

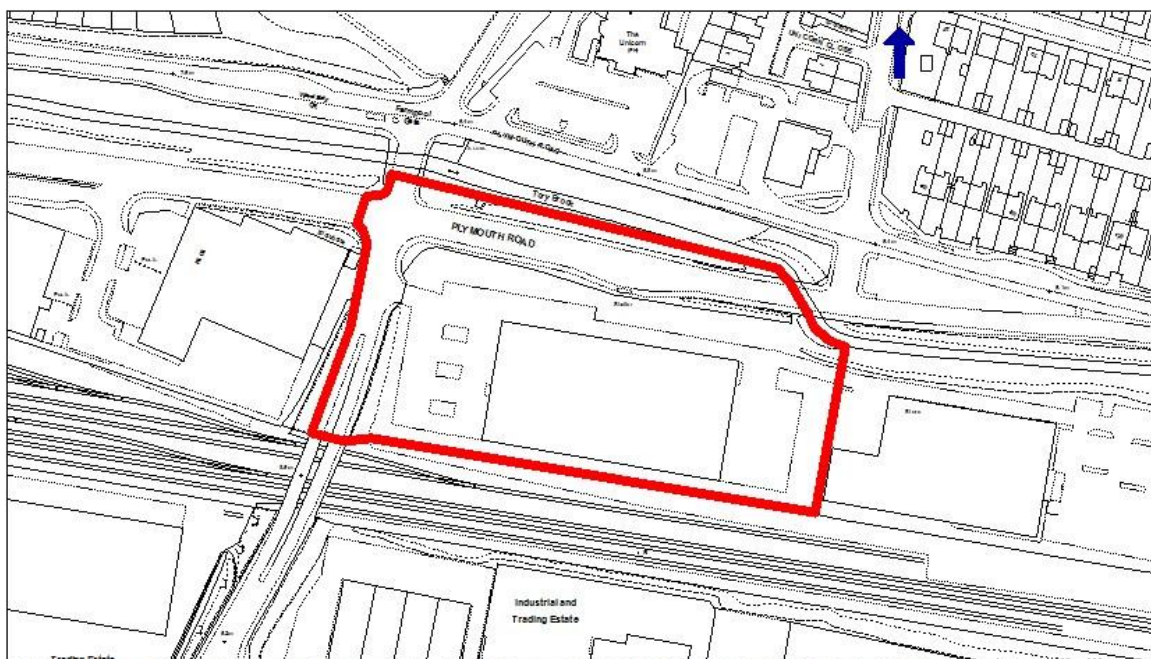
PLANNING APPLICATION REPORT



Application Number	14/01281/FUL	Item	04
Date Valid	23/07/2014	Ward	Plympton Erle

Site Address	FORMER MEGABOWL, PLYMOUTH ROAD PLYMOUTH		
Proposal	Construction of a new food retail store and non-food retail unit with associated car parking landscaping and access arrangements (existing building to be demolished)		
Applicant	Lidl UK		
Application Type	Full Application		
Target Date	20/01/2015	Committee Date	Planning Committee: 15 January 2015
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Simon Osborne		
Recommendation	Grant Conditionally		

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1. Description of site

Errill Retail Park is situated on the southern side of Plymouth Road roughly half way between Marsh Mills and the commercial centre of Plympton. The retail park is accessed directly off Plymouth Road and is sandwiched between the Tory Brook, at the front of the site, and the main railway line at the rear. The site is located at the western end of Erril Retail Park adjacent to Cot Hill where it has its own access. It was formerly occupied by the Megabowl building which has now been demolished.

Recently the Council has granted consent on the neighbouring (eastern) site under application number 13/00147/FUL for a new Morrisons Store and associated parking. The service yard area of the proposed Morrisons Store would back onto the application site. The site is connected to the eastern part of the site where the Morrisons store is proposed. Should the Morrisons Store be brought forward it would result in this link being closed.

The 2.4 hectares site is subject to Tree Preservation Order No. 330 and is generally in an untidy state. The character of the surrounding area is mixed, there is residential development to the north and east of the site and commercial and industrial development to the south and west. The Ridegeway shopping centre is approximately 1km to the east.

2. Proposal description

Demolition of existing building, construction of new foodstore (use A1) and non-food unit (A1) with associated parking, landscaping and access arrangements (12,100 sqm).

