retail Hierarchy), CS08 (Retail Development Considerations), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007. The Development Guidelines, Planning Obligations and Affordable Housing and Design Supplementary Planning Documents have also been taken in to account.

2. The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level.

3. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance.

4. The keys issues are:

- (i) The loss of the current hotel and employment use;
- (ii) The impact of the development upon the Plymouth's retail hierarchy (City Centre, District and Local Centres);
- (iii) The impact of the development upon the highway network;
- (iv) The impact of the development upon the appearance and character of the area;
- (v) The impact of the development upon neighbouring residential properties;
- (vi) The impact of the development upon existing protected trees and greenspace;
- (vii) The impact of the development in terms of flood risk.

The loss of the Hotel/employment use:

5. Policy CS05 supports the development of sites with existing employment uses where there are clear environmental, regeneration and sustainable community benefits. In relation to existing tourist infrastructure, including tourist accommodation, consideration is given as to whether the proposal will harm the city's tourist offer. It is considered that the loss of the current hotel will not prejudice the tourist offer of the city. Alternative hotels are located in the vicinity but the main tourist offer remains focussed around the waterfront areas of the Barbican, Sutton Harbour and Millbay.

6. It is also important to note that the hotel itself is shortly to close, leaving the site unused and potentially derelict. Given the availability of alternative accommodation nearby and the need to direct hotel development to waterfront areas to support the visitor economy as outlined above, it is not considered that the hotel use on this site should be retained. The Legacy Hotel site is prominent, being adjacent to the Marsh Mills junction onto the A38 – an important gateway to Plymouth. The regeneration proposals would comprise a redevelopment of this gateway site, providing a significant number of jobs and contributing to improvements to the Marsh Mills area, preventing the site from lying vacant for any length of time. Through the S106 Obligation, the proposal would also deliver cycle improvements in the Marsh Mills area and a net gain in biodiversity through environmental benefits to the Efford Marsh Local Nature Reserve.

7. On the basis of these clear environmental, regeneration and sustainable community benefits the regeneration proposal is not considered to conflict with Core Strategy Policy CS05.

The impact of the development upon the Plymouth's retail hierarchy (City Centre, District and Local Centres):

8. The National Planning Policy Framework – The National Planning Policy Framework (NPPF) was adopted in March 2012 and replaced all of the Planning Policy Statements. It provides national planning guidance, setting out the Government's planning policies for England and how these are expected to be applied. The following paragraphs of the NPPF are the most relevant to this application:

9. Paragraph 14 sets out the Presumption in Favour of Sustainable Development. Bullet point three of paragraph 14 states that "For decision taking this (ie the presumption in favour) means, approving development proposals which accord with the development plan without delay."

10. Paragraph 24 of the NPPF deals with the requirement for a sequential approach for main town centre uses and states that "Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

11. Paragraph 26 of the NPPF states that 'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2, 500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

12. Paragraph 27 confirms that 'Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.'

13. The Core Strategy (adopted 2007)
The adopted City of Plymouth Local Development Framework Core Strategy (2007) forms a key part of the Statutory Development Plan for the city setting out strategic policies and area visions for the key areas of growth and development in Plymouth. The most relevant parts of the Core Strategy are:

14. Strategic Objective 7 (Delivering Adequate Shopping Provision) sets out that the City Council will promote new shopping development which contributes to the delivery of the City's vision for sustainable high quality growth, and that the Council will protect the primary retailing role of the City Centre.

15. Policy CS07 (Plymouth retail Hierarchy) sets out the locations where new retail centres will be created in the City and how they fit into the retail hierarchy

16. Policy CS08 (Retail Development Considerations) sets out the considerations the Council will use when assessing proposals for retail development in the City. These include the need for the development, compliance with the sequential approach and not having an unacceptable adverse impact on the vitality and viability of existing centres

17. Policy CS09 (Marsh Mills Retail Parks) sets out that proposals for new retail development on the existing Marsh Mills retail parks will, if they meet other retail tests in the Core Strategy, will be looked upon positively if they enhance recognised shortcomings in the provision at Marsh Mills. It should be noted that in the context of this policy, the application proposals are not part of an existing park – rather they would create a new retail park adjacent to existing provision.

18. The City Centre and University Area Action Plan (AAP) (adopted 2010). The City Centre and University AAP sets out the Council's vision and strategy for change in the City Centre. This vision is founded upon introducing new uses into the City Centre, improving the retail offer in the City Centre and ensuring the City Centre remains as the primary retail destination in the City.

19. It contains a number of allocations for mixed use development including substantial amounts of retail, in particular:

20. Proposal CC08 (Colin Campbell Court) proposes redevelopment for a mix of uses including convenience retail, small scale comparison retail, leisure, cultural and community uses and new homes. The AAP makes clear that redevelopment must be based around an inventive scheme which anchors the West End of the City Centre, and which draws more people into the West End for a different range of uses than are currently offered. (paragraph 7.6 of the AAP) It is clear from paragraphs 7.7 to 7.10 of the AAP that a scheme of high quality urban design is required and reference is made to the Awakening the West End vision for the area which proposed the creation of a mixed use quarter using Colin Campbell Court. Nevertheless, the AAP also shows that the site could be suitable for a development including up to 11,000 sq m of AI floorspace.

21. Proposal CC11 (Cornwall Street) is the main commercial retail intervention proposed in the City Centre. It identifies a site for 86,000 sq m gross of retail floorspace including a 25,000 sq m department store, forming a modern City Centre retail redevelopment scheme.

22. It was estimated that Proposal CC11 would not come forward until the end of the plan period, beyond 2020. Colin Campbell Court was estimated to come forward sooner, with delivery between 2012 and 2015. This, however, has not occurred and the site remains the subject of no firm proposals for redevelopment.

23. Plymouth Retail Study

The Retail and Centres Study 2012 is the City Council's up to date retail evidence base. It provides a full assessment of the need for retail floorspace in Plymouth between 2011 and 2031.

24. The Retail and Centres Study sets out that between 2011 and 2016 there is a need for an additional 15,044 sq m net of comparison retail floorspace, rising to a need for an additional 30,733 sq m net of comparison floorspace between 2016 and 2031.

25. The Retail and Centres Study confirms that whilst Marsh Mills is an out of centre location, it is an accessible location.

Analysis of the Application Proposals

26. It is clear that the application proposals are in an out of centre location and that the Core Strategy does not specifically identify that additional retail floorspace should be developed at Marsh Mills. Indeed, Policy CS09 is clear that it only applies to proposals which have already satisfied the other retail tests in the Core Strategy.

