

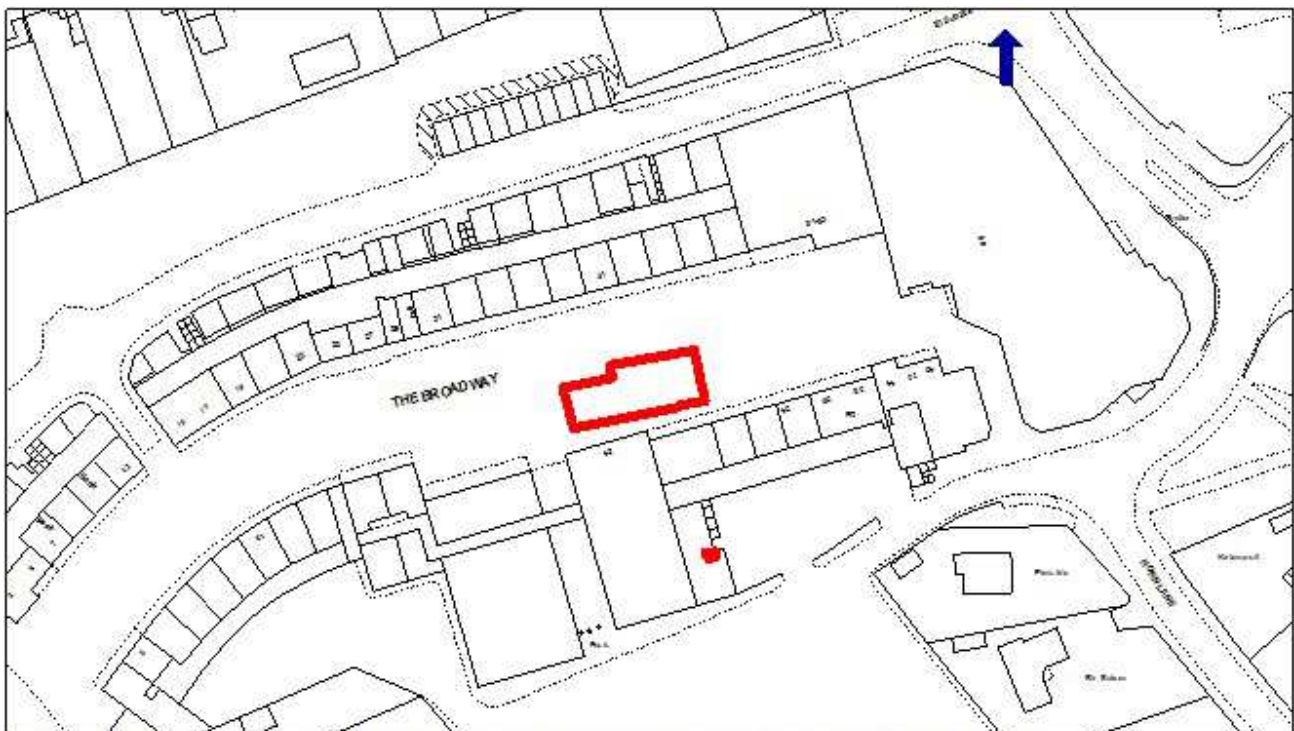
PLANNING APPLICATION REPORT



Application Number	14/02409/FUL	Item	3
Date Valid	24/12/2014	Ward	Plymstock Radford

Site Address	THE BROADWAY PLYMOUTH		
Proposal	Erection of single storey retail/coffee shop with creation of external seating and associated works		
Applicant	Great End Properties Limited		
Application Type	Full Application		
Target Date	18/02/2015	Committee Date	Planning Committee: 12 March 2015
Decision Category	Member Referral		
Case Officer	Rebecca Boyde		
Recommendation	Grant Conditionally		

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This application has been called into committee by Councillor Michael Leaves

1. Description of site

The Broadway is located within the Plymstock area of the city. The Broadway is identified as a district centre within the Shopping Centres SPD. Plymstock Broadway dates from the 1960s, is one of the largest district centres in Plymouth and is located in the south east of the city. The centre contains 65 units at ground floor level and has a good mix of convenience, comparison and service uses. It is anchored by a local Co-op supermarket and also a Lidl supermarket which adds further offer to the centre. Overall, the level of shopping provision in the centre is good. Plymstock library is also located just outside the centre's primary shopping area and provides a valuable community facility.

2. Proposal description

Erection of single storey retail/coffee shop with creation of external seating and associated works

3. Pre-application enquiry

None

4. Relevant planning history

None

5. Consultation responses

Local Highway Authority recommends approval subject to conditions

Public Protection recommends approval subject to conditions

Police Architectural Liaison officer has no objection to the proposal

6. Representations

107 Number of Letters of Representation have been received along with a petition against the development with 97 signatures. Out of the 107 letters of representation 100 were objecting on the grounds:-

- Loss of open space
- Construction on a landscaped area
- Over-subscribed parking
- Out of character
- Job loss if other cafes close

The letters of objections also mentioned:

- Should support independent traders only
- Too many coffee shops already in place

- Reduce footfall into the library

It should be noted that these are not material planning considerations

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 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 CS02 (Design), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013) and is considered to be compliant with National Planning Policy Framework guidance.

(2) The proposed development will deliver a new high quality unit within The Broadway Shopping Centre, which is one of the largest district centres in Plymouth. The new building will operate as a mixed Class A1/A3 coffee shop and the applicant has indicated that it will be occupied by Costa Coffee. At present the site has soft landscaping in place which will be partly removed for the erection of this freestanding café. The café will be a single storey retail unit providing approximately 141sqm of internal floor space. An external seating area is proposed which will create an additional 59sqm.

