

# PLANNING APPLICATION REPORT



Application Number 15/01712/FUL

Date Valid 16/09/2015

Item 04

Ward St Budeaux

**Site Address**

FORMER ST BUDEAUX SERVICE STATION, WOLSELEY ROAD ST BUDEAUX PLYMOUTH

**Proposal**

Erection of a drive thru restaurant (A3/A5) and associated advertisements and car parking

**Applicant**

Kentucky Fried Chicken (Great Britain) Limited

**Application Type**

Full Application

**Target Date**

29/02/2016

**Committee Date**

Planning Committee: 11 February 2016

**Decision Category**

Member Referral

**Case Officer**

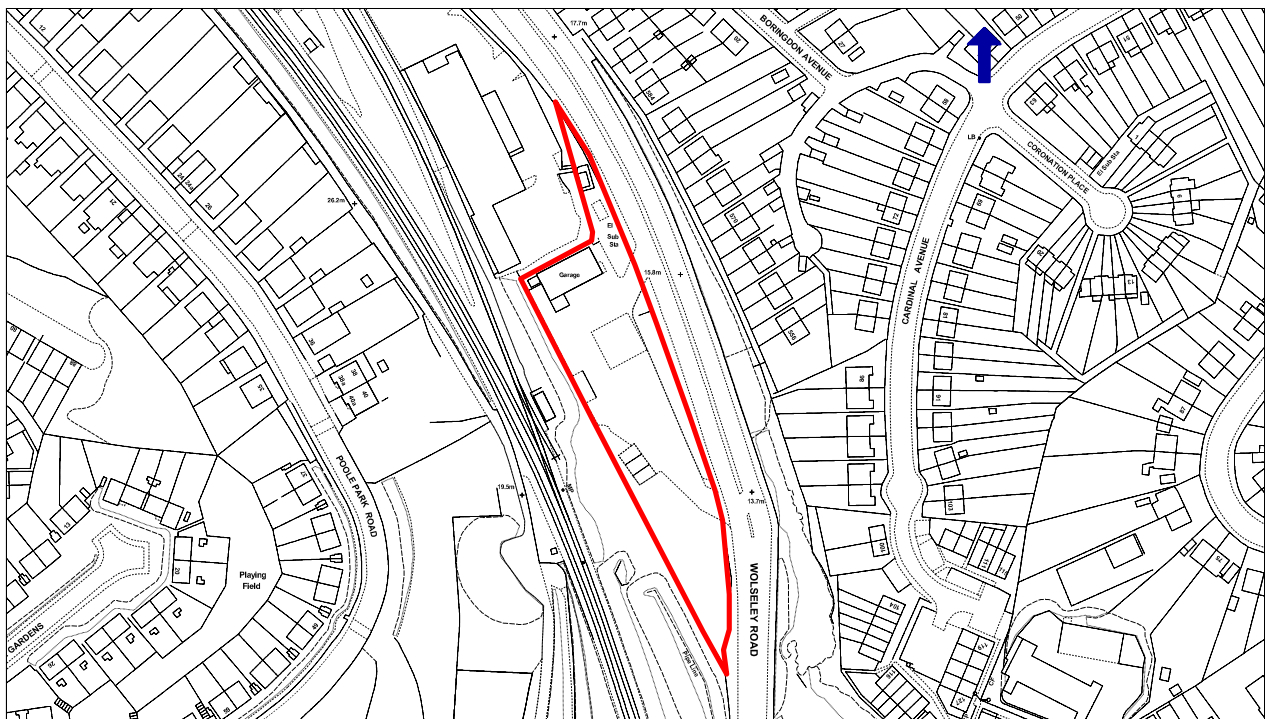
Rebecca Boyde

**Recommendation**

Grant Conditionally

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This application has been called to committee by Councillor Bowie

## 1. Description of site

The site is located on a former service station within the St Budeaux ward. The site is bounded by train tracks to the west and Wolseley road to the East.