27. Therefore, the application proposals are out of centre and not in accordance with the development plan. Paragraphs 24 and 26 of the NPPF therefore apply, meaning that the application proposals need to satisfy the sequential test and be accompanied by a retail impact assessment which demonstrates that there is not a significant adverse impact on the City Centre. These two factors will now be considered.

28. The Retail Assessment that accompanies the application suggests that the uses of the AI units is for bulky goods and indeed conducts all its assessments on this basis. Bulky goods is a term often used in respect of out of centre retail developments – indeed Marsh Mills existing retail parks are generally defined as bulky goods retail units. The term, however, is ambiguous and can lead to retailers occupying units and selling goods which are in direct competition with City Centre retailers.

29. In order to enable the consideration of this scheme to be undertaken in the context of the bulky goods retailing assessed by the applicants retail impact assessment, a condition has been agreed which tightly restricts the goods which could be sold from the proposed units to bulky goods which would have a very different character to the types of goods predominantly sold in Plymouth City Centre. It is important to emphasise that the following analysis of the proposals has been undertaken in the context of this condition. That is to say, that the proposals have been assessed as true bulky goods retailing which has a business model and distinct characteristics which are fundamentally different to City Centre retail, and that the figures supplied in the applicants' retail impact assessment are also based upon this understanding. If the nature of the retail to be undertaken at this site was to be different from that described in the agreed condition, then the assessment undertaken by officers would have to take place on a different basis.

Sequential Approach

30. The NPPF sets out the order of preference in applying the sequential approach for considering sites for main town centre uses. These are:

- First, locations within existing town centres;
- Second, edge of centre locations;

31. Only if suitable sites are not available should out of centre sites be considered. Preference should be given to accessible sites which are well connected to the town centre.

32. In order to consider whether the sequential approach has been met and indeed as to how the impact is assessed, it is important to establish what development is being proposed. In terms of retail provision, the application description as submitted by the applicant clearly states that the proposal is for 7,900 sqm of A1 floorspace and 712 sqm A3 floorspace. The floor plans suggest that this is to be split across 5 units, with a second floor on the four of them identified for A1 use.

33. The applicant has identified two City Centre sites to be assessed under the sequential approach, and has commented on the suitability of nearby district centres to accommodate development of the scale and type proposed. The two City Centre sites assessed are Colin Campbell Court and Cornwall Street. The district centres discussed are Estover, Plympton and Mutley.

34. After discussions with the applicant during the process of considering the application, further information was supplied setting out an elaboration of the applicant's consideration of Colin Campbell Court, and additional consideration of vacant units in the City Centre.

35. The applicant considers that the City Centre sites are not suitable and available for development for bulky goods retailing. The following comments are made by the applicant:

36. Colin Campbell Court. The site is too small to accommodate the scale of development (the applicant assesses the site as being 1.3ha. In addition, it has been the subject of a failed compulsory purchase process and has not been the subject of any redevelopment proposals for over 14 years. On this basis the applicant considers it to be unsuitable and unavailable for development.

37. Cornwall Street. The applicant notes that the site is earmarked for strategic commercial retail development including a department store. In addition, the City Centre and University AAP does not envisage the site coming forwards until post 2020, and therefore it is not available within a realistic timescale. The applicant concludes that the site is not available and since it is earmarked for development including a department store it is not suitable for bulky goods retail.

38. City Centre vacant units. A number of large vacant units exist in the City Centre, chiefly along New George Street to the west of Armada Way, not adjacent to each other. The applicant was asked to comment on these units, and has set out that the proposals as set out in the application cannot be disaggregated, and so could not be accommodated in any of these single units. Any reduction in floorspace proposed at the application site would lead to an unviable scheme. The applicant also explains that the fact that the site lies in the principal bulky goods location in Plymouth, means that this development is unlikely to be successful elsewhere – because it relies upon the nature of the retailing being bulky goods.

39. Estover District Centre. Although the Retail and Centres Study highlights that Estover District Centre could be extended, any extension would inevitably use up car parking spaces while creating demand for additional car parking. It is unlikely that such a development would be viable for bulky goods retail.

40. Plympton District Centre. Similarly, at Plympton the only options to extend the centre involve the redevelopment of car parking areas. The applicant concludes that the car parking areas would not be large enough to accommodate bulky goods retailing and that the loss of car parking would harm the health of the district centre.

41. Mutley District Centre. Potential development sites in Mutley are severely limited by the densely developed areas of housing around the centre. The applicant considers that there is no potential to assemble a suitable site to accommodate the proposed bulky goods retail development.

42. The applicant therefore concludes that there are no sequentially preferable sites available and considers that the sequential test has been met.

43. Given that the sequential assessment looks at the suitability of sites for bulky goods retail, and that a condition strictly defining bulky goods has been agreed, your officers agree that there are no suitable sequentially preferable sites available in the district centres of Estover, Mutley or Plympton. Officers also accept that the Cornwall Street allocation is not suitable for bulky goods retailing given the aspirations set out in Proposal CC11 of the City Centre and University AAP. It is also accepted that development is unlikely to commence at the Cornwall Street site before 2020, and so the site is not available within a realistic timescale.

44. Officers disagree, however, with the applicants' analysis of Colin Campbell Court. The applicant refers to the Colin Campbell Court scheme as being 1.3 ha in total. However, the full extent of the site, as indicated in Policy CC08 of the City Centre AAP, is more than 2.3 ha. The AAP is relatively flexible regarding the preferred redevelopment of the site, as long as it achieves the Council's overall aims for the West End. The text behind the policy states that a number of schemes would be considered, including proposals for an 11,000sqm supermarket surrounded by high quality development, as well as a significant injection of car parking and housing. It is therefore unclear as to why the site is not considered large enough to accommodate 7,900 sqm of comparison goods floorspace, as proposed in the Legacy Hotel site planning application. The key judgement which appears to have been made is that the site is not sufficiently large to accommodate a bulky goods retail development of the scale and layout proposed in the application. It is clear from the Proposal CC08 of the City Centre and University AAP that the site is large enough to accommodate an amount of floorspace sufficient to accommodate the floorspace proposed in the application.

45. Although there has been no development activity at Colin Campbell Court for a number of years there has clearly been interest in the relatively recent past, as evidenced by the extant planning permission. The City Council is the freehold landowner of large parts of the site, and it is considered that the site is available for

development. On this basis, officers consider that Colin Campbell Court is suitable and available for retail development and is a sequentially preferable site.

46. Two factors, however, must be considered against this conclusion. The first is that the Council is clear in Proposal CC08 of the City Centre and University AAP that Colin Campbell Court is a strategically important site which is intended to drive the revitalisation of the West End of the City Centre. The redevelopment is envisaged to be high quality mixed use, with a high standard of urban design and architecture. The site must attract more people to the West End for a variety of reasons, and should act as an anchor to the Independent and Market District of the City Centre.