The Proposed Development would comprise of two retail units, a 'Lidl' Food store having a gross floor area of 1,636 sq m and a 'Home Bargains' discount store, with 1,665 sq m of gross floor space ; along with associated car parking. The units would not be restricted to these occupiers should they change hands in the future. The two retail units together would provide a total gross floor area across the two units of 3308 sqm. By comparison the extant consent permits 2,909sqm of gross of retail floor space (excluding the self-storage consent), and excluded the sale of convenience goods, as is now being sought.

The Lidl building would measure approximately 62m x32 m and 7.6 metres in height at its highest point.

The Home Bargains building would measure approximately 41m x 42m and 5.5 m in height.

The typical opening hours for Lidl stores are: Mon-Fri 08:00 - 21:00; Sat 08:00 - 21:00 and Sunday 10:00 - 16:00; with one to two service deliveries per day. These opening hours can be secured through a planning condition as detailed below.

3. Pre-application enquiry

14/00668/MAJ- Pre application discussions have taken place and the main issues of retail impact and highway considerations were raised. As such a retail impact assessment has been supplied with the application, alongside detailed traffic modelling to demonstrate the impact.

4. Relevant planning history

The Site

11/01492/FUL - Change of use from leisure use to retail (class use A1) bulky goods/trade counter; and self storage (use class Sui Generis) (Renewal of planning permission 08/01178/FUL) – Permitted.

08/01178/FUL - Change of use from leisure use to retail (Use Class A1) bulky goods/trade counter; and self storage (Use Class Sui Generis) – Permitted.

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

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

Eastern part of Erril Retail Park

13/00147/FUL- New food retail store and petrol filling station with associated car parking, cycle parking and landscaping (demolition of existing buildings)- Permitted

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

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

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

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

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

5. Consultation responses

Public Protection – No objections subject to conditions

Local Highway Authority – No objections subject to conditions

Environment Agency – No objections subject to conditions

Police Architectural Liaison Officer– No objections subject to conditions.

6. Representations

12 Letters of objection have been received regarding this application and 4 letters of support. The objections can be summarised as follows:

1. There are enough supermarkets in the area – do we need another? There will be an impact on existing stores which could lead to job losses and loss of the co-op store.
2. Traffic overload and congestion, particularly the in-out junction and the Cott Hill Junction. Safty concerns for cyclists and pedestrians
3. Pollution, noise and smell
4. The application should be heard at Planning Committee

The letters of support can be summarised as follows:

1. The area needs improving
2. Traffic issues can be overcome with S106 agreement
3. We need a cut price supermarket.

Although not formal letters of representation it is noted that the application was accompanied by 23 letters and 30 emails of support along with a petition of support signed by 1409 signatures at a Public Consultation Event held by Lidl on Thursday 19th June 2014 at the The Ridgeway, Plympton. The applicant has also drawn attention to a paper petition displayed at the Lidl foodstore in Plymstock over the weekend of Saturday 20th & Sunday 21st June 2014 containing 159 Signatures of support, and an online petition containing 3648 signatures of support.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One: Consultation Draft was approved by Cabinet for consultation purposes on 9 December 2014. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework

(the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at an early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The draft policies of the Plymouth Plan are currently subject to consultation, although the general direction taken by the plan and key issues and options relating to it have been subject to consultation.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document

8. Analysis

1. This applications turns upon policies CS02 (Design) CS05 (Development of Existing Sites) CS08 (Retail Development Considerations) , CS18 (Plymouths Green Space) CS19 (Wildlife) CS20 (Sustainable Resource Use) CS21 (Flood Risk) CS22 (Pollution) CS28 (Local Transport Considerations) CS32 (Designing Out Crime) and CS34 (Planning Application Considerations) of the Plymouth Local Development Framework Core Strategy.
2. This application raises a number of key planning issues: the principle of the development and retail impact; design and layout matters; public protection issues and residential amenity; transport; nature conservation (impact on ecology and protected species); impact upon trees and landscaping and renewable energy.

FALL BACK

3. It is important to note that the former Megabowl building had a planning permission (11/00564/FUL) for sub division of the existing building, to provide smaller retail units and a 'Self Storage' warehouse type use, comprising of 7 in number units made up of, 3 Bulky Goods, 3 Trade Counter, and 1 self-storage warehouse. The permission restricted the retail uses to those falling within 'bulky' categories only. The building has now been demolished

and therefore the permission is no longer extant, however if an application was to be submitted for a similar building with the same uses as the previous consent it is likely that officers would recommend it to be acceptable due to this planning history.