## 2. Proposal description

Erection of a “drive thru” and restaurant (A3/A5) and associated advertisements and car parking

## 3. Pre-application enquiry

15/00107/MIN- The principle of the erection of a drive thru is deemed acceptable and a full planning application should be submitted for consideration

## 4. Relevant planning history

15/01713/ADV- Associated KFC advertisements, Currently under consideration

07/02250/ADV- Illuminated double sided free standing sign- Approved

07/02079/FUL- Extension to existing workshop to provide MOT testing bay and new portable building to provide ancillary reception/office, Grant conditionally

07/01248/FUL-Installation of ATM (cash machine) kiosk with protective bollards, Grant conditionally

06/00304/FUL-Use part of site, presently grassed, for display of cars for sale, Grant conditionally

## 5. Consultation responses

Local Highway Authority recommends approval subject to conditions

Public Protection Service recommends approval subject to conditions

Police Architectural Liaison Officer has no objections

Public Health has no comments

## 6. Representations

8 Letters of objection have been received and 1 letter of support. The main reasons for the objections were:-

- Traffic implications
- Danger to pedestrians
- Obesity rates will increase within the area
- Over-saturation of hot food take-away
- Noise
- Foul smells

The letter of support received stated that they were in support of this proposal as it would remove the existing KFC from the square which results in noise and litter.

## 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 was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. 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 a relatively 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).

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*

Members should be aware that the Plymouth Plan has introduced a new approach to tackling strategic citywide issues through the development of an innovative of a single citywide plan. This

includes working with the Health and Wellbeing Board and the Office of Public Health to identify and respond to public health issues and concerns.

One such issue is healthy weight and childhood obesity is identified as a key public health issue by Thrive Plymouth. The Council has developed a citywide strategy to tackle this issue and in order to address the objectives identified under Strategic Objective 4 of the Plymouth Plan. Policy 8 of the Plymouth Plan uses land use planning powers to restrict new A5 takeaways opening within 400m of a secondary school. This policy is designed to help regulate the food environment around schools and support the wider objectives of the Plymouth Plan.

Members are advised that this innovative approach to tackling citywide public health issues has not been independently examined and therefore the full weight of the development plan cannot be relied on. Nonetheless this policy has been based on a collaborative evidence base with the Office of Public Health and officers are confident that this policy is robust, justified, and proportionate and will be effective. Furthermore this approach aligns with similar approaches adopted by other Council's across the Country including the London Borough of Waltham Forest and St Helen's Council. It is also noted that the paragraph 69 of the NPPF clearly identifies a role for the planning system in creating healthy, inclusive communities.

Officers are therefore confident that the Council have a defensible position should a planning appeal be lodged, although members should take into consideration that the Plymouth Plan has not progressed through Public Examination to adoption.

## 8. Analysis

1. This application has been considered in the context of the NPPF 2012, the Plymouth Plan, the Local Development Framework Core Strategy 2007 and other material policy documents as set out in Section 7. The main policies which are to be considered here are Strategy Objective 4 Delivering a Healthy City - Policy 8 (Addressing health inequalities and supporting healthy lifestyles) of the Plymouth Plan as well as CS22 (Pollution) CS28 (Local Transport Considerations) CS34 (Planning Application Considerations) of the Local Development Framework.

Guidelines Supplementary Planning Document 'First Review' (2013) and is considered to be compliant with National Planning Policy Framework guidance.

### **Principle of development**

2. The site which forms this application is currently a vacant former service station situated within the St Budeaux ward of the city. The area lies approximately 4km from Plymouth city centre. As mentioned above the site is positioned between Wolseley Road on its eastern boundary and the railway line on the western boundary. Lidl food store lies to the north of the site. The site is situated approximately 200m from the district centre boundary.

3. Paragraph 111 of the National Planning Policy Framework states that "Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. The re-use of the currently vacant site is in accordance with paragraph 111 of the NPPF which encourages the efficient use of this land.