47. The retail described in the AAP is in the form of either a supermarket with additional uses surrounding it, or comparison retail arranged in new streets as part of a mixed use quarter of the City Centre. It is questionable whether the bulky goods retail warehouses described and conditioned in this application would achieve the standard of development the Council is seeking at Colin Campbell Court. In fact the creation of large retail warehouses would be contrary to Proposal CC08 in several of these respects. It is therefore officers' view that Colin Campbell Court is not suitable for the form of development proposed in this application, the mix of uses proposed or the nature of goods to be sold, when assessed against the criteria in Proposal CC08 and the aspirations set out in the City Centre and University AAP. If the retail floorspace was less tightly controlled, or the form of development and mix of uses were more flexible, this assessment would need to be reconsidered.

48. It is also important to consider that the application site is currently occupied by a hotel which is shortly to close, leaving the site unused and potentially derelict. As set out above it is not considered that the hotel use on this site should be retained, given the availability of alternatives nearby and the need to direct hotel development to waterfront areas to support the visitor economy. The Legacy Hotel site is prominent, being adjacent to the Marsh Mills junction onto the A38 – an important gateway to Plymouth. The proposals would comprise a redevelopment of this gateway site, providing a significant number of jobs and contributing to improvements to the Marsh Mills area, preventing the site from lying vacant for any length of time. This is another consideration to weigh against the existence of a sequentially preferable site for retail development at Colin Campbell Court.

49. It is therefore your officers' view that, for the reasons set out above, Colin Campbell Court is a site which is suitable and available for retail development. It is not suitable for bulky goods retail warehouses, and there are clear benefits from the redevelopment of the Legacy Hotel site. The sequential test has therefore been satisfied.

Retail Impact Assessment (RIA)

50. The applicants have included a Retail Impact Assessment with their application, as is required by the NPPF. The Retail Impact Assessment takes as its base the Retail and Centres Study 2012, so the analysis uses the Council's own evidence as a starting point.

51. The Retail Impact Assessment also uses as a starting point the assumption that the proposals will be bulky goods, and therefore will be a different form of retail than that found in the City Centre. The key assumption is that 'like affects like' and that the main impact of the proposals will fall on other bulky goods retailers in Plymouth – most notably at Marsh Mills Retail Park.

52. The Retail Impact Assessment contains a large amount of information and analysis to demonstrate the impact of the proposals on the turnover of existing retail in existing centres. The aim of a Retail Impact Assessment is to show that there will not be a significant adverse impact on the vitality and viability of existing centres, or on planned investment.

53. The key conclusions of the RIA are:

Given the timescales for delivery, there will be no impact on planned investment in either the City Centre (Cornwall Street) or Derriford.

(ii) The amount of gross floorspace being provided by the development is 7,898 sq m. Applying a net to gross ratio of 75% gives a figure of 5,924 sq m net retail floorspace being proposed as part of the development.

(iii) The applicant assesses that there will be a sales density of £3,250 per square metre generated by the development. This figure represents an assessment of how much is likely to be spent each year in retail units created as part of the proposal and is a key element of the retail impact assessment. The figure of £3250 per square metre is arrived at by the applicant following an analysis of the turnover of the top ten bulky goods retailers from the Mintel Retail Rankings. The retailers used in this analysis are not named by the applicant, and it is notable that again the analysis relies upon the retail being bulky goods. The applicant also states that the turnover figure of £3250 per square metre compares well with "benchmark levels" elsewhere in the Marsh Mills area. No detail is supplied setting out which retailers are used or what the benchmark figures may be. Nevertheless, advice from the Council's retail advisors, Peter Brett Associates, suggests that the sales density figure used by the applicant would seem to be reasonable for a bulky goods scheme.

The figure is low when compared to non-bulky forms of retailing – for example a supermarket may have a sales density of between £11,000 and £13,000 per square metre and a typical comparison goods retailer may have a sales density as high as £6,000 per sq m. It should also be noted that Deloitte in their letter of representation on behalf of British Land suggest that the Retail and Centres Study uses a sales density of "between £11,322m to £15,096m/sqm".

This figure is not found in the Retail and Centres Study and seems excessively high for out of town bulky goods retail. If sales densities at this level were being achieved at Marsh Mills Retail Park, it would suggest a very significant amount of over trading taking place at those units.

(iv) A proportion of the proposed floorspace will be provided as mezzanines within the new units. The applicant has discounted the sales densities of this floorspace by 50%. This is standard practice when assessing new mezzanines provided over existing floorspace. The proposal is to provide mezzanines as part of the new units,

so the case is not quite the same.

(v) Putting these elements of the RIA together, the applicants suggest that by 2016 the turnover of the new development will be £16.7m. This compares to the Marsh Mills retail Parks which in 2011 had a turnover of approximately £130.9m.

(vi) The RIA concludes that the largest impact will fall upon the existing Marsh Mills Retail Park, where a trade draw of £5.7m or 4% will be felt in 2016. The impact on the City Centre will be a loss of £0.6m or 0.1% in 2016.

(vii) The RIA also notes that 30% of the turnover of the proposed development is expected to come from outside Plymouth.

54. The applicant's RIA therefore concludes that there will be very little impact on the City Centre or any other centres in Plymouth, and that there will certainly not be a significant adverse impact on the vitality and viability of the City Centre. The applicant therefore considers that the tests of the NPPF have been met and the scheme should be granted consent.

55. It is again important to emphasise that the analysis contained in the applicant's RIA is entirely based upon the nature of the retailers who will occupy the units. The analysis relies upon the retail being bulky goods only. If more traditional convenience or comparison goods were to be sold from the proposed units, the sales density figures would be higher (as seen from evidence in the Retail and Centres Study, leading to a higher turnover and greater trade diversion, and the retailers would be in direct competition with the City Centre.

56. This finding is reinforced by information from the Retail and Centres Study (2012). This Study shows that 51% of all shopping expenditure by Plymouth City residents is spent in Plymouth City Centre. However, this proportion is much higher for goods such as Clothing and Footwear (78%), Recreation, sports and leisure goods (68%) and Specialist items (books, CDs, jewellery, etc) (72%). These are the retail sectors which the City Centre is founded upon. Sectors which are generally understood to be bulky goods have a much lower market share in the City Centre, for example Furniture, carpets and soft furnishings (32%), and DIY and decorating goods (9% - Marsh Mills and Crownhill Retail Parks having a higher market share at 25% and 31% respectively). Therefore, although the City Centre has a very healthy share of retail expenditure compared to other cities, this is founded upon specific retail sectors. Bulky goods are less important to the City Centre and significant amounts of expenditure are already being spent at non City Centre locations. These findings of the Retail and Centres Study support the findings of the applicant's RIA.