RETAIL IMPACT

4. The site is not within a defined retail centre and is therefore considered to be out of centre for the purposes of any assessment against retail planning policy. The National Planning Policy Framework (NPPF) sets out in paragraph 24 its sequential approach to retail development, requiring demonstration by the applicant that there are no town centre or edge of centre sites available and suitable for the proposed development. The sequential approach to site selection is also confirmed in Policy CS08 (Retail Development Considerations) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007), which states that developments outside of existing centres must also meet a proven need and be accessible by a choice of means of transport.
5. The Council's retail policy evidence base comprises of The Plymouth Retail and Centres Study (2012). This shows that the Plympton area has a low rate of retention of locally generated convenience expenditure compared to other parts of the City, as it is not currently provided with a large foodstore for the weekly bulk food shopping trip. It also shows that a number of the closest existing foodstores to the area are overtrading and that the main foodstores in Plympton are small in size with limited capacity to extend.

Sequential Test

6. The proposed development is at an out-of-centre location and has a total net retail floor area of 2,596 sqm. This floor area would be split between 2 retail units, which are proposed by the applicant to be occupied by Lidl and Home Bargains. It should be noted that planning permission relates to the use of the units and would not restrict the units to these occupiers.
7. The proposed gross and net floor areas of these stores are set out below:

Proposed scheme floorspace (sqm)

Store	Gross sqm	Net sqm
Lidl	1,636	1,063
Home Bargains	1,665	1,533
Total	3,301	2,596

8. A Retail Assessment has been submitted by the applicant because the site is outside a designated District Centre and, in the absence of a locally set threshold, is over the default threshold of 2,500 sqm net as specified in paragraph 26 of the NPPF. In line with the NPPF and Policy CS08, the retail assessment includes a sequential sites assessment and an impact assessment. These are considered below:

Sequential sites assessment

9. The sites, which are all located within the primary catchment area of Plympton, include car parks in or on the edge of Plympton Ridgeway District Centre, as well as at Chaddlewood,

Colebrook, Stone Barton and Underwood Local Centres. In order to demonstrate a flexible approach to site assessment, in accordance with paragraph 24 of the NPPF, the applicant has also appraised sites for their capacity to accommodate the Lidl unit (1,636 sqm) on its own, which would require 0.45 ha. The applicant concludes that, apart from Mudge Way Car Park, these sites are not suitable because they are smaller than 0.45 ha. Although Mudge Way Car Park is large enough to accommodate the Lidl, it is considered to be unavailable because it is well used and is key to the successful functioning of the District Centre.

Retail Impact Assessment

10. The retail impact assessment draws on the study area, and household survey results, utilised for the 2012 Plymouth Retail and Centres Study undertaken by Roger Tym & Partners. The study area turnovers for centres and individual stores are grown from 2011 to the design year (2019) using accepted Experian Retail Planner Briefing Note 11 (October 2013) growth rates and Pitney Bowes/Mapinfo Anysite System derived population forecasts. The estimated comparison and convenience goods turnover of the proposed scheme, incorporating both the Lidl and the Home Bargains, are correctly derived from Verdict sales density estimates and grown to £7.2 million by 2019 (see below):
11. The applicant has considered both the impact of the convenience (broadly defined as easy access goods such as food, drinks, tobacco, newspapers, magazines, cleaning materials, toilet articles) and comparison (other goods) turnovers of the proposed scheme and the committed Morrisons on the projected 2019 turnovers of individual stores and centres in the study area. The trade draws (proportion of trade that a development is likely to receive from customers within and outside its catchment area) that have been applied have been distributed based on the accepted 'like affects like' approach highlighted in the NPPG (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly) . On this basis the largest impacts are shown against the main supermarkets, particularly the permitted Morrisons scheme, as well as out-of-centre retail parks like Marsh Mills and Crown Hill.
12. The only impact of some concern is on the convenience turnover of Plympton Ridgeway (17.1%/£0.5m), and the Co-op that is located within it (7.0%/£0.6m). It should be noted however that the bulk of the impact on Plympton Ridgeway district centre will be from the Morrisons scheme (15.8% out of 17.1% impact), which has already been accepted and approved by the City Council. The same is true for the Co-op, which will experience an increased impact from 6.2% with the Morrisons to 7.0% with both schemes coming forward. Although the Plymouth Retail and Centres Study calculated that the Co-op was undertrading by £2.6 million per annum against company sales benchmarks, it is unlikely that the overall fall in turnover will impact on the ongoing viable trading performance of the store.
13. The comparison impacts demonstrated by the applicant are considered by officers to be acceptable. Although the applicant has failed to assess the cumulative impact of the permitted scheme at the Legacy Hotel site (12/02320/FUL - 7,900 sqm of A1 space) it is considered by officers that the combined impact of these schemes will largely be spread across out-of-centre stores as opposed to centres that are afforded protection by planning policy.
14. In addition to this, officers are in agreement with the applicant that there are no existing, committed and planned public or private sector investments in centres within the catchment area that would be adversely affected by the proposed development.