(3) The unit will accommodate a serving area/ counter, tables and chairs for approximately 59 people, customer toilets including disabled WC and a back of house area. The external seating area will accommodate approximately 28 people and will be finished in resin bonded gravel. The external seating and tables will be removed every evening and stored away within the premises.

(4) The elevations will be predominantly glazed curtain walls with some insulated cladding which will be finished in red. The main entrance will be via the western elevation whilst an additional entrance for access to the external seating area will be on the eastern elevation.

(5) To allow the proposals to be built an existing lamppost, post box, and other street furniture along with raised plant beds will be reconfigured. These works will form part of plans to modernise the wider public realm. The proposed opening hours will be 0700 to 2000 Monday to Friday and 0800 to 1700 on Sundays. It is not considered that these opening hours will have a detrimental effect on the operation of the Broadway. It will allow the Broadway to be used into the evening whilst providing natural surveillance of the Broadway.

(6) The Council adopted a Shopping Centres Supplementary Planning Document (SPD) in June 2012. The SPD identifies The Broadway Shopping Centre as one of seven district centres in Plymouth. It also identifies the Primary Shopping Area boundaries (PSA) and Primary and Secondary Frontages for each shopping centre. The application site is located within the PSA and is adjacent to the Primary Frontage of The Broadway.

The SPD recognises that district centres will usually comprise groups of shops and a range of non-retail services, including restaurants. Given that each centre has its own unique characteristics the SPD does not use thresholds to determine the numbers of different uses which should be provided within a centre.

(7)The retail function of the centre will remain the predominant use in the Primary Shopping Area. The proposed use will be accommodated within a new build unit and will not result in a change of use of an existing ground floor unit within the centre. It will also support the retail function of the centre by encouraging combined and linked trips to the surrounding Class A1 uses. This will help to enhance the overall vitality and viability of the centre.

(8)The primary function of a shopping centre is substantially determined by the nature of the retail role it plays within the city. The primary function of a district centre will be to provide a range of shopping needs to a district of the city, with provision especially for weekly shopping trips. Additionally, a shopping centre will also have the function of providing a social heart for its community, where a range of facilities are provided to encourage visitors to the centre and enhance the vibrancy and vitality of the area. In order for district centres to achieve their primary function, a predominance of A1 uses will be needed, particularly within the primary frontage which provides a key focus for the centre. It is considered that the proposal continues to provide adequate retail within the primary frontage of the Broadway without having a negative impact.

(9)It is noted that the majority of the representations received state that the coffee shop will increase competition within the area. It should be noted that this is not a material planning consideration.

(10)Given that the Broadway is served by a large car park it is not considered that the erection of the coffee shop will have an impact upon traffic or highways within the area. It is also noted that at present the Broadway is currently blocked off and no emergency vehicles can gain access. This is not likely to change and therefore it is not considered that the erection of this unit will have a detrimental impact upon the Broadway.

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

N/A

11. Planning Obligations

No planning obligations have been sought regarding this application

12. Equalities and Diversities

None

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 policies CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013) and is considered to be compliant with National Planning Policy Framework guidance.

13. Recommendation

In respect of the application dated **24/12/2014** and the submitted drawings I2224-P213B, I2224-P212C, I2224-P210D, I2224-P202B, SITE LAYOUT, I2224-P201A, I2224-P202, I.2F, it is recommended to: **Grant Conditionally**

14. 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: I2224-P213B, I2224-P212C, I2224-P210D, I2224-P202B, SITE LAYOUT, I2224-P201A, I2224-P202, I.2F

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: REFUSE

(3) The development shall not be commenced until details of dustbin enclosures showing the design, location and external appearance have been submitted to and approved by the Local Planning Authority. The approved enclosures shall be provided before the commencement of the use and thereafter permanently retained.

Reason: To provide satisfactory refuse storage provision in the interests of the appearance of the site and

locality.

PRE-COMMENCEMENT: NOISE FROM PLANT MACHINERY

(4) Prior to the commencement of any occupation of the development building, details of the specification and design of any proposed air conditioning or kitchen extraction equipment shall be submitted to and approved by the Local Planning Authority. The applicant should include details of noise data associated with regard to the any system that is to be put in place. The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

Reason: To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not

experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of

Plymouth Core Strategy Development Plan Document 2007

PRE-COMMENCEMENT: ODOUR

(5) Before the occupation and use hereby permitted is first implemented, details of the specification and design of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use first commences and shall be retained at all times thereafter. Any alteration or variation to the equipment should receive the written approval of the Local Planning Authority. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of odour nuisance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007

Other Conditions

DELIVERIES AND REFUSE COLLECTION

(6) Deliveries and refuse collections are restricted to the following times: -

Monday to Saturday No deliveries or refuse collection between 6pm and 8am

Sundays and Bank Holidays No deliveries or refuse collection

Reason: To protect the residential and general amenity of the area from noise emanating from delivery and waste collection activities and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PEST PREVENTION

(7) A pest prevention plan for the proposed use (to include gulls) must be submitted to and approved in writing by the Local Planning Authority prior to the use of any outside seating area at the property. Thereafter, the property shall be managed in accordance with the approved plan, unless the Local Planning Authority gives written approval to any variation of the arrangements.

Reason:

To assist in protecting the residential amenities of the area, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

HOURS

(8) The premises shall not be open for customers outside the following hours:

07:00 - 20:00 Mondays to Fridays

07:00 - 20:00 Saturdays

08:00 - 17:00 Sundays and Bank Holidays

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

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(1) 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 and has imposed planning conditions to enable the grant of planning permission.

INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).