57. It is notable that the applicant has not named potential operators who may occupy the proposed units. This point is picked up in letters of representation, where the proposals are labelled as speculative, and the risk that the eventual occupiers may not be bulky goods retailers is flagged up. The applicants have indicated to officers a number of retailers who they say will occupy the units but have asked that this information remain commercially confidential. The retailers who have been named are traditional bulky goods retailers in the furniture, carpets

and soft furnishings, or DIY sectors, and clearly this also supports the analysis contained in the applicant's RIA.

58. However, in order to control the nature of the goods sold by the retailers who occupy the units immediately upon completion or at any time following completion of the units, a robust and tightly drawn condition has been agreed limiting the goods sold to only bulky goods. This provides additional comfort that the impact on the City Centre will be minimal as described in the RIA.

59. It is important that such a condition is imposed. The RIA demonstrates that the impact of a bulky goods scheme would be minimal, but does not consider the impact of a wider range of goods. The Retail and Centres Study shows clearly that although the City Centre has a healthy market share, this has fallen in the wider catchment since 2006. The effect of the recession has been an increase in vacancies, particularly in large units along New George Street to the west of Armada Way, and there are challenges in the future given the rise of internet shopping levels and the small size of many City Centre units. The Retail and Centres Study highlights these issues and recommends in paragraph 6.70 that the threshold for retail impact assessments in Plymouth should be 500sq m in order to ensure that the impacts of all retail planning applications on the City Centre are fully assessed. This finding is highlighting the need to thoroughly understand and if necessary control the effects of new retail floorspace on the City Centre.

60. In the case of this application, officers consider that the applicant has demonstrated that there will not be a significant adverse impact on the vitality and viability of the City Centre nor will there be an unacceptable adverse impact on the City Centre (CS08). However, this conclusion rests upon the analysis of the retail proposals as bulky goods, not including retail sectors which will compete with the City Centre, and comprising the number and size of bulky goods retail warehouse units described in the application. For this reason, officers consider that the proposals are acceptable on retail grounds as long as they are subject to the retail conditions as set out in this report.

61. Finally, Policy CS09 of the Core Strategy sets out the approach to be taken regarding retail development at Marsh Mills. Policy CS09 envisages new retail development taking place on one of the three existing retail parks at Marsh Mills. The application proposes a form of development which in effect will extend the main Marsh Mills Retail Park. It is therefore important that the development contributes to measures to overcome the shortcomings of the Marsh Mills area. As set out above, the Legacy Hotel site is prominent, being adjacent to the Marsh Mills junction onto the A38 – an important gateway to Plymouth. The regeneration proposals would comprise a redevelopment of this gateway site, providing a significant number of jobs and contributing to improvements to the Marsh Mills area, preventing the site from lying vacant for any length of time. Through the S106 Obligation, the proposal would also deliver cycle improvements in the Marsh Mills area and a net gain in biodiversity through environmental benefits to the Efford Marsh Local Nature Reserve. The aim of policy CS09 is therefore being met.

Letters of Representation:

62. Three letters of representation have been received which specifically make a number of points regarding the retail planning issues. Officers responses to these points are largely made in the analysis set out above, but any further points are dealt with below:

63. It is considered that the time period for the sequential approach should be extended to 10 years on the basis that the development is speculative with no indication of occupiers. It is considered that this point is dealt with by the bulky goods condition.

64. It is believed that the applicant should have considered the use of vacant units in the City Centre. The applicant has indicated that since the bulky goods condition strictly controls occupiers to traditional bulky goods retailers it is unlikely that any of the units would be commercially attractive to such retailers. The units would be suitable for AI comparison retailers, but not to retailers whose business model is based upon retail warehouse development.

65. It is asserted that the applicant's trade draw is based upon unrealistic assumptions and suggests that the actual trade draw from the City Centre will be at least 25%. However, no evidence is supplied to demonstrate how this figure is arrived at.

66. It is requested that if the City Council is minded to approve the application, certain conditions are imposed to deal with the range of goods to be sold and size of units. These matters are dealt with in the conditions set out in this report.

67. Concern is set out that the proposals will jeopardise the Council's ability to bring forward redevelopment plans as set out in the City Centre and University AAP. As set out above the bulky goods retailers who will occupy the proposed units do not compete with the City Centre's main retail sectors. The impact upon the City Centre is therefore minimal and should not have any effect upon future redevelopment proposals.

68. It is also flagged up the goods which could be sold using the applicant's original bulky goods condition. The condition now agreed, which is set out in this report, is now more tightly worded than the original condition and should address this concern.

69. The point is raised that the applicant has not identified a quantitative or qualitative need for the development. Although this was a requirement of PPS6, it is no longer a requirement of the NPPF and the applicant is no longer obliged to demonstrate need.

70. Concern is expressed about 'standard' bulky goods conditions. The Council shares this concern, and for this reason has imposed the stricter bulky goods condition included in this report. It is considered that this new condition answers the concerns set out in this point.

71. It can be concluded that given the timescales for delivery, there will be no impact on planned investment in either the City Centre (Cornwall Street) or Derriford.

The impact of the development upon the highway network

72. It is proposed to re-develop the existing Legacy Hotel site on Plymouth Road, demolishing the existing hotel to create new A1 retail and A3 restaurant/cafe use. The gross floor area (GFA) of the proposed A1 retail element would be 7,900sq.m, and the A3 restaurant/cafe 712 sq.m.

73. A formal response on this application was provided by the Highway Authority on 22 February 2012 which outlined a number of deficiencies within the Application documents and a recommendation for refusal was given. Over the last few months more information has been supplied which addresses most of the points raised in the original response. The main points are dealt with below and a number of conditions are recommended which address the issues raised.

74. The Transport Assessment as submitted was considered inadequate for a number of reasons and concerns were raised by both Highways Agency (HA) and Local Highway Authority. Additional information was submitted which was considered by the HA to address their concerns.