4.The proposal seeks planning permission for the erection of a self-contained, single storey building measuring 246.3sqm for use within use classes A3 restaurant and A5 hot food take away. The proposed development also includes a series of wider physical works to accommodate the building which includes car parking, external seating and landscaping. The site makes provision for car parking spaces and provision for motorcycles and cycles. It is noted that KFC currently occupy a small unit within the St Budeaux District Centre however should planning permission be granted for this restaurant the existing one will cease use with the employees being relocated to the new premises.

## **Design**

5.Officers consider that the application proposals have been well thought out in terms of overall design and siting. Officers consider the building is appropriate in terms of its siting, layout, scale and design. The application proposals are of a high quality of design and materials. It is considered that thought has been given to the compact layout of the site whilst providing an aesthetically pleasing development on a currently vacant site. Whilst it is noted that the proposed building is contemporary in design it is not considered that this will have a negative impact on the area. It is officers' opinion that this will in fact complement the surroundings such as Lidl as the district shopping centre. The proposed building will be built to modern and efficient standards in order to maximise energy efficiency (i.e. meeting high insulation standards, efficient natural ventilation systems, the use of maximum natural daylight, efficient boiler systems etc.).

6.The proposed development has also been designed to take into account the need for security and crime prevention and as such incorporates 'Secured by Design' principles.

7.The application form requests that the opening hours of the new store be 7.00 to midnight daily. Given the unit is not within close proximity to any residential properties it is not considered that these opening hours will be detrimental to the surrounding area and therefore officers deem the times acceptable.

## **Proximity to the local shopping district**

8.As noted above the proposed site is approximately 200m from the district centre boundary. St Budeaux has been defined in the Shopping SPD as a district centre and therefore any proposals should not have a significant impact on this centre. Given that the proposal sits outside of the district centre it is not considered detrimental in terms of frontages and loss of existing A1 retail uses. However the proposal should not undermine the uses that are currently in existence within the area.

9.The Core Strategy shopping chapter looks at ensuring that everyone has access to a wide range of shops which meet their needs. It is considered that the site will not have a damaging impact upon the existing district centre as it will not replace any of the key retail units or undermined their operations.

10.The adopted Core Strategy does not address food and drink uses specifically, but Policy CS12 indicates that 'cultural / leisure developments' will be permitted in District Centres as long as they are an appropriate scale and will contribute to the creation of sustainable, linked communities. The Development Guideline Supplementary Planning Document reiterates the need to have regard to the

nature and character of the locality in assessing proposals for food and drink uses. The proposed development is considered compatible with the commercial nature and character of the site and its surroundings.

11. In summary, the proposed “drive-thru” restaurant use is considered suitable. It will make efficient re-use of a currently vacant site. Given the specific site requirements, it has been demonstrated that there is no alternative and available site capable of accommodating the proposed development within the St Budeaux district centre. The proposed development will enhance and support the viability of the district centre and continue to support linked trips with the adjacent Lidl store and the high street retail offer.

### **Existing store**

12. The existing store is situated on the square within the St Budeaux District Centre. This store is already overtrading which results in people parking illegally, noise implications for the residents in close proximity and a litter issue. It is considered that by relocating to larger premises with dedicated parking and away from residential amenity it will significantly improve the character of the district centre especially on peak trading times. It is noted that the existing premises currently has an A5 (hot food take away) permission and the relocation of the KFC unit will not remove this. As KFC are just the tenants the existing unit may continue as an A5 unit under different occupation.

### **Refuse**

13. The proposed development includes a dedicated bin store to the north of the building.

There is often a perception that A3/A5 uses generate amenity issues in terms of litter creation. The applicant will seek to overcome any refuse issues through encouraging customers to use designated bins and by carrying out regular site litter picking. The litter picks will be carried out in daylight hours and without compromising the safety of their teams. However, ‘quick pick litter picks’ may also be carried out, at the discretion of the stores location and safety during the hours of darkness. Given that each store is individual in location, the scope and distance of the litter picks is agreed at Store level. Litter picks occur every day and will be staggered throughout the day.