Retail Summary

15. Based on the evidence provided and the approach and assumptions adopted, officers consider that both the sequential sites assessment and impact assessment have been correctly undertaken in accordance with the NPPF and NPPG. Furthermore, it is considered that there are no sequentially preferable sites (using the sequential test for the scheme and that the proposed scheme subject to a condition limiting the sale of food and drink in the Home Bargains store to 20% will not have an unreasonable adverse impact on the vitality and viability of catchment area centres nor undermine the delivery of planned investment.

DESIGN AND LAYOUT

16. The proposed Lidl Store would be located to the south western corner of the site with the Home Bargains unit to its east. Both units would back on to the railway line. The proposed site would be accessed off the existing Cot Hill access and also a new access is proposed onto Plymouth Road.
17. The Home Bargains Store would be located towards the eastern boundary with a service yard area backing onto the proposed Morrison's service yard area.
18. The car parking is located on the northern side of the buildings and in between the buildings with the store access points facing each other and conveniently located to serve the stores. The Lidl service access is located on the western side elevation of the building and is set behind the existing boundary trees.
19. The Home Bargains Store is a flat roof building with silver cladding above the glazing line with white render finish below. The access is at the centre location on the western elevation and the entrance includes a canopy over the door to mark the location for customers.
20. The proposed Lidl building is a single storey with a mono pitch standing seam roof running front to back. A glazed shopfront faces the Home Bargains unit with an entrance lobby located on the north eastern corner of the building. The building's design introduces lightweight alucobond (metal looking) cladding at high levels and render at low level.
21. The design of the buildings are typical for their type, they are functional and do include some quality cladding materials as well as additional glazing added to the northern and west elevations of the Home Bargains at officers request. The buildings would be located to the southern end of the site away from Plymouth Road and would be partly screened by the tree lined boundary. In this respect the proposal is therefore considered to comply with policies CS02 and CS34.

TREES

22. Concerns were originally raised regarding the loss of protected trees in G4 of the TPO 330 due to a row of parking located at the back of the Plymouth Road bus bay and the new access. The amended landscaping plan shows that the parking has not been removed but new

trees (3 *Betula Nigra*) have been shown to be planted at the back of the row of parking which will help fill the gap created.

23. The row of Field Maple along the Plymouth Road frontage is an important feature and they need to be properly managed, however officers do not agree with the application that an initial reduction to 40cm is the best option and consider this is too severe. A reduction to 1m and then allowed to grow to 1.5m and maintained at that level would be acceptable and it is considered this could be secured by condition. With this reduction of the Field Maples and the crown raising of the individual specimens in the grassed area between the building and Plymouth Road officers consider that visibility will be more than adequate. The buildings will be enhanced with the presence of existing mature trees that are well maintained, making a more attractive area in which to park and shop. Plymouth Road is a busy noisy road and the trees will help to filter noise and pollution arising from it. Most of the other protected trees will not be affected with the exception of some within the site towards the eastern boundary, however these are not very visible from outside of the site.

TRANSPORT

24. The site occupies a corner plot at the junction of the Classified Plymouth Road the B3416 on its north side, and Cot Hill on its western side, in the Plympton area of the city. Plymouth Road is a strategic road corridor providing the primary road link between the district of Plympton, and Plymouth City Centre to the west and the wider Strategic Road Network (SRN), linking with the A38 at the busy Marsh Mills interchange approximately one kilometre to the west of the application site. Cot Hill/Merfield Road/ Hay Road route is one of only two roads that crosses the A38 Parkway and provides the most convenient and direct road link between Plympton, and the Plymstock and Elburton districts of Plymouth to the south.
25. Errill Retail Park, as the adjacent site, abuts the application site on its east boundary and originally benefited from a pedestrian and vehicle access-way that linked the two retail sites together. However the existing planning consent on the adjacent site for a Morrison supermarket (application site 13/00147/FUL) would build-over and sever the customer link, and the opportunity for linked shopping trips, leaving only a commercial access to the rear of the Morrison supermarket for servicing purposes only. Currently, the site comprises of two empty bulky goods units, plus a third building that is occupied by a discount retailer 'Buyology' occupying the unit that was previously trading as a 'Focus' DIY outlet.
26. The site was previously occupied by the long since disused 'Megabowl' bowling alley building and associated car parking, and prior to its demolition had an extant planning consent under application number 11/01492/FUL for a change of use from leisure, to Bulky Goods Retail, Trade Outlets, and Self-Storage (original application 08/01178/FUL renewed as application 11/01492/FUL), although this was never been implemented and as explained above is no longer existing. Prior to the bowling alley use the site was in retail use as a furniture and carpet warehouse outlet.