75. Subsequently further information has addressed many of the Local Highway Authority's concerns.

76. The key question concerns traffic impact on the adjacent highway network. While the proposal will not generate as much traffic as food related retail and accepting that there is already traffic associated with the existing hotel use, there is a material impact on the local highway network and the applicant has proposed to install (MOVA Microprocessor Optimised Vehicle Actuation) at the Marsh Mills roundabout which is agreed could address the impacts of additional traffic on the roundabout itself. MOVA is more responsive to traffic conditions than conventional signals and often leads to a significant increase in capacity at a junction(s). A further issue arises on the B3412 Plymouth Road where congestion can be observed at peak times. It is considered likely that there will be a material increase in traffic from the proposal on Plymouth Road. Also, given the proximity of these junctions to each other and to Marsh Mills roundabout, the benefits of MOVA at Marsh Mills can only be fully achieved if MOVA is extended to other nearby junctions at Longbridge Road, Coypool Road and Woodford Avenue as otherwise traffic blocking back through Marsh Mills will increase. A condition is therefore requested to install MOVA at the junctions at Longbridge Road, Coypool Road and Woodford Avenue which is considered to address any potential impacts at these junctions.

77. The traffic assessment has been carried out on the basis that non food related bulky type goods are sold from the proposed retail units and conditions are recommended to ensure that this type of use is retained on site.

78. The main access road into the site will be retained incorporating the existing left-in left-out arrangements, although the access road will be re-aligned southwards

across the grassed area in front of the site. Swept paths have been provided to demonstrate that the alignment can accommodate heavy goods vehicles. Some of the land is public highway and a gas main runs through this area. The access road would not be suitable for adoption and therefore the area through which the road is diverted should be extinguished as public highway and a condition is suggested to secure this. The width of the entrance would be increased significantly over its current width which would increase the distance required to be crossed by both pedestrians and cyclists using the shared use facility. It is requested that this area be reconfigured to improve visibility and allow use of the central island for crossing cyclists and pedestrians. A condition is recommended on this basis.

79. Loading and unloading will be at the rear of the units with heavy goods vehicles accessing from Marsh Mills not Longbridge Road.

80. Currently access can be obtained through the site from the rear of the site by cyclists and pedestrians only. Under the current proposal there is no formal means of access for any visitors to the site. This is partly to address concerns by residents about vehicles parking in Marsh Close and surrounding area so the informal link through will be lost. However there is a reasonable alternative available via Marsh Close and Longbridge Road therefore officers consider that the diversion will not be significant.

81. Concerns have been expressed about increased traffic using Longbridge Road which is one-way over part of its length. While the Transport Assessment indicates additional traffic using this route (around 24 vehicles per hour), this is not considered by officers to be significant enough to warrant a refusal.

82. In considering this point, however, there are on street parking issues over this area resulting from adjacent car retail and other uses and it is considered that a sum should be secured to prevent unsafe parking in adjacent side roads. Given the parking pressures in this area and the need for a coordinated approach, a sum of £25k is requested which may lead to the implementation of residents parking or limited waiting and double yellow lines over the whole area.

83. A further S106 contribution should be provided towards improvements to cycling in the Marsh Mills area. National Cycle Route 27 runs through the area although connections to it in the Coypool and Marsh Mills area are poor. Some funding has been secured to investigate further improvements through the National Cycle Network Development Fund and this contribution would contribute towards the delivery of cycle improvements in the Marsh Mills area. The sum requested is £75k.

84. Cycle parking is proposed at the site although it is considered that this should be reconfigured to provide cycle parking adjacent to each store entrance and to provide some covered cycle parking for employees.

85. The Local Highway Authority therefore supports the application subject to the imposition of conditions.

86. On this basis the application is considered to accord with policies CS28 and CS34 of the Local Development Framework Core Strategy and policies and provisions of the National Planning Policy Framework.

The impact of the development upon the appearance and character of the area

87. The scale, design and massing of the proposed development is considered to be in keeping with the character and scale of the commercial development on the adjoining retail park and with the appearance and character of the locality.

88. The retention of the existing landscaped boundary on the northern edge of the site will ensure that an adequate level of screening is maintained between the development and adjoining residential development on Marsh Close.

89. Officers therefore consider that the development accords with adopted policies CS01, CS02, CS18 and CS34 of the Core Strategy and the Council's adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009) and policies and provisions of the National Planning Policy Framework.

The impact of the development upon neighbouring residential properties

90. Revised plans have been received which demonstrate that the substantial landscaped boundary planting on the northern boundary of the site (which provides a significant level of screening) will be retained. In terms of siting, design, scale and massing, the current development proposal is therefore considered to be well screened from the neighbouring properties in Marsh Close and is not considered to have a significant adverse impact upon the residential amenity of neighbouring properties in terms of dominance or overbearing impact. Officers also consider that the development will not result in a significant increase in overlooking or loss of privacy. A condition is recommended to ensure the northern boundary screening / planting is protected through the development construction and thereafter retained and maintained.

91. Conditions are recommended to restrict the opening hours, hours of loading and deliveries and also to impose an out-of-hours restriction and management strategy with regards the use of the car park. A condition is also recommended seeking details of the proposed building and car park external lighting in order to ensure that there is not an unacceptable impact in terms of light pollution.

92. On this basis the development proposal is not considered to have an unacceptable impact on the residential amenity of neighbouring properties in terms of noise, nuisance or light pollution and on balance is considered to be acceptable.

93. Officers consider that the development accords with adopted Core Strategy policies CS02, CS18 and CS34, the Council's adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009) and the policies and provisions of the National Planning Policy Framework.

The impact of the development upon existing protected trees and greenspace:

94. Whilst the original plans submitted with the application indicated that the whole existing landscaped boundary to the north of the site would be removed, following receipt of revised plans which demonstrate that this substantial landscaped boundary planting will be retained, the proposal is considered to have an acceptable impact upon existing trees on the northern boundary.

95. It is acknowledged that in order to accommodate the siting of the new service yard and its related access, the Poplar trees subject to tree preservation orders on the western boundary of the site will be lost through the proposal. Taking into account the wider setting of the retail park adjoining the A38 trunk road, the impact of their removal is not considered to be so significant to warrant a refusal of the planning application and on balance the application is supported.

96. The existing site also contains a mixture of scattered trees, scrub, tall ruderal grassland and amenity grassland, a significant proportion of which will be lost as part of the development. The proposed mitigation and enhancement strategy does not compensate for the loss of habitat on site or provide a net increase. Officers consider therefore that the proposed development does not deliver a net gain in biodiversity on site and it is considered appropriate to request a Section 106 contribution for off-site ecological mitigation in order to meet the requirements of adopted Core Strategy Policy CS19.

97. Directly opposite the site lies the Efford Marsh Local Nature Reserve which is considered by officers to be an ideal site to provide mitigation for this development. The nature reserve provides an important part of the City's network of wildlife sites (as required by CS19) however, the site is in need of enhancement as outlined in the 'Efford Marsh Site Management Plan'.