### **Employment**

14. All jobs at the existing KFC will be transferred to the proposed new restaurant. It is also considered that the new scheme will generate 50 jobs in total and therefore would support Strategic Objective 6 of the Local Development Framework Core Strategy (Delivering the Economic Strategy) which seeks to ensure that opportunities for employment are provided within each neighbourhood.

### **Plymouth Plan**

15. Members should be aware that the Plymouth Plan has introduced a new approach to tackling strategic citywide issues through the development of an innovative of a single citywide plan. This includes working with the Health and Wellbeing Board and the Office of Public Health to identify and respond to public health issues and concerns. Therefore the main concern in relation to this application is the Policy within the Plymouth Plan which relates to restricting new A5 takeaways opening within 400m of a secondary school. (Policy 8 of Strategic Objective 4) .

16. An integral part of the plan is to identify, respond to, and address health and wellbeing issues that Plymouth is facing. In this regard the Office for Public Health and the Health and Wellbeing Board

has developed Thrive Plymouth, a coordinated strategy which seeks to improve the health and wellbeing of the community of Plymouth. Thrive Plymouth identifies 4 lifestyle behaviours that result in 4 diseases and illnesses that result in 54% of premature deaths in the City.

17. One of these behaviours/lifestyle choices is diet, as poor diet is a contributing component of chronic disease. This is particularly prevalent in children and young people, evidenced through the Plymouth Report 2014 which identified that nearly 25% of children having excess weight or being obese.

18. Strategic Objective 4 of the Plymouth Plan; (Delivering a healthy city), has amongst other objectives, the ambition of: creating environments which address the wider determinates of health; delivering the best health, wellbeing, and social outcomes for children, young people and families; and building strong and safe communities with health promoting natural and built environments.

19. In responding to this Strategic Objective 4 Policy 8 of the Plymouth Plan has been developed. This policy seeks to regulate and control the food environment around secondary schools through restricting new A5 takeaways from opening. This policy contributes to the wider Council strategy of promoting healthy eating and education in schools, as part of the Healthy Child Quality Mark.

20. This application seeks planning permission for a new A3 and A5 takeaway however will be situated approximately 400m from a primary school and approximately a mile from a secondary school. Given its location it is not considered that the approval of such a scheme will be in conflict with Strategic Objective 4 Policy 8

### **Local Highway Authority comments**

21. Previously the transport officer recommended refusal however after lengthy negotiations and discussions with the applicant transport have now revised their recommendation and now recommend approval subject to approval subject to conditions.

22. The applicant's consultant has now provided some additional information in the form of a basic sensitivity test along with trading data from KFC which highlights why the proposed KFC at St Budeaux would generate less car trips than the existing drive-thru at Crownhill (which creates problems with vehicles queuing back out onto the highway).

23. It has been highlighted that in terms of passing traffic, the site at Crownhill has between 28-30,000 vehicles passing the site on the A386 on a daily basis compared to 10-12,000 vehicles using Wolseley Road. Furthermore in terms of population catchment living within an 8 minute drive (which is considered proportional) of the site the drive-thru at Crownhill has a residential catchment of 138,000 compared to 68,000 at Wolseley Road (around 50% less).

24. On the assumption that the drive-thru at Wolseley Road would operate on the basis of 50% less of the trade experienced at Crownhill (which has an average queue length of 8-12 vehicles and a maximum length of 14), the maximum queue length that would need to be accommodated at St Budeaux would be 7 vehicles.