27. Access into and out of the application site is via a priority junction with Cot Hill, situated close to the signalized junction with Plymouth Road, which can be extremely hazardous in its use, in particular regarding conflicting right turns.
28. As part of the previous consent it was proposed to make physical changes to alter the Cot Hill access to left- in left-out only, by altering the geometry of the junction and introducing a central island on Cot Hill to prevent right turn movements either into or out of the site.
29. The alterations would also set back the footway to accommodate the swept path of large commercial delivery vehicles accessing the site. The Local Highway Authority would suggest that a continuous central reservation joining onto the existing would be required to include the formation of an uncontrolled pedestrian crossing refuge, to allow pedestrians to safely cross Cot Hill. Any additional surplus carriageway area would be treated as an overrun area to ensure that vehicle speeds are properly constrained, without impeding access by larger vehicles.
30. In conjunction with the changes to the entrance/exit on Cot Hill a new vehicular exit from the site was also approved as part of the previous planning consent to allow all vehicles to exit onto Plymouth Road, and the arrangements would have provided a largely gyratory vehicular flow through the application site.
31. The proposal would further amend the arrangements for vehicle access to the site to include a new vehicle entry provision, as well as the previously agreed exit directly onto Plymouth Road. This would allow vehicles to enter and leave the site from both Plymouth Road and Cot Hill, with both restricted to left- in and left-out only.
32. Following initial safety concerns regarding the proposed new entrance to the site from Plymouth Road, the proposal was further amended, and is considered to be acceptable in principal subject to further satisfactory details.
33. To allay concerns for cars queuing out onto Plymouth Road when entering the site at busy periods, the Local Highway Authority would recommend that the parking spaces closer to the entrance of Plymouth Road be for staff parking only, namely those spaces set out along the north side of the building facing the entrance/exit of Plymouth Road, and numbered 01 to 09 and 10 to 15 on the application plan drawing number I122-04-Rev A.
34. Pedestrian access and permeability between Plymouth Road and the application site would be improved by provision of an up-graded 3 metre wide pedestrian footway link in the vicinity of and between the site and the Plymouth Road bus stop.
35. Any highway alterations would require a Section 278 legal Agreement between the developer and the City Council as Highway Authority, before any alterations could be made to the public highway. The highway alterations would need to satisfy the requirements of an independent Safety Audit before they could be implemented and also on completion.

Servicing and Parking

36. 'Wheel tracking plans' have been submitted that show large service vehicles would be able to enter and leave the site and service the proposed retail units, and also the consented 'Morrison' store.

37. In terms of car parking an additional 16 parking spaces have been proposed from the originally submitted plans, bringing the total number of parking spaces to 163, which includes 8 disabled spaces, and 5 parent and child spaces. In addition two motorcycle parking bays will be provided, along with 9 cycle parking stands, as indicated in the application details. Additionally, to encourage sustainable travel and as part of the developments 'transport strategy, balanced and integrated package of measures', as referred to in the application, the Council would also seek the provision of 2 electric car charging points (one for each store), as discussed during pre-application enquiries, and further details of this would be required to be submitted by condition. The proposed car parking would be of a similar ratio to that which was approved as part of the Morrisons planning consent, and is in accordance with policy guidance.
38. Traffic impact has been considered in a Transport Assessment (TA) that has been submitted to endeavour to establish the likely traffic impact associated with the proposed development and extended use to include convenience goods. The TA also considers whether the local road network would have the capacity to meet the expected increase in vehicular traffic, and at times when the increased vehicle trips would conflict with other peaks on the highway network.
39. The application explains that a transport strategy has been developed around a balanced and integrated package of measures that seeks to prioritise the use of alternative modes of travel to the private car and improve the sustainable credentials of the development. However, although sustainability initiatives would be welcomed, the reality is that the vast majority of shoppers at supermarkets and out of centre retail outlets are likely to arrive by private car. Therefore the vehicle impact should not be underestimated, and it is particularly important to establish the traffic impact in relation to the capacity, on what is an already congested section of the road network at peak periods.
40. 'Lidl' food stores are heavily linked to cross shopping trips to nearby larger supermarkets, as the TA indicates which in this particular case might be the adjacent consented Morrisons store, should it be built, and the nearby 'Sainsbury' Supermarket at Marsh Mills. The associated linked vehicle trips would have an impact on the local road network including giving rise to multiple 'U' turn movements along the Plymouth Road signalised road corridor, particularly at the Larkham Lane and Cot Hill Junctions, and also at Marsh Mills interchange.
41. Currently it is considered that the Plymouth Road signalised road corridor between Marsh Mills interchange and Glen Road/Ridgeway is operating at or above capacity at peak periods. The efficiency of the signalised corridor is enhanced by the use of SCOOT a system that links the traffic signals together and is used as part of the traffic signal management process. This was recognised as part of the existing 'Morrisons' permission on the adjacent Errill Retail Park where there is a requirement to further improve the efficiency of the traffic signals by the introduction of an additional microprocessor system known as MOVA, along with the provision of traffic cameras to allow more accurate traffic management. It is considered that currently at peak periods there is not any spare capacity on the local road network, and electronic management systems are used to help reduce queuing and congestion by maximising the efficiency of the signals. The observed traffic flows on the network are already being managed and manipulated by the council Urban Traffic Control centre.

42. The revised traffic modelling shows, as might be expected, a relatively small increase in traffic resulting from the development which will have an adverse impact which, due to that part of the road network being already congested at peak periods will result in longer traffic queues during the peak hour period. From the traffic impact modelling it is considered that under typical average daily conditions there would be an expected 5 – 6% increase in the peak hour traffic flow associated with the proposed development. This would be expected to add up to a further 11 cars to the queues at Cot Hill and Plymouth Road east bound. Outside of the peak rush hours the traffic impact of the development would be much reduced.
43. It is considered that the associated resultant traffic increase of 5 – 6% can be mitigated by electronic up-grading of the Traffic signal junctions of Cot Hill and Larkham Lane, by incorporating a MOVA system along with an associated Traffic Camera. This would improve the efficiency of the traffic signals by helping to manage the queuing, and allow the Council to monitor and manage the overall traffic flows on that part of the road network.
44. Should planning permission be granted the applicant would be required to enter into a Section 278 Agreement with the Local Highway Authority in order to undertake the associated off-site highway works which would be subject of further auditing.

Ecology

45. The applicant has provided an Extended Phase I Habitat Survey conforming to CIEEM guidelines (an accepted standard) and the relevant protected species surveys.
46. The Ecological Mitigation and Enhancement Strategy [EMES] is considered appropriate for this development. A condition has been attached to secure this.

Employment

47. The application indicates that the stores would provide direct employment for 35 full time employees and 60 part-time employees representing a total equivalent to 70 full time employees. It is recognised that the site has been derelict and out of use for a number of years and therefore this employment generation is very much welcomed and is supported by policy CS05.

Surface Water Drainage and flooding

48. A flood risk assessment has been submitted with the application. The site is within the Critical Drainage Area; Plympton suffers from surface water flooding and the infrastructure can have capacity issues in intense rainfall events. As such officers would seek attenuation to be provided not just for the increase in area of low permeability but also to help reduce the discharge rate from the site overall compared to the existing situation.
49. In line with Environment Agency requests and also to ensure consistency with the Morrisons permission the applicant has agreed that a 20% reduction in the existing surface water discharge rate from the site would be appropriate (depending on what is shown to be feasible) and can discharge to the Tory Brook (which has sufficient capacity). Conditions have been added to secure this. With these conditions in place with regard to surface water and flooding the proposal is considered to comply with policy CS21 and CS22.

Public Protection Issues

50. The site is located in a residential area and is surrounded by existing houses, the occupiers of which are likely to be sensitive to development. Therefore officers recommend a condition that that, prior to the commencement of development approved by this planning permission, requires the developer to submit a site management plan/code of practice for the site that outlines how they intend to prevent or control any nuisance or negative impact on residential amenity arising from any work carried out.
51. This plan should be submitted for approval prior to the start of development. It can be wholly or partly based on the Council's own Code of Practice for Construction.

Land quality observations

52. The following information has been submitted in support of the application:

REC Phase I Geo-environmental report, February 2011, Job No 80074.

REC (Resource Environmental Consultants) Geo-environmental investigation report, March 2014, Ref; CAB/J-B0638.00 (R01) – final).

Opus International, Addendum Gas Monitoring Report, May 2014, Ref: CAB/J-B0638.00/R02.

53. Following intrusive ground investigation, the consultant recommendation is for installation of ground gas remediation measures due to elevated levels of particular landfill gases, methane and carbon dioxide. To ensure this and any further necessary remedial works takes place submission of a remediation scheme (including all works to be undertaken, proposed remediation objectives, criteria and design, a timetable of works, site management procedures and verification proposals) has been secured by a condition

Noise

54. The applicant has submitted a comprehensive noise impact assessment / environmental noise report. It includes the details of any mechanical plant and equipment including refrigeration units, air conditioning and ventilation equipment to be installed as part of the development, and their location is clearly identified on the submitted plans.
55. The noise emanating from the fans/ventilation equipment/air conditioning/ plant should not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at any time as measured at the façade of the nearest residential property. The details submitted show that these limits will not be exceeded by any proposed equipment.
56. The proposal is to have 1 or 2 deliveries per day (times not stated), engines to these heavy goods vehicles will be turned off during delivery and vehicles should only be on site for an hour.

SUSTAINABLE RESOURCES

57. In order to meet the 15% carbon saving target required by Policy CS20 the Lidl building proposes the use of a heat recovery system using waste heat rejected from the refrigeration systems serving the food chilling equipment. The benefit of this system is that minimal additional energy is consumed above that which would normally be consumed by the refrigeration equipment as the hot air which would normally be rejected to atmosphere is

transferred to the retail area. The system is based on Air / Water Source Heat Pump principles and the estimated reduction in CO2 emissions resulting from the use of waste heat recovery from the refrigeration system would be 23.1%. This exceeds the minimum required renewable energy threshold of 15% reduction on CO2 emissions compared to the benchmark building.

58. It is Home Bargain's intention to implement on site renewable energy production equipment in order to off-set 15% of the predicted carbon emissions from the unit. Although yet to be confirmed, it is likely that PV Solar panels will be incorporated into the roof design.
59. The details of the energy saving measures will be secured by condition.

9. Human Rights

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.

10. Local Finance Considerations

Community Infrastructure Levy

The provisional Community Infrastructure Levy liability (CIL) for this development £174,555.36 (index-linking applied, but subject to change before final liability confirmed).

11. Planning Obligations

No Planning Obligations have been sought regarding this application due the existing lawful use of the site. The highway improvements are secured by condition.

12. Equalities and Diversities

The proposal includes adequate disabled parking facilities and fully accessible buildings.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with the relevant policy and national guidance.

14. Recommendation

In respect of the application dated **23/07/2014** and the submitted drawings I122 01, I122 02, I122 03, I122 04/A, I122 05, I122 06, I122 08/A, I122 09, I122 10, I129/B, I130/C, I131/C, Ecological Mitigation and Enhancement Strategy (14/2544b) Travel Plan (30518/5501 Rev: A), Transport Assessment 30518/5501 | Rev A), Environmental Noise Report (5758/P/BL/pw), Community Involvement Strategy, Preliminary Ecological Appraisal, Flood Risk Assessment, Tree Survey,

Renewable Energy Report, Refuse Disposal, Retail Report, Ground Investigation Report, Addendum Gas Letter Report and accompanying Design and Access Statement.,it is recommended to: **Grant Conditionally**

15. Conditions

CONDITION: 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: I122 01, I122 02, I122 03, I122 04/A, I122 05, I122 06, I122 08/A, I122 09, I122 10, I129/B, I130/C, I131/C,

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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)

(3) The use hereby permitted shall not commence until the further details of the proposed access and improvements to the existing highway have been submitted and approved in writing by the Local Planning Authority, and the development shall be completed in accordance with the approved details. The improvements shall include up-grading the traffic signal junctions of Cot Hill and Larkham Lane by the inclusion of a fully commissioned MOVA system and associated Traffic Camera at each junction.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: CONTAMINATED LAND

(4) 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, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: DETAILS OF NEW JUNCTION

(5) No development shall take place until details of the two junctions between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: CODE OF CONSTRUCTION

(6) No development shall take place, including any works of demolition, until a Code of Practice has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: i. Noise and vibration from equipment and activities associated with construction including piling. ii. Hours of work. iii. Lighting. iv. Measures to control the emission of dust and dirt during construction including wheel washing facilities. v. A scheme for recycling/disposing of waste resulting from demolition and construction works. vi. Pest control. vii. Contamination where applicable.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, such as noise, vibration and dust and to comply with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-COMMENCEMENT: PROVISION OF SIGHT LINES

(7) No development shall take place until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before the units are first brought into use.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: EXTERNAL MATERIALS

(8) 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 paragraphs 61 to 66 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: SUSTAINABLE RESOURCE USE

(9) Notwithstanding the submitted details prior to development taking place details of the renewable energy production methods shall be submitted to the Local Planning Authority for approval in writing. The details will include type and location of such methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

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

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within the NPPF.

PRE-COMMENCEMENT: LANDSCAPE DESIGN PROPOSALS

(10) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation and future management 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; minor artefacts

and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection].

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: SURFACE WATER DRAINAGE

(11) 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
- Details of the final drainage scheme
- A plan for the future maintenance and management of the system.

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

Reason:

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

PRE-COMMENCEMENT: HEDGEROW WORKS AND MANAGEMENT

(12) Notwithstanding the submitted details no works shall take place until full details of the management of the Field Maple hedge running the length of the Plymouth Road Boundary have been approved in writing by the Local Planning Authority. The management works shall accord with the approved details.

Reason:

To ensure that the hedgerow is managed appropriately to safeguard the amenity of the area in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT : GROUND FLOOR LEVEL OF BUILDING

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

Reason:

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

Pre-occupation Conditions

PRE-OCCUPATION: LANDSCAPE WORKS IMPLEMENTATION

(14) 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 paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CAR PARKING PROVISION

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

The car parking provision hereby approved shall include provision of two in number (one per unit) electric car charging points. To encourage the use of electric cars as a sustainable means of transport.

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 and to promote sustainable modes of transport in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CYCLE PROVISION

(16) The building shall not be occupied until space has been laid out within the site in accordance with the approved plan for 9 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 paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: LOADING AND UNLOADING PROVISION

(17) Before the building hereby permitted is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site 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 paragraph 32 of the National Planning Policy Framework 2012.

Other Conditions

CONDITION: USE OF LOADING AREAS

(18) 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, and paragraph 32 of the National Planning Policy Framework 2012.

CONDITION: PRESERVATION OF SIGHT LINES

(19) No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

CONDITION: PLANT AND EQUIPMENT: NOISE

(20) The noise emanating from the fans/ventilation equipment/air conditioning/ plant/... (LAeqT) should not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at any time as measured at the façade of the nearest residential property.

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 Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONDITION: HOURS OF DELIVERY AND REFUSE COLLECTION

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

Reason:

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

CONDITION: SOFT LANDSCAPE WORKS

(22) 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 paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

CONDITION: OPENING HOURS

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

Reason:

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

CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

A: No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars Tree Protection Plan no. 1130 rev c dated 20th May 2014 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 are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

CONDITION: BIODIVERSITY

(25) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy (Report No: 14/2544brev01 Date: September 2014) for the site.

Reason

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

CONDITION: USE RESTRICTION- RETAIL

(26) Notwithstanding the submitted details only up to 20% of the gross internal floor space of the eastern most unit 'Home Bargains' shall be used for food sales,

Reason:

To ensure that the retail impact of the proposal is acceptable in accordance with policy CS08 of the Local Development Framework Core Strategy 2007.

Informatives

INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(1) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once any pre-commencement conditions are satisfied.

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(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: CODE OF PRACTICE

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

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for Planning Committee: 02 May 2013
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.

INFORMATION - SURFACE WATER DRAINAGE

(4) The applicant is advised that it is expected that the ground floor levels of buildings on this site are elevated above the 1 in 100 year water level, plus an allowance for freeboard, to allow for blockages in the channel and error in the water level estimation. It is expected that the ground floor level is above the level of 6.3mAOD, as this will provide 0.6m of freeboard above the modelled flood level.

During the detailed design of the surface water drainage system measures to manage surface water quality using sustainable techniques should be incorporated. This will minimise the risk of contaminates from the car park entering the Tory Brook and the Plym Estuary.

INFORMATIVE: PARKING

(4) With regard to condition 15 the applicant is advised that the parking layout submitted should reflect that shown on drawing I131/C with the parking spaces closer to the entrance of Plymouth Road be for staff parking only, namely those spaces set out along the north side of the building facing the entrance/exit of Plymouth Road, and numbered 01 to 09 and 10 to 15 on the application plan drawing number I122-04-Rev A.

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

(5) 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.