98. Accordingly, a £35,000 S106 contribution to enable Biodiversity Improvements to be delivered in accordance with the Efford Marsh Local Nature Reserve Management Plan is required. The contribution will be used to deliver an initial phase of works including woodland and hedgerow management works and grassland restoration and recreation, on a small part of the nature reserve.

99. On this basis the application is considered by officers to accord with policies CS18, CS19 and CS34 of the Local Development Framework Core Strategy and policies and provisions of the National Planning Policy Framework and is supported.

The impact of the development in terms of flood risk:

100. The Environment Agency considers that the Flood Risk Assessment submitted in support of this application is adequate.

101. The site is located within the tidal and fluvial flood zone 3 and benefits from flood defences. However, these defences will not defend the development from flooding over its lifetime (which is taken to be 75 years) due to increasing river flows and tidal water levels associated with the impact of climate change.

102. The development therefore has been designed to have elevated ground floor levels to mitigate the risk should the flood defences become overtopped. This elevated floor level had resulted in ground levels in the proposed car parking being re-graded from existing levels. To ensure floodplain storage on this site is maintained as part of the re-grading, the development proposal includes the installation of voids under the buildings and service yard.

103. The proposed surface water drainage scheme is considered to be acceptable in outline, further details can be provided as part of the discharge of the recommended condition.

104. Overall, the redevelopment proposal actually reduces the flood risk vulnerability of uses on site overall (from more vulnerable to less vulnerable).

105. On this basis the application is considered by officers to accord with policies CS21 and CS22 of the Local Development Framework Core Strategy and policies and provisions of the National Planning Policy Framework.

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.

Section 106 Obligations

The proposal is not liable to pay the CIL, which only applies to residential development and retail superstores.

The following contributions have been negotiated to mitigate the impacts of the development:

£25,000 towards parking restrictions in the vicinity of the site and the provision of a residents parking zone within Marsh Close.

£50,000 contribution towards the provision of the strategic cycle network including improvements to National Cycle Network 27 in the vicinity of the site and connections to it in the Marsh Mills/Coypool area.

£35,000 contribution to enable biodiversity improvements to be delivered in accordance with the Efford Marsh Local Nature Reserve Management Plan.

£11,000 Planning Obligations Management Fee relating to the administration, monitoring and management of the Planning Obligation.

All above payable upon commencement of development.

The application has been assessed against the Government's Community Infrastructure Levy (CIL) and it is considered that the financial obligation required meets the 3 CIL tests and that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

The above obligation has yet to be agreed with the applicant. An update on this matter will follow as an addendum.

Equalities & Diversities issues

The proposed development will be available to all members of the public and will not prejudice against age, gender, religion, sexuality, ethnic background or nationality. The development will be fully compliant with the Disability Discrimination Act and therefore access for the disabled is provided.

The site is accessible to people from all areas of the city as the site is extremely well served by public transport, being adjacent to an existing Park and Ride site. The development will also provide car parking and cycle storage.

The development will be available to all equality groups. The application therefore does not have any adverse impacts on any equality groups.

Conclusions

The principle of the development in terms of its retail impact on City Centre, District and Local Centres is considered to be acceptable.

The redevelopment proposal reduces the flood risk vulnerability of uses on site overall (from more vulnerable to less vulnerable) and is therefore considered to be acceptable in terms of flood risk.

The siting, design, materials and finish of the development are considered to be acceptable and in keeping with the appearance and character of the area. The redevelopment of this prominent site would not have a significant adverse impact upon neighbouring properties and will contribute to the regeneration of the area as a whole.

Officers consider that the application constitutes sustainable development that is consistent with the requirements of the National Planning Policy Framework and compliant with the Councils adopted Local Development Framework planning policy.

It is therefore recommended that the development be conditionally approved subject to the satisfactory completion of the above S106 Obligation. Delegated authority is sought to refuse the application in the event that the S106 Obligation is not completed by 16th December 2013.

Recommendation

In respect of the application dated **17/01/2013** and the submitted drawings 10163_L01.02, 10163_L00.01 Rev B, 10163_L09.01, Illustrative Masterplan, 10163_L01.01 Rev L, 10163_L02.01, 10163_L04.01 Rev C, 10163_L03.01 Rev C, 10163_L93.01 Rev A, 10163_L94.01 Rev B, 10163_94.02 Rev A, 10163_94.03, Phase 2 Ground Investigation ref. R/10388/001, Economic Impact Assessment, Planning Statement ref. JBR1437/LW3098lw Rev I, Transport Assessment ref. C10388, Sustainability and Energy Statement Revision 01, Noise Assessment Dec 2012, Flood Risk Assessment ref. R/10388/001, Ecological Assessment Report No. 1354_R01_LW_JTF, Supplementary Ground Investigation ref. R/10388/002, Utilities Statement ref. C10388/US/02, Framework Travel Plan, Retail Assessment, Tree Survey and accompanying Design and Access Statement, it is recommended to: **Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 16th December 2013.**

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: C10388/C120 Rev A, C10388/C100 Rev C, C10388/C102 Rev A, 10163_L01.02, 10163_L00.01, 10163_L09.01, Illustrative Masterplan, 10163_L01.01 Rev L, 10163_L02.01 Rev M, 10163_L04.01 Rev C, 10163_L03.01 Rev C, 10163_L93.01 Rev A, 10163_L94.01 Rev B, 10163_94.02 Rev A, 10163_94.03

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.

CODE OF PRACTICE DURING CONSTRUCTION

(3) 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.

FLOODPLAIN COMPENSATION

(4) Prior to commencement of the development, details of proposed floodplain compensation, including its future maintenance shall be submitted to and agreed by the Local Planning Authority.

Prior to use of the development it shall be demonstrated to the satisfaction of the Local Planning Authority that the floodplain compensation has been completed in accordance with the agreed details. The floodplain compensation shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure that this development manages flood risks appropriately and does not increase flood risk to third parties in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

SURFACE WATER DRAINAGE

(5) No development 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
- a timetable for construction
- a construction quality control procedure
- details of the final drainage scheme
- a plan for the future maintenance and management of the system.

Prior to occupation of the development a report shall be submitted demonstrating that the approved scheme has been implemented on site. 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 ensure the provision of a satisfactory means of surface water control and disposal during construction and for the final development in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

GRAMPIAN - 'MOVA' PROVISION/OFF-SITE HIGHWAY WORKS REQUIRED

(6) No part of the development hereby approved shall commence until the Local Planning Authority and Highways Agency have approved in writing a full scheme of works to provide Microprocessor Optimised Vehicle Actuation (MOVA) Control at the following junctions:

- (i) Marsh Mills Junction A38 (T)/A374/B3416.
- (ii) B3416 Plymouth Road Longbridge Road junction.

- (iii) B3416 Plymouth Road Coypool Road junction.
- (iv) B3416 Plymouth Road Woodford Avenue Junction.

No part of the development hereby approved shall be occupied until the approved works are in place, are operational and have been confirmed as being so by the Local Planning Authority and Highways Agency.

Reason

To ensure the safe and efficient operation of the local and trunk road networks and to ensure that appropriate and safe access is provided in accordance with policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

ACCESS/HIGHWAY IMPROVEMENTS

(7) No development shall take place until all details of the proposed changes to the site access road and its junction with the public highway have been submitted to and approved in writing by the Local planning Authority including details of safe uncontrolled cycle and pedestrian crossing across the site entrance which shall incorporate a central refuge island. The approved details shall be strictly adhered to during the course of development.

Reason:

In the interests of the safe and efficient operation of the local and trunk road networks, and to ensure that appropriate and safe access is provided in accordance with Policy CS28 and CS34 of the City of Plymouth Local Development Framework Core Strategy adopted April 2007 and policies and provisions of the NPPF.

LOADING AND UNLOADING PROVISION

(8) 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 in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF.

USE OF LOADING AREAS

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

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience, and (iii) interference with the free flow of traffic on

the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(10) The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 23 staff bicycles and 18 customer 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 and the policies and provisions of the NPPF.

MINIMUM CAR PARKING PROVISION

(11) Unless otherwise agreed previously in writing with the Local Planning Authority, notwithstanding the level of car parking shown on the submitted plans, the building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 290 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

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 and the policies and provisions of the NPPF.

EXTINGUISHMENT OF PUBLIC HIGHWAY RIGHTS

(12) Before the access road shown on the approved plan is constructed the public highway access rights over part of the associated land shall be formally extinguished in accordance with Section 247 of the Town and Country Planning Act.

Reason:

In the interests of public safety and amenity in accordance with Policies CS28 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007.

TRAVEL PLAN

(13) The buildings hereby permitted shall not be occupied 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 occupation 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.

CAR PARK MANAGEMENT STRATEGY

(14) Prior to the occupation of the proposed development a car parking management strategy shall be submitted to and agreed in writing by the Local Planning Authority to restrict maximum stay at the car park to 3 hours together with measures to monitor and enforce such a restriction and appropriate signage. The car parking management strategy shall also include details of how access to the car park will be restricted outside the permitted opening hours. The development will not be brought into use until such time that the agreed car parking management strategy has been implemented. The car parking management strategy shall thereafter be so retained and maintained.

REASON:

To restrict the length of stay to a maximum of 3 hours to prevent long stay and commuter car parking to ensure an adequate level of car parking is provided for the development and in the interests of the residential amenity of the adjoining properties in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF.

ELECTRIC VEHICLE CHARGING POINTS

(15) The development shall not be brought into use until 2 electric vehicle charging bays with appropriate infrastructure have been provided within the car in accordance with details to be submitted to and approved in writing by the LPA.

REASON: Reason:

In order to promote the use of electric vehicles in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Paragraph 35 of the NPPF.

DESIGNING OUT CRIME

(16) Prior to the commencement of the development, a scheme detailing how the principles and practices of the 'Secured By Design' scheme are to be incorporated into the development, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of creating safer and sustainable communities in accordance with The National Planning Policy Framework and Local Planning Policy CS32 Designing Out Crime of the Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATED LAND

(17) 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.

NOISE

(18) The noise producing equipment specified in the application (Mechanical Ventilation Extraction, Refrigeration and/or Air Conditioning Units) shall be installed as described in the application and before commissioning shall be tested and shall achieve the following sound levels:

The noise emanating from such equipment (LAeqT) shall not exceed the background noise level (LA90) as described in the noise assessment as 38dB by more than 5dB, including an adjustment to allow for the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

Prior to occupation of the development, a report shall be submitted demonstrating that the above sound levels have been achieved. The above standards shall thereafter be maintained for the lifetime of the development.

Reason

To protect the residential and general amenity of the area from noise emanating from the operation of any mechanical extract ventilation system and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006 - 2012) 2007 and policies and provisions of the NPPF.

ODOUR CONTROL

(19) Prior to any occupation of the A3 Unit (Unit 5), a mechanical kitchen extract ventilation system to control the emission of fumes and smell from the premises shall be installed in accordance with details which shall have been previously submitted to and agreed in writing by the Local Planning Authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

The applicant's attention is drawn to the Document DW/172 produced by HVCA and the Defra publication available online at: <http://defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf> to ensure that the correct level of odour control is achieved.

Reason:

To protect the residential and general amenity of the area from odour emanating from the operation of any mechanical extract ventilation system and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 an policies and provision of the NPPF.

HOURS OF DELIVERY AND COLLECTION

(20) Due to the proximity of the residential properties to the service yard of the proposed development, deliveries and collections should be restricted to the following times:

Monday to Saturday - 08:00 to 18:00hrs

Sundays and Bank Holidays - No deliveries or refuse collections.

Reason:

To protect the residential and general amenity of the area from disturbance from noise at unreasonable hours and avoid conflict with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF.

WASTE STORAGE

(21) Prior to the commencement of the uses hereby permitted a suitably screened and covered area for the storage of waste shall be provided on site to accommodate lidded refuse storage containers, the details of the storage area shall have been previously submitted to and agreed in writing by the Local Planning Authority. The approved details shall thereafter be permanently retained and maintained.

Reason:

To ensure that trade waste does not constitute a hazard to public health or detrimentally affect the visual appearance of the neighbourhood in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF..

LANDSCAPE DESIGN PROPOSALS

(22) 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 [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; signs, lighting etc.); 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 and provisions of the NPPF.

SOFT LANDSCAPE WORKS

(23) 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 and provisions of the NPPF.

LANDSCAPE WORKS IMPLEMENTATION

(24) 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 and provisions of the NPPF.

MAINTENANCE SCHEDULE

(25) No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

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

DETAILS OF TREE PLANTING

(26) The plans and particulars of the landscaping works submitted in accordance with condition 22 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

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 and provisions of the NPPF.

TREE REPLACEMENT

(27) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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 and are subsequently properly maintained, if necessary by replacement and provisions of the NPPF.

EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

(28) 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, hedgerow or any of the plants/shrubs on the northern boundary shown to be retained on the approved plans, 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, hedgerow or shrub 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, hedgerow or shrub 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 details to be submitted to and agreed previously in writing with the Local Planning Authority and 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.