25. Although a suggested maximum queue length of 7 vehicles has been agreed by the Highway Authority, the applicant's agent has since amended the layout of the site and location of the ordering window in order to provide more stacking space within the site. The revised layout now provides around 70m between the order window and the give-way markings at the junction of the site access road with Wolseley Road. Assuming an average vehicle length of 6m, this would accommodate around 12 cars.

26. In addition the applicant is now proposing to provide 4 overflow car parking bays, the use of which would occur during busy periods and be their use managed through a Traffic Management Plan (TMP), the details of which would need to be made subject to a planning condition. The TMP will involve KFC staff managing potential queuing to ensure that it does not stack back out onto Wolseley Road by directing traffic to either the overflow or dedicated car parking spaces. However with the increased stacking now provided within the site it is unlikely that the queues would extend that far back from the ordering window in any case.

### **Car Parking**

27. In addition to the 4 overflow car parking bays (mentioned above) and 4 spaces close to the entrance to the restaurant (which includes 2 disabled spaces and 2 grill bays), 24 standard car parking spaces have been provided to serve the restaurant itself. In view of the fact that most customers are likely to arrive by car (using the drive-thru), such a level of car parking is considered sufficient.

28. With a total of 50 employees (some of which will be part-time), there is a concern that staff will be tempted to utilise these parking spaces, limiting the number of spaces available to customers. It is therefore recommended that the TMP includes a detailed section relating to how car parking on-site will be properly controlled/managed in order to avoid this from happening.

29. Cycle Parking – In view of the number of staff that will be employed on-site it is expected there to be some secure and covered cycle parking. A condition is recommended that a minimum of 5 spaces must be provided.

### **Layout**

30. In order to reduce the speed of vehicles either entering or exiting the site from Wolseley Road and reduce the width of the pedestrian crossings, it is recommended that the junction be tightened slightly both at the entrance and exit.

31. A dedicated loading/unloading bay has been provided, the use of which will need to be monitored to ensure that it is readily available for loading/unloading (this could be included within the TMP). In order to prevent vehicles that are trying to exit the drive-thru being blocked by vehicles that are waiting to order food it is recommended that a hatched box/junction keep clear markings be provided at the junction of the drive-thru lane with the site access road. This will be secured by condition prior to the unit being brought into operation.

### **Conclusion**

32. It is the officer's opinion that the re-use of a vacant brownfield site and the re-siting of a busy A5 use away from residential properties and from the district centre will enhance the gateway into St Budeaux without undermining the district centre and is therefore recommended for conditional approval.

## **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

None

## 11. Planning Obligations

Not applicable

## 12. Equalities and Diversities

It is not considered that this proposal will prejudice against anyone.

## 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 policy and national guidance and is therefore recommended for approval

## 13. Recommendation

In respect of the application dated **16/09/2015** and the submitted drawings • 0000/2014/G121/D – Proposed Site Plan

- 0000/2016/G126/B – Site Plan (Overall)
- 0000/2015/G112/B – Ground Floor and Roof Plan
- 0000/2015/G124/D – Hard and Soft Landscaping Plan
- 0000/2014/G124/D – Proposed Site Signage
- 0000/2014/G211/E – Proposed Elevations with Signage
- 0000/2014/G212/C – Proposed Elevations without Signage, 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:

- 0000/2014/G121/D – Proposed Site Plan
- 0000/2016/G126/B – Site Plan (Overall)
- 0000/2015/G112/B – Ground Floor and Roof Plan
- 0000/2015/G124/D – Hard and Soft Landscaping Plan
- 0000/2014/G124/D – Proposed Site Signage
- 0000/2014/G211/E – Proposed Elevations with Signage
- 0000/2014/G212/C – Proposed Elevations without Signage

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: CONTAMINATED LAND

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

#### Section 1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters

- ecological systems
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## Section 2. Submission of Remediation Scheme

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

## Section 3. Implementation of Approved Remediation Scheme

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

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

## Section 4. Reporting of Unexpected Contamination

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

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

### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 – 123 of the National Planning Policy Framework 2012. To ensure the any contamination risks do not affect future users.