ARBORICULTURAL METHOD STATEMENT

(29) No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall detail how trees and the landscaped zone on the northern boundary of the site are to be protected during construction. It shall include measures for protection in the form of barriers to provide a 'construction exclusion zone' and ground protection in accordance with Section 6.1 of BS: 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

To ensure that the trees and the landscaped zone on the northern boundary of site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (24) 2007 and policies and provisions of the NPPF.

DETAILS OF ENCLOSURE AND SCREENING

(30) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of all means of enclosure and screening to be used. The works shall conform to the approved details and shall be completed before the development is first occupied.

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 and provisions of the NPPF.

EXTERNAL MATERIALS

(31) 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 and provisions of the NPPF.

SURFACING MATERIALS

(32) No development shall take place until details of all materials to be used to surface external areas 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 and provisions of the NPPF.

LIGHTING DETAILS

(33) No development shall take place until details of any external lighting have been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be fully implemented before the development is first occupied and henceforth permanently maintained unless written agreement is given by the LPA to an alternative lighting scheme.

Reason:

To ensure that any external lighting does not cause excessive light pollution and a resultant adverse impact upon the residential amenity of neighbouring properties in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

SUSTAINABILITY - ON-SITE RENEWABLES

(34) Prior to any development commencing, the applicant shall provide to the Local Planning Authority a report for approval identifying how a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L of Building Regulations. If such requirements are to be provided by means of a biomass boiler in full or part, details shall also be provided to demonstrate that the boiler will be used, which shall include a commitment to maintain the boiler and details of how a long term fuel supply can be secured and delivered.

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

Reason:

To comply with Policy CS20 of Plymouth's LDF Core Strategy and in accordance with Government advice contained within the NPPF.

BULKY GOODS RESTRICTION

(35) Notwithstanding the permitted use of the retail units hereby permitted falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the development shall only be used for the sale of bulky goods falling within any of the following categories (and for no other purposes within the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification):

- (i) DIY products, materials, tools and machinery for the repair, maintenance or improvement of the home, the garden and motor vehicles;
- (ii) Electrical goods and other domestic appliances of a bulky nature;
- (iii) Furniture, beds, floor coverings, wall tiles, soft furnishings and textiles of a bulky nature;
- (iv) Cycles, motor and cycle accessories of a bulky nature;
- (v) Kitchen units and accessories of a bulky nature;
- (vi) Office Furniture and Equipment of a bulky nature.

For the avoidance of doubt, only the above products and no others shall be sold at any time.

Reason:

In order to protect the vitality and viability of the City Centre and other centres in Plymouth from significant harm, to ensure the range of goods sold is appropriate for the site's location and is in line with that tested in the submitted Retail Impact Assessment and the Sequential Assessment; to ensure the range of goods sold complies with policies CS01, CS06, CS07 and CS08 of the adopted Local Development Framework Core Strategy (2006-2021) 2007, together with paragraph 24 and 26 of the National Planning Policy Framework.

FLOORSPACE RESTRICTION

(36) The gross internal retail floor areas of each of the ground floor and mezzanine levels hereby approved shall be constructed strictly in accordance with submitted drawing 10163 L02.01 Rev A. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that order with or without modification), the gross retail floorspace of any unit hereby approved shall not be physically enlarged, extended, or reduced in any way within the envelope of the buildings in which they are located, at any time, unless prior approval for any such change has been obtained in writing from the Council.

For the avoidance of doubt, the gross retail floorspace of any unit shall not be reduced or subdivided in any way nor shall any additional floorspace be created by the addition of additional floors or additional mezzanine levels beyond the 70% level shown on the submitted plan in any of the units hereby permitted.

Reason:

In order to provide an acceptable form of development, to comply with policies CS06, CS07, CS08 and CS12 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007 and policies and provisions of the NPPF.

RESTRICTION ON PERMITTED CHANGES OF USE

(37) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification),), no change of use of the proposed A3 unit to a use falling within Classes A1 or A2 of Part 3 of Schedule 2 to that order shall be carried out without the consent in writing of the Local Planning Authority.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate, but that a proposal to use the premises for any other purpose would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BULKY GOODS RETAIL - NO FOOD SALES

(38) Notwithstanding the permitted use falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the A1 premises shall not be used for the sale of food for consumption on or off the premises.

Reason:

The use of the site for the sale of food would be contrary to Policy CS08; In the interests of the safe and efficient operation of the local and trunk road networks, and to ensure that appropriate and safe access is provided in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF.

NO TAKE AWAY HOT FOOD

(39) Notwithstanding the permitted use falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the A3 premises shall not be used for the sale of any hot food for consumption off the premises.

Reason:

The use of the premises for such a purpose would be likely to harm local residential amenity due to increased noise and disturbance caused by the frequent arrival and departure of customers, and/or traffic and parking problems outside the premises and in adjacent streets, contrary to Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

INFORMATIVE: CODE OF PRACTICE

(1) 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.

INFORMATIVE: CONDITIONAL APPROVAL

(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 with the Applicant [including pre-application discussions] and has negotiated amendments to the application to enable the grant of planning permission.

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

(3) 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: TRAVEL PLAN

(4) The document required in connection with the Travel Plan should be based upon the Council's guidance for Travel Plans published on the Council's website and should, where possible, be created using iTRACE, an online travel plan management tool available through Plymouth Transport and Infrastructure. The applicant is advised to contact Plymouth Transport and Infrastructure prior to preparation of this document for site-specific advice on the requirements for the Travel Plan, which are likely to include:

- (a) appointment and contact details of a Travel Plan Coordinator
- (b) recommendation of the use of iTRACE
- (c) site specific targets, measures and management/monitoring plan.

INFORMATIVE - TOILET FACILITIES

(5) An adequate number of toilet and hand washing facilities should be provided for use by customers as well as staff, in order to meet the provision laid down in Approved Document G and BS 6465-1:2006 & A1:2009. The aforementioned documents must be referred to in order to determine the number of facilities required in each unit in which people are invited to sit and eat based on the number

of covers and staff. The facilities should be adequately ventilated with a minimum of 15 air changes per hour to remove stale air and odour.

INFORMATIVE - DRAINAGE

(6) The drainage in a food preparation area should be fitted with a grease separator in line with Building Regulations Approved Document H and prEN1825-1:2004, design in accordance with prEN1825-2:2002 or other effective means of grease removal.

INFORMATIVE - KITCHEN LAYOUT AND DESIGN

(7) The applicant/s should submit details of the proposed layout and design of any proposed kitchen to the food safety and standards team prior to the installation of any equipment in order that comments can be made regarding the layout and compliance with hygiene regulations.

INFORMATIVE: DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(8) The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see www.plymouth.gov.uk/cil for guidance. Index-linking may also apply.