## **PRE-COMMENCEMENT: DETAILS OF NEW JUNCTION**

(4) No development shall take place until details of the entry and exit junctions between the proposed service road and Wolseley Road have been approved in writing by the Local Planning Authority; and the use of the building shall not commence until those junctions have 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. To ensure pedestrian safety

## **Pre-occupation Conditions**

### **PRE-OCCUPATION: SERVICE ROADS**

(5) The use of the building shall not commence until the service road which provides access to it has been constructed in accordance with the approved plans.

Reason:

To ensure that an 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 paragraph 32 of the National Planning Policy Framework 2012.

### **PRE-OCCUPATION: PEDESTRIAN/CYCLE ACCESS**

(6) The proposed drive-thru restaurant shall not be occupied until a means of access for both pedestrians and cyclists has been constructed in accordance with the approved plans.

Reason:

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

### **PRE-OCCUPATION: CAR PARKING PROVISION**

(7) The use of the building hereby proposed shall not commence until the car parking areas providing a maximum of 32 spaces shown on the approved plans have been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with

Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

#### **PRE-OCCUPATION: CYCLE PROVISION**

(8) The use of the building hereby proposed shall not commence 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 5 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: TRAFFIC MANAGEMENT PLAN**

(9) The use of the proposed drive-thru restaurant shall not commence until the applicant has submitted to the Local Planning Authority for approval a Traffic Management Plan (TMP). The TMP shall provide details relating to the management of all traffic movements being made to and from the site along with details relating to the allocation and management of the use of all car parking spaces across the site. From the date of occupation the applicant shall operate the approved TMP.

Reason:

In order to ensure that all vehicular movements are properly managed in order to prevent vehicles from stacking back within the site and out onto Wolseley Road which would give rise to conditions likely to cause:

(a) Damage to amenity;

(b) Prejudice to public safety and convenience;

© Interference with the free flow of traffic on the highway which is contrary to Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### **Other Conditions**

#### **CONDITION: USE OF LOADING AREAS**

(10) 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: NOISE

(11) The noise emanating from plant (LAeqT) shall 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. All plant installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

#### 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: ODOUR ABATEMENT

(12) Odour abatement controls must consist of at least a single pass Electrostatic Precipitator with UV filtration technology (or equivalent as approved by the Local Planning Authority) installed within the kitchen extract ventilation system. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

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

#### CONDITION: HOURS OF OPERATION

(13) The premises shall be closed to the public between the following times;

Monday to Sunday inc. Bank holidays 00:00 – 07:00 hrs

#### Reason:

To protect the residential and general amenity of the area from noise emanating from the general operation of the establishment and from patrons arriving and leaving, and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CONDITION: DELIVERIES AND COLLECTIONS

(14) Goods deliveries and refuse collections are restricted to the following times: -

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

Sundays and Bank Holidays No deliveries or refuse collection between 6pm and 9am

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.

#### CONDITION: PERMITTED DEVELOPMENT RIGHTS

(15) Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the development hereby approved shall on by occupied for the purposes falling within Class A3 and/ or A5 of the Town and Country Planning (Use Classes) (amendment) (England) Order 2015 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purposes.

Reason:

To ensure the development will not impact the vitality and viability of the St Budeaux District Centre in accordance with Policy CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy 41 of the Plymouth Plan.

#### CONDITION: REFUSE

(16) Within one month of the occupation of the unit hereby approved, a refuse plan which shall include timings of litter picks and refuse collections shall be submitted to the Local Planning Authority. The refuse plan shall thereafter be adhered to strictly at all times.

Reason:

In the interests of neighbours' amenities and to provide a ready point of contact for any person who needs to address an issue in relation to the use of the property, in accordance with policies 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 including pre-application discussions and has imposed planning conditions to enable the grant of planning permission.

#### INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) 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 (if applicable) see